

**INQUESTS ARISING FROM THE DEATHS  
IN THE WESTMINSTER TERROR ATTACK OF 22 MARCH 2017**

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**SUBMISSIONS OF COUNSEL TO THE INQUESTS  
FOR PRE-INQUEST HEARING ON 19 MAY 2017**

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**Introduction**

1. On 22 March 2017, a terror attack was committed in the area of Westminster Bridge and the Palace of Westminster. Four pedestrians on the bridge lost their lives as a result of the attack there: Kurt Cochran; Leslie Rhodes; Andreea Cristea; and Aysha Frade. Many others on the bridge suffered injuries, some very serious. PC Keith Palmer, a police officer on duty in the precincts of the Palace of Westminster, suffered fatal stabbing injuries. Khalid Masood, the attacker, was confronted by armed officers and was fatally shot.
  
2. These submissions are produced for the first pre-inquest hearing in the inquests into the deaths of the five victims of the attack and the attacker. They are intended to assist the Coroner by addressing the topics set out on the accompanying agenda, and to provide a basis for discussions at the hearing. Although the agenda sets out a number of case management and legal issues for initial discussion, it is fully understood that interested persons will not be in a position to make informed submissions on those issues at this stage since they have not yet received disclosure of documentary material.

**Factual Background**

3. A great deal of information about the attack is already in the public domain. On Wednesday 22 March 2017, Khalid Masood drove a Hyundai car (which he had hired in Birmingham) northbound over Westminster Bridge. At 14:40:08, the car mounted the pavement at the south end of the bridge. Over the following 30 seconds, it mounted the

pavement along the bridge a number of times, striking pedestrians. It mounted the pavement a final time and crashed into railings at the East perimeter gates of the Palace of Westminster at 14:40:38.

4. Khalid Masood then left the vehicle and ran around the perimeter fence of the Palace, entering the vehicle entrance gateway known as Carriage Gates. He was armed with two kitchen knives. Once inside, he attacked an unarmed police officer, PC Palmer, inflicting serious stab injuries. He was then confronted by armed officers and fatally shot. The shooting occurred at about 14:41:30. From start to finish, the events of the attack had lasted 82 seconds.

### **Designation of Interested Persons in the Inquests**

5. It is important early in the preparatory stages of an inquest to determine which persons and organisations are to be treated as interested persons within the meaning of section 47(2) of the Coroners and Justice Act 2009 (“CJA”). Interested persons in relation to an inquest have a number of significant rights in that inquest, including to receive disclosure of documents and to examine witnesses.

6. Section 47(2) provides that the following categories of person (among others) must be recognised as interested persons:

- “(a) a spouse, civil partner, partner, parent, child, brother, sister, grandparent, child of a brother or sister, stepfather, stepmother, half-brother or half-sister;  
...  
(f) a person who may by any act or omission have caused or contributed to the death of the deceased, or whose employee or agent may have done so;  
...  
(h) a person appointed by, or representative of, an enforcing authority;  
(i) where subsection (3) applies [i.e. where a homicide defence may have been committed involving the death of the deceased], a chief constable;  
...  
(k) where subsection (5) applies [i.e. where the death of the deceased is or has been the subject of a managed or independent investigation], the Independent Police Complaints Commission”.

7. In addition, section 47(2)(m) gives the coroner a residual discretion to recognise others as interested persons on the basis that the coroner thinks they “have a sufficient interest”. The following considerations are of particular relevance to the exercise of that discretion:  
(i) whether or not the applicant has a “reasonable and substantial interest” in the

inquest(s); (ii) whether or not the applicant has a concern to intervene which is genuinely directed to the proper scope of the inquiry; and/or (iii) whether the applicant any close similarity with any of the categories of person who are required to be recognised as interested persons.<sup>1</sup>

8. As regards each of the inquests into the victims injured on the bridge, it is submitted that the following must be recognised as interested persons: (i) members of the family of the deceased person falling within section 47(2)(a); and (ii) the Metropolitan Police Commissioner (under section 47(2)(i)).
9. As regards the inquest into the death of PC Palmer, it is similarly submitted that the following must be recognised as interested persons: (i) members of PC Palmer's family falling within section 47(2)(a); and (ii) the Metropolitan Police Commissioner (under section 47(2)(i)).
10. As regards the inquest into the death of Khalid Masood, it is submitted that the following must be recognised as interested persons: (i) members of his family falling within section 47(2)(a); (ii) the armed officers who confronted him (within section 47(2)(f)); (iii) the Metropolitan Police Commissioner (under section 47(2)(f) and (i)); and (iv) the Independent Police Complaints Commission ("IPCC") (under section 47(2)(k)).
11. It may be that other persons and/or organisations will make submissions that they should be designated as interested persons under section 47(2)(m), or on other grounds. Any such applications should be addressed as and when they are made. It would be preferable for any such applications to be made soon (in writing, with supporting reasons), so that the persons concerned can receive disclosure and communications from the Coroner's team from the start.

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<sup>1</sup> See: *R v HM Coroner for the Southern District of Greater London, Ex Parte Driscoll* (1995) 159 JP 45; *R v Coroner of the Queen's Household, Ex Parte Al Fayed* (2001) 58 BMLR 205; *Re Northern Ireland Human Rights Commission* [2002] HRLR 35 at para. 32; *R (Southall Black Sisters) v HM Coroner for West Yorkshire* [2002] EWHC 1914 Admin at paras. 48ff. Although these authorities concerned the statutory predecessor to section 47(2)(m), it is submitted that the principles they express remain applicable. See also the ruling of Hallett LJ in the London Bombings Inquests following the hearings of 26-30 April 2010, at paras. 119ff. (<http://7julyinquests.independent.gov.uk/docs/orders/dec-april-2010.pdf>).

## **Update on the Police and IPCC Investigations**

12. Since the attack, the Metropolitan Police Service (“MPS”) Counter Terrorism Command (SO15) has been carrying out an investigation. This has included (a) taking statements from many witnesses to the events under investigation, with over 1,000 statements completed to date; (b) gathering CCTV and other footage of events, notably events on the bridge and in the grounds of the Palace; (c) forensic investigation of the scene and items from the scene; and (d) a reconstruction of the movements and speed of the vehicle. The criminal investigation is still ongoing and is expected to continue for some months.
13. On the afternoon of the attack, the IPCC was notified of the events by the MPS and it decided that the incident would be subject to an independent investigation. This is standard practice where a police officer has used lethal force in the course of his/her duties. The IPCC has been investigating the actions and decisions involved in the fatal shooting of Khalid Masood. It has stated publicly that no individual officer is under criminal or misconduct investigation and that is understood still to be the case.

## **Provision of Documents to the Coroner**

14. Public authorities, including the police, have a common law duty to assist a coroner by supplying material from their investigations which are relevant to a coronial inquiry.<sup>2</sup> In addition, a coroner now has statutory powers to require documents and other evidence to be provided by private and public authorities: CJA, Schedule 5.
15. It does not automatically follow that all material provided to a coroner will be disclosed to interested persons, since for example the coroner may not disclose irrelevant material or material in respect of which there is a valid legal objection to disclosure.<sup>3</sup>
16. In this case, the MPS and IPCC have been giving full co-operation to the Coroner.<sup>4</sup> The MPS has organised statements into three tiers for the purpose of provision to the Coroner: (i) witnesses who saw the vehicle collide with pedestrians, saw the attacks on police officers and/or saw the shooting of Khalid Masood, together with witnesses giving

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<sup>2</sup> See: *Peach v Commissioner of Police for the Metropolis* [1986] QB 1064 at 1079H.

<sup>3</sup> The two stage disclosure process (inwards to the coroner, then outwards by the coroner) is considered in the Chief Coroner’s Law Sheet No. 3 and in *Worcestershire CC v HM Coroner for Worcestershire* [2013] EWHC 1711 (QB).

<sup>4</sup> Co-operation between coroners and investigating authorities and the IPCC has been encouraged by the Courts, especially in Article 2 cases. See: *Peach (loc. cit.)* at 1080A-B; *R (IPCC) v HM Coroner for Inner North London* [2009] EWHC 2681 (Admin).

evidence of investigative importance; (ii) witnesses providing material of benefit to the investigation; and (iii) other witnesses. Most statements in tier (i) have been provided to the Coroner, together with some statements in tiers (ii) and (iii). The MPS has also provided some documentary material, including photographs and CCTV footage, to the Coroner. In due course, it is anticipated that the MPS will assist the Coroner by producing compilations of footage and other visual aids for the inquests.

17. The MPS expects to disclose further statements and documentary material in batches to the Coroner. The IPCC may also be in a position to disclose interviews and/or statements to the Coroner.
18. It may be that the Coroner will make requests for disclosure of persons other than the investigating authorities. For example, it is understood that some media organisations may have useful photographs and footage which may not be in the hands of the police and which the Coroner may request.

#### **Disclosure by the Coroner to Interested Persons**

19. Rule 13 of the Coroners (Inquests) Rules 2013 (“CIR”) provides that, if an interested person asks the coroner for disclosure of a document to which the rule applies, the coroner should provide a copy or make the document available for inspection. The rule covers documents relevant to the inquest in which the person has an interest: rule 13(2)(d). However, it is subject to provisions entitling a coroner to refuse disclosure, including where there is a legal prohibition on disclosure or the request is unreasonable: rule 15. Disclosure may be provided by electronic means, as an alternative to supplying hard copies of documents: rule 14.
20. In practice, and certainly of inquests of complexity or importance, a coroner will proactively provide disclosure to interested persons of statements and documentary evidence relevant to the inquest. When providing disclosure in this way, a coroner is entitled to withhold material which is irrelevant to the inquest (especially if disclosure of the material could cause distress or harm to persons involved in the inquest or others). A

coroner is entitled to subject the provision of disclosure to the condition that recipients sign undertakings to keep confidential all disclosed material.<sup>5</sup>

21. In this case, it is submitted that the appropriate course is for the Coroner's team to review each batch of material disclosed by the MPS / IPCC and to disclose potentially relevant evidential material to interested persons. It may be that, for legally represented interested persons, the most efficient means of disclosure will be by supplying copies of documents in electronic form and/or uploading material to an accessible database.
22. Subject to any arguments put forward by others, it is submitted that interested persons should be asked to sign confidentiality undertakings before receiving disclosure in this case. The documentary evidence contains some highly personal and sensitive material, not all of which will be deployed in open court (e.g. contents of post-mortem examination reports and photographs of injured and deceased people). Furthermore, it is at least possible in a case of this kind that subjecting disclosure to confidentiality undertakings will enable some police material to be disclosed that might otherwise be the subject of legal objections.

### **Initial Submissions on Case Management and Legal Issues**

23. As noted above, these are merely initial submissions made at a very early stage. They are made primarily to assist others in their preparations. Interested persons may well be unable to make informed responses until they have received disclosure. It is not suggested that the Coroner should make any firm decisions at this stage on the topics set out below.

#### *Organisation of the inquests*

24. Although the events of the attack took place in a short space of time, they took place in three stages: (i) the events on the bridge, in which the vehicle was driven into many pedestrians, causing four deaths; (ii) the events in the gateway and entrance area where the attacker set upon PC Palmer and fatally injured him; and (iii) the confrontation and shooting of the attacker.

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<sup>5</sup> See *R (Smith) v Oxfordshire Assistant Deputy Coroner* [2008] 3 WLR 1284 at paras. 37-38. Under the new rules, a coroner may in appropriate cases legitimately conclude that it is not reasonable to give disclosure unless and until an interested person has signed a proper form of confidentiality undertaking.

25. It is suggested that there are three realistic means of hearing the inquests into the deaths of the victims on the bridge, PC Palmer and Khalid Masood. These three means and some relevant competing considerations are addressed below:

- (a) It would be possible to hear all the inquests together. The advantage of this course would be that all evidence of the events would be given in a single hearing. However, it may be thought preferable to consider in separate hearings the distinct issues which arise concerning (i) the deaths of the victims and (ii) the shooting of the suspect. By comparison, in the London Bombings Inquests, Hallett LJ acknowledged that it was right to take into account the strong wish of many bereaved families that the inquests concerning the victims should not be heard together with those of the perpetrators.<sup>6</sup> Also, since Khalid Masood's inquest must be heard with a jury, a single hearing would preclude the inquests concerning the victims being heard by the Coroner alone. Sitting alone, the Coroner could give fuller reasons for her decisions than a jury could.<sup>7</sup>
- (b) It would be possible to hear the inquests into the deaths of all the victims, including PC Palmer, in one hearing (which could be before the Coroner sitting alone); and then immediately afterwards hear the inquest into the death of Khalid Masood (with a jury). An investigating officer could give evidence about background matters and events on the bridge at the start of the latter hearing (with video and photographic evidence), to ensure that the jury had proper context for the events in the courtyard of the Palace while minimising the need for other witnesses to give evidence twice.
- (c) It would be possible to hear first the inquests into the deaths of the victims on the bridge, next the inquest into the death of PC Palmer and thirdly the inquest into the death of Khalid Masood. The three hearings could run consecutively. Again, an investigating officer could give background evidence at the start of each hearing. The benefit of this option over (b) above would be that the events on the bridge could be considered separately from those in the grounds of the Palace.

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<sup>6</sup> See Decision following PIH of 26-30 April 2010: <http://webarchive.nationalarchives.gov.uk/20120216072438/http://7julyinquests.independent.gov.uk/docs/orders/dec-april-2010.pdf>

<sup>7</sup> See: *R (Collins) v HM Coroner for Inner South London* [2004] EWHC (Admin) 2421.

26. It is recognised that the decision on how to organise the inquests will require careful consideration and submissions by interested persons. At this stage, no preference is expressed as between the three options. When interested persons have made their submissions, the topic will be revisited.

*Possible scope of the inquests*

27. Expressed in general terms, the purposes of an inquest are “to ensure so far as possible that the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of wrongdoing (if unjustified) is allayed; that dangerous practices and procedures are rectified; and that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others.”<sup>8</sup>
28. The CJA provides that the primary purpose of a coroner’s investigation (which here includes an inquest) is to ascertain the answers to four factual questions: who the deceased was; and how, when and where the deceased came by his or her death. See section 5(1). A coroner is obliged to call sufficient evidence to allow those questions to be properly answered. However, the investigation at an inquest will normally go further than is strictly necessary to answer those questions. How much further is a matter for the judgment of the coroner.<sup>9</sup> The legal question of whether the state’s procedural obligation under Article 2, ECHR, is engaged in relation to an inquest (considered below) is usually of little relevance to questions of scope, since a properly conducted inquest will usually be sufficient to answer the statutory questions whether or not Article 2 is engaged.<sup>10</sup> The scope of an inquiry may narrow as issues fall away<sup>11</sup> or may be widened as new topics emerge, so it is usually both unwise and unrealistic to define the scope of the inquiry prescriptively at the outset.
29. With those considerations in mind, the following initial submissions are made about topics for inquiry. These are provisional on consideration of further evidence and on submissions of interested persons.

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<sup>8</sup> *R (Amin) v SSHD* [2004] 1 AC 653 at para. 31.

<sup>9</sup> See *R v Inner West London Coroner, Ex Parte Dallaglio* [1994] 4 All ER 139 at 155b and 164j; *R (Takoushis) v Inner North London Coroner* [2006] 1 WLR 461 at paras. 43 to 48.

<sup>10</sup> See *R (Sreedharan) v HM Coroner for Greater Manchester* [2013] EWCA Civ 181 at para. 18.

<sup>11</sup> See *R (Lewis) v Mid and North Shropshire Coroner* [2010] 1 WLR 1836.

- (a) For all the inquests, it will be appropriate to consider some evidence of the background to the attacks, including –
  - (i) Khalid Masood’s personal background;
  - (ii) whether and how he had come to the attention of the authorities, and in particular whether his activities provided any warning signs;
  - (iii) his planning and preparation for the attacks;
  - (iv) whether he received assistance or support from others in planning, preparing for and/or perpetrating the attacks;
  - (v) his movements in the days and hours immediately preceding the attacks.
  
- (b) For the inquests concerning Kurt Cochran, Leslie Rhodes Andreea Cristea and Aysha Frade it will be appropriate to consider:
  - (i) the sequence of events on the bridge (using witness evidence and audio-visual evidence to establish how each of them suffered their injuries);
  - (ii) the rescue efforts and the care, assistance and treatment given to each of them;
  - (iii) the injuries sustained by each of them and medical cause of death of each of them.
  
- (c) For the inquest concerning PC Palmer, it will be appropriate to consider:
  - (i) the sequence of events on the bridge and the following events, from Khalid Masood leaving his car to his entering the Palace gates;
  - (ii) the attack on PC Palmer;
  - (iii) the aftermath of the attack and the care, assistance and treatment given to him;
  - (iv) the injuries he sustained in the attack and the medical cause of his death;
  - (v) the adequacy of the security arrangements and precautions at the Palace;
  - (vi) the adequacy of his body armour and any other protective / defensive equipment.
  
- (d) For the inquest concerning Khalid Masood, it will be appropriate to consider:
  - (i) the sequence of events on the bridge and the following events, from Khalid Masood leaving his car to his entering the Palace gates;
  - (ii) the attack on PC Palmer;

- (iii) the confrontation between the armed officers and Khalid Masood, and the fatal shooting;
- (iv) the aftermath of the shooting and medical assistance given to Khalid Masood;
- (v) the injuries he sustained and the medical cause of his death.

### *Jury*

30. Section 7(2) of the CJA identifies the categories of case in which an inquest must be held with a jury. These include, so far as relevant, where the coroner has reason to suspect that the death resulted from an act or omission of a police officer (section 7(2)(b)(i)).<sup>12</sup> In addition, section 7(3) provides that a death may be held with a jury if the coroner “thinks that there is sufficient reason for doing so”. That latter provision gives the coroner a broad discretion<sup>13</sup> whether or not to summon a jury (although, under section 7(1), the starting-point is that an inquest will not be with a jury unless one is mandatory or the discretion is positively exercised in favour of having one).
31. In this case, it is clear that the inquest concerning Khalid Masood must be held with a jury, because his death resulted from acts of police officers. It is submitted that none of the other inquests requires a jury, although of course any other person’s inquest heard together with that of Khalid Masood would necessarily be heard with the same jury. No submission is made at this stage on the exercise of the Coroner’s discretion whether to summon a jury in any inquests that may be heard separately from that of Khalid Masood, save to note that the Coroner hearing an inquest alone could give more extensive reasons for her decisions.

### *Article 2, ECHR*

32. Article 2 of the ECHR (the right to life) has a procedural element which requires member states to carry out effective independent investigations complying with certain standards where (i) death has taken place in circumstances automatically engaging the procedural obligation or (ii) it is arguable that substantive duties under Article 2 have been breached in relation to a death.<sup>14</sup>

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<sup>12</sup> There is also a provision requiring a jury in cases of reportable deaths, including those reportable under the RIDDOR regulations. It is submitted that none of the deaths under consideration was reportable. If any submissions are made to the contrary, they will be considered and answered.

<sup>13</sup> See *Jervis on Coroners* (13<sup>th</sup> ed.) at para. 10-37 and the cases cited in footnote 160.

<sup>14</sup> See *R (Letts) v Lord Chancellor* [2015] 1 WLR 4497; *R (Humberstone) v LSC* [2011] 1 WLR 1460.

33. In England and Wales, in cases where this procedural obligation is engaged, it is usual for the inquest to be the principal means by which it is discharged. In that situation, the statutory provisions governing the determinations in the inquest are interpreted differently, so that the provision requiring the inquest to determine “how” the person died is read as directed to the broad circumstances of the death rather than the immediate means of death.<sup>15</sup> In practice, the effect of the Article 2 procedural obligation being engaged is that the inquest may, and may have to, conclude with an expanded and more judgmental form of final conclusion.
34. In this case, the following provisional submissions are made:
- (a) The inquest into the death of Khalid Masood must be conducted as an Article 2 inquest. This is because the Article 2 procedural obligation is engaged in any case where death was due to use of lethal force by state agents.<sup>16</sup>
  - (b) The inquests into the deaths of those who died on the bridge are unlikely to engage Article 2, unless evidence emerges to support a suggestion that the state breached substantive Article 2 obligations in failing to prevent the attacks. At present, the Coroner is aware of no such evidence.
  - (c) The inquest into the death of PC Palmer could only engage Article 2 if evidence emerges to support a suggestion that the state breached substantive Article 2 obligations, for example in (i) failing to prevent the attacks; and/or (ii) failing to institute better security arrangements at the Palace or provide better protective / defensive equipment which may have saved the officer’s life.
35. It should be stressed that each inquest will be the subject of a thorough and rigorous investigation irrespective of whether Article 2 is engaged. That question is simply a legal one which has to be addressed because it affects the form of final conclusion.

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<sup>15</sup> See *R (Middleton) v West Somerset Coroner* [2004] 2 AC 182.

<sup>16</sup> See *R (Smith) v Oxfordshire Assistant Deputy Coroner* [2011] AC 1 at para. 210; *Letts (loc. cit.)* at para. 74.

*Anonymity / screening / other special measures*

36. A coroner has a common law power to manage the proceedings in his/her Court, and that power extends to granting anonymity to witnesses and others.<sup>17</sup> In exercising that power, the coroner may give effect to Convention rights, including in some cases rights to life and/or freedom from serious harm and in some cases privacy rights. If a refusal of anonymity would raise a real and immediate risk to life or serious harm, the default position is that anonymity will usually be granted.<sup>18</sup> In other cases, decisions on anonymity involve a balancing exercise,<sup>19</sup> taking proper account of the countervailing interest in open justice and Article 10 rights of media organisations. Where an anonymity order is made, it is usually accompanied by an order under section 11 of the Contempt of Court Act 1981 prohibiting reporting of details liable to identify the person granted anonymity.
37. The CIR contain provisions enabling a coroner to order that certain witnesses give evidence by video link or behind screens: rules 17 and 18.<sup>20</sup> These rules identify considerations to be taken into account when making such orders. Associated arrangements for secure entrances and exits may also be made.
38. A coroner may exclude the public from part of an inquest hearing on grounds of national security,<sup>21</sup> but this should only be done on clear and proper grounds. This power does not permit a coroner to exclude those who are interested persons in an inquest from any part of that inquest hearing.<sup>22</sup>
39. In this case, it is anticipated that applications for anonymity and special measures will be made for certain police officers, including the officers involved in the final confrontation with Khalid Masood. It is important that any such applications be made in writing as soon as possible, supported by appropriate evidence and risk assessment(s). So far as possible, it is preferable for the applications to be presented in a form which can be seen by interested persons (even if a supplementary closed annexe is also supplied).

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<sup>17</sup> See *R (T) v HM Senior Coroner for West Yorkshire (Western Area)* [2017] EWCA Civ 318 at paras. 55-64; *R (A) v HM Coroner for Inner South London* [2004] EWCA Civ 1439.

<sup>18</sup> See *Re Officer L* [2007] 1 WLR 2135.

<sup>19</sup> See *R v Bedfordshire Coroner, Ex Parte Local Sunday Newspapers* (2000) 164 JP 283.

<sup>20</sup> See *R (Hicks) v Senior Coroner for Inner North London* [2016] EWHC 1726 (Admin) on these provisions.

<sup>21</sup> See CIR, rule 11(4).

<sup>22</sup> See *R (SSHD) v Assistant Deputy Coroner for Inner West London* [2011] 1 WLR 2564.

### *PII applications*

40. Coroners have the power to receive material in respect of which PII is asserted, and to determine PII applications.<sup>23</sup> It is commonplace for public authorities to disclose sensitive material to coroners while objecting to onward disclosure to others on PII grounds. In such cases, the coroner will hear and determine the application on conventional principles, subject to the supervisory jurisdiction of the High Court.<sup>24</sup>
41. In the present case, the Coroner is not currently aware of the authorities holding any potentially relevant material which they are not willing or able to disclose to her. It is not at present known whether any PII applications will be made. Of course, such applications would only be required in respect of material which is regarded by the Coroner as relevant and which thus would otherwise be disclosed to interested persons.
42. The Coroner has put the MPS and IPCC on notice that they should identify any material supplied to her in respect of which they would wish to make a PII application if she considered it relevant and disclosable. It is important that such applications are made as early as practicable, to avoid disrupting the inquests timetable.

### *Inquests time, venue and logistics*

43. No decision has been made regarding the timing of the inquests, since that will depend upon the way in which they are organised and their likely length (which will in turn depend on the numbers of witnesses to be called). It is currently estimated that the inquests hearing(s) can be completed in three to four weeks, but that is only a very early and provisional estimate. It may be possible to hold the inquests towards the end of 2017 or in early 2018.
44. It is anticipated that it will be possible to hold the inquest hearings in a large courtroom in the Royal Courts of Justice, which would accommodate interested persons, their legal

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<sup>23</sup> See *R v Devon Coroner, Ex Parte Hay* (1998) JP 96 at 101; *Chief Constable of the PSNI's Application* [2010] NIQB 66; *Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner North London* [2013] EWHC 3724 (Admin); *SSHD v HM Senior Coroner for Surrey* [2016] EWHC 3001 (Admin) at para. 41.

<sup>24</sup> The situation sometimes (but very rarely) arises where public authorities have material relevant to an inquest which is so sensitive that they wish to withhold it from the coroner (such as some secret intelligence material) or which they cannot disclose pursuant to statute (notably the Regulation of Investigatory Powers Act 2000). In that circumstance, special arrangements may have to be made (which have included review of the material by an assistant coroner with security clearance and/or arrangements for the inquest to be heard by a Judge).

teams and the public (and which could allow witnesses to be screened, if such orders were made).

45. Otherwise, logistical arrangements for the inquests are likely to be made through correspondence between the Coroner's team (including the solicitor acting for her, Hayley Davies) and interested persons. Any interested person requiring special arrangements or facilities for the inquests hearing should notify the Coroner as soon as possible.

*Further pre-inquest hearings*

46. A second pre-inquest hearing will have to be held to address case management issues in more detail when the first batch of disclosure has been provided to interested persons. Consideration should be given at this hearing to when that second hearing may sensibly take place. At least one further pre-inquest hearing is likely to be necessary, especially if any applications for anonymity or PII applications are made.

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