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1. Disclosure

Worcestershire County Council and another v HM Coroner for the County of Worcestershire - [2013] EWCH 1711 (QB)

BAILII - [2013] EWHC 1711 (QB)

The two-stage approach to disclosure in inquests.

R (on the application of the Secretary of State for Transport) v. HM Senior Coroner for Norfolk (British Airline Pilots Association intervening) - (2017) 181 JP 59 

BAILII - [2016] EWHC 2279 (Admin)

Coroner's power to order disclosure where independent bodies had overlapping investigatory jurisdictions; no need for duplication of investigations.

2. Public Interest Immunity and National Security

Regina v. Chief Constable of West Midlands Police, Ex parte Wiley Regina v. Chief Constable of Nottinghamshire Constabulary, Ex parte Sunderland [Consolidated Appeals] - [1995] 1 A.C. 274



BAILII - [1994] UKHL 8

The balancing act for the Court to undertake when considering PII.

Regina (Mohamed) v Secretary of State for Foreign and Commonwealth Affairs (No 2) (Guardian News and Media Ltd and others intervening) - [2009] 1 WLR 2653 

BAILII - [2009] EWHC 152 (Admin)

At [34] the four questions to pose when addressing a PII claim.

Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner North London [2013] EWHC 3724 (Admin)

BAILII - [2013] EWHC 3724 (Admin)

At [53] to [61], the nine key principles applying to national security and PII claims in inquests.

Regina (Amin) v Secretary of State for the Home Department - [2004] 1 AC 653 

BAILII - [2003] UKHL 51

The public interest in an inquest is that "the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of deliberate 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."

Secretary of State for the Home Department v Surrey Senior Coroner - [2017] 4 WLR 191
[2017] 4 WLR 191



BAILII - [2016] EWHC 3001

The approach to be taken in an application for PII where the material concerns national security. Normally a judge will be appointed as coroner. The judge will have access to the material, as will the judge's advisors where they hold appropriate security clearance. The disclosing party will then raise any objections to proposed onward disclosure by making a PII claim by way of application to the judge.

Regina (Secretary of State for the Home Department) v Inner West London Assistant Deputy Coroner and others - [2011] 1 WLR 2564



BAILII - [2010] EWHC 3098 (Admin)

- Rule 17 of the Coroner's Rules does not permit excluding Interested Persons from hearings.
- Undisclosed material must be disregarded in reaching and reasoning conclusions in inquests.
- Coroners or judges hearing inquests may nevertheless refuse questions they know to be based on a false premise given the undisclosed material they have seen.

3. Anonymity and Special Measures

BAILII - Regina (Dyer) v West Yorkshire (Western Area) Assistant Coroner - [2021] 1 WLR 1233
[2020] EWCA Civ 1375



Open justice is relevant both to anonymity and to special measures that fall short of anonymity (such as screening). Members of the press may be entitled to see screened witnesses upon application.

R v Newcastle-upon-Tyne Coroner, ex parte A - [1997] 12 WLUK 433

There is no inconsistency between the duty to hold an inquest in public and the coroner's case management powers to order a person's anonymity.

In re Officer L and others - [2007] 1 WLR 2135



BAILII - [2007] UK HL 36

Anonymity should be approached first by considering the Article 2 ECHR duty owed to the witness and then, if that does not provide a determinative answer, by addressing the common law duty of fairness. Paragraph 26 sets out the factors to be applied in that balance.

Fishmongers' Hall Inquests: First Ruling on Case Management and Directions (5 June 2020)
(5 June 2020)

Detailed example of a ruling on anonymity given by the (then) Chief Coroner of England and Wales.

4. Article 2

***Regina (Maguire) v Blackpool and Fylde Senior Coroner and others* - [2020] 3 WLR 1268**



BAILII - [2020] EWCA Civ 738

Article 2 duty may be owed for some purposes but not others.

***Regina (Parkinson) v Kent Senior Coroner* - [2018] 4 WLR 106**



BAILII - [2018] EWHC 1501 (Admin)

Article 2 in medical cases (applying ***Lopes de Sousa Fernandes v Portugal* - 163 BMLR 182**)



BAILII <http://www.bailii.org/eu/cases/ECHR/2017/1174.html>)

***R (on the application of Humberstone) v Legal Services Commission (Lord Chancellor intervening)* -**

118 BMLR 79



BAILII - [2010] EWCA Civ 1479

Article 2 and systemic failures.

***Osman v United Kingdom* - (1998) 5 BHRC 293**



BAILII - <http://www.bailii.org/eu/cases/ECHR/1998/101.html>

The nature of the operational duty imposed by Article 2 ECHR including the 'real and immediate risk to life' test.

***Savage v South Essex Partnership NHS Foundation Trust* - [2009] 1 All ER 1053**



BAILII - [2008] UKHL 74

Article 2 and detained patients.

***Rabone and another v Pennine Care NHS Trust (INQUEST and others intervening)* - [2012] 2 AC 72**



BAILII - [2010] EWCA Civ 698

Article 2 for informal mental health inpatients, and the “three indicia” for determining whether Article 2 applies to new categories of cases (paragraphs 22-24).

***Regina (Middleton) v West Somerset Coroner and another* - [2004] 2 WLR 800** 

BAILII - [\[2004\] UKHL 10](#)

The effect of Article 2 on the inquest process, including on scope and conclusions.

***Regina (Amin) v Secretary of State for the Home Department* - [2004] 1 AC 653** 

BAILII - [\[2003\] UKHL 51](#)

The nature of an investigation when Article 2 is engaged.

5. Scope

***R (on the application of Hambleton and others) v Coroner for the Birmingham Inquests (1974)* - [2019] 2 All ER 251** 

BAILII I- [\[2018\] EWCA Civ 2081](#)

A decision on scope represents a coroner’s view about what is necessary, desirable, and proportionate by way of investigation in order to enable the statutory functions of an inquest to be discharged.

***R (on the application of Smith) v Secretary of State for Defence* - [2010] 3 All ER 1067** 
[2010] 3 All ER 1067

BAILII - [\[2010\] UKSC 29](#)

A coroner has a wide discretion in setting the scope of an inquest.

***R v Inner West London Coroner, ex parte Dallaglio and another* - [1994] 4 All ER 139** 
[1994] 4 All ER 139

A decision on scope is a matter of discretion.

***R v. H.M. Coroner For North Humberside And Scunthorpe, Ex Parte Jamieson* - [1995] Q.B. 1** 

BAILII - [\[1995\] Q.B. 1](#)

In non-Article 2 cases, the Coroner must ensure that the relevant facts are fully, fairly and fearlessly investigated.

***R (on the application of Paul and others) v Deputy Coroner of the Queen's Household and Assistant Deputy Coroner for Surrey; R (on the application of Al Fayed) v Deputy Coroner of the Queen's Household and Assistant Deputy Coroner for Surrey* - [2007] 2 All ER 509** 

BAILII - [\[2008\] QB 172](#)

As a matter of principle, a coroner should determine the scope of an inquest before considering whether to summon a jury.

[Regina \(Speck\) v HM Coroner for the District of York - \[2016\] 4 WLR 15](#)



BAILII - [\[2016\] EWHC 6 \(Admin\)](#)

A coroner determining scope is entitled to conclude that a particular issue is so remote from the cause of death that it cannot even arguably be said to have contributed to the death and so exclude it from consideration.

6. Juries

[R \(on the application of Deana Fullick\) v HM Senior Coroner for Inner North London and another](#)

BAILII - [\[2015\] EWHC 3522 \(Admin\)](#)

Factors to consider in exercising the discretion to summon a jury under section 7(3) *Coroners and Justice Act 2009*.

[Shafi v East London Senior Coroner - \[2016\] 1 WLR 640](#)



BAILII - [\[2015\] EWHC 2106 \(Admin\)](#)

And

[R \(Paul and others\) v Deputy Coroner of the Queen's Household and Assistant Deputy Coroner for Surrey; R \(Al Fayed\) v Same - \[2007\] All ER \(D\)](#)



BAILII - [\[2007\] EWHC 408 \(Admin\)](#)

Factors to consider in exercising the discretion to summon a jury under section 7(3) *Coroners and Justice Act 2009*.

[R \(on application of the Secretary of State for Justice\) v HM Deputy Coroner for the Eastern District of West Yorkshire - \[2012\] EWHC 1634 \(Admin\)](#)

BAILII - [\[2012\] EWHC 1634 \(Admin\)](#)

read with ***[R v Galbraith - \[1981\] 2 All ER 1060](#)***



Test to be applied when determining whether to leave a conclusion to a jury.

R (on the Application of Lewis) v HM Coroner for Mid and North Division of County of Shropshire, Secretary of State for the Home Department (Interested Party) - (2010) 174 JP 49 

BAILII - [2009] EWCA Civ 1403

In Article 2 cases, a coroner may, but is not obliged, to leave to the jury a fact or circumstance which could have caused or contributed to the death but cannot be shown probably to have done so.

7. Discretion of the Coroner

Regina V. H.M. Coroner For North Humberside And Scunthorpe, Ex Parte Jamieson - [1995] Q.B. 1



The duty placed on coroners during investigations and when exercising their discretion.

R (on the application of Lepage) v HM Assistant Deputy Coroner for Inner South London [2012] EWHC 1485 (Admin)

BAILII - [2012] EWHC 1485 (Admin)

Discretion as to witnesses includes the calling of expert witnesses.

McKerr v Armagh Coroner and others - [1990] 1 All ER 865



Coroners may determine how necessary evidence should be adduced.

Mack (R on the application of) v HM Coroner for Birmingham and Solihull & Ors [2011] EWCA Civ 712

BAILII - [2011] EWCA Civ 712

It is for coroners to decide which witnesses are called, but their determination must be *Wednesbury* reasonable and a proper inquiry must be conducted.

Regina (Middleton) v West Somerset Coroner and another - [2004] 2 WLR 800



BAILII - [2004] UKHL 10

The coroner's role in determining how best to elicit the jury's conclusion on the central issue(s).

R (on the application of Hambleton and others) v Coroner for the Birmingham Inquests (1974)

[2019] 2 All ER 251



BAILII - [2018] EWCA Civ 2081

The higher courts are loath to interfere with coroners' powers but may do in certain circumstances.

8. Causation

R (on the application of Tainton) v HM Senior Coroner for Preston and West Lancashire -

[2016] 4 WLR 157



BAILII - [2016] EWHC 1396 (Admin)

In order for an event or conduct to be said to have caused the death it must have contributed more than minimally, negligibly, or trivially to the death.

Regina (Speck) v HM Coroner for the District of York - [2016] 4 WLR 15



BAILII - [2016] EWHC 6 (Admin)

A coroner conducting an article 2 inquest has a discretion to investigate matters which may possibly have contributed to the death, but the only duty is to investigate those matters which caused, or at least arguably appear to have caused or contributed to, the death.

R (on the application of Lewis) v Mid and North Shropshire Coroner and another - [2010] 3 All ER 858



BAILII - [2009] EWCA Civ 1403

In Article 2 cases, a coroner may, but is not obliged, to leave to the jury a fact or circumstance which could have caused or contributed to the death but cannot be shown probably to have done so.

R (on the application of Worthington) v HM Senior Coroner for the County of Cumbria [2018] EWHC 3386 (Admin)

BAILII - [2018] EWHC 3386 (Admin)

Even a matter not causative of death may be lawfully entered in box 3 of the Record of Inquest as part of the answer to how a person came by their death if the Record would be deficient without it.

9. Non-causative factors

R (on the application of Lewis) v Mid and North Shropshire Coroner and another - [2010] 3 All ER 858



BAILII - [2009] EWCA Civ 1403

In Article 2 cases, a coroner may, but is not obliged, to leave to the jury a fact or circumstance which could have caused or contributed to the death but cannot be shown probably to have done so.

R (on the application of Tainton) v HM Senior Coroner for Preston and West Lancashire -

[2016] 4 WLR 157



BAILII - [2016] EWHC 1396 (Admin)

Admissions of failures made during the court of an inquest should form part of the Record of Inquest where the possibility of a violation of the deceased's right to life could not be wholly excluded, even if on the balance of probabilities they cannot be said to have been causative of the death.

R (on the application of Allen) v HM Coroner for Inner North London

BAILII - [2009] EWCA Civ 623

Narrative conclusions must be directed to the issues which are 'central' to the cause of death, nothing more.

R (on the application of Wiggins) v Her Majesty's Assistant Coroner For Nottinghamshire
[2015] EWHC 2841 (Admin)

In an Article 2 case, the question of the circumstances in which death occurred is answered by investigating what caused, or may have caused or contributed to the death and not non-causative factors.

10. Conclusions (Generally)

Regina (Maughan) v Oxfordshire Senior Coroner (Chief Coroner of England and Wales and another intervening) - [2021] AC 454



BAILII - [2020] UKSC 46

Standard of proof in inquests.

R (Middleton) v West Somerset Coroner and Another - [2004] 2 All ER 465



BAILII - [2004] UKHL 10

read with

R v North Humberside and Scunthorpe Coroner, ex parte Jamieson - [1994] 3 WLR 82



Conclusions in Article 2 cases; Coroner's discretion as to the means of eliciting the jury's conclusion.

R (on the application of Worthington) v HM Senior Coroner for the County of Cumbria - [2018] EWHC 3386 (Admin)

[2018] EWHC 3386 (Admin)

Findings permitted to be included in a Record of Inquest.

11. Neglect

R v HM Coroner For North Humberside And Scunthorpe, Ex Parte Jamieson - [1995] Q.B. 1



The meaning of 'neglect' and the requirement that there must be a "a clear and direct causal connection" between the conduct described and the death.

R v HM Coroner for Coventry ex parte Chief Constable of Staffordshire Police - (2000) 164 JP 665

The 'touchstone' in cases of neglect is whether there was the opportunity to render care which would have prevented the death.

R (on the application of Khan) v Her Majesty's Coroner for West Hertfordshire and another - [2002] All ER (D) 68 (Mar)

BAILII - [2002] EWHC 302 (Admin)

There must be a "sufficient level of fault" to justify a finding of neglect.

12. Unlawful killing

R (on the application of Wilkinson) v. HM Coroner for the Greater Manchester South District - (2012)

176 JP 665



BAILII - [2012] EWHC 2755 (Admin)

Offences covered by conclusion of unlawful killing.

R (O'Connor) v Avon Coroner (Visser intervening) - [2010] 2 WLR 1299



BAILII - [2009] EWHC 854 (Admin)

All elements of manslaughter required to be proven for a conclusion of unlawful killing, including mental element.

R v Wolverhampton Coroner, ex parte McCurbin - [1990] 2 All ER 759



Jury must consider unlawful killing first.

R (on the application of Anderson and others) v Inner North Greater London Coroner - [2004] All ER (D) 410 (Nov)

BAILII - [2004] EWHC 2729

No conclusion of unlawful killing may name person responsible.

R (Maughan) v Oxfordshire Senior Coroner (Chief Coroner of England and Wales and another intervening) - [2020] 3 WLR 1298



BAILII - [2021] AC 454

Standard of proof is balance of probabilities.

R v Woollin - [1998] 4 All ER 103



BAILII - [1998] UKHL 28

Intent for murder and perpetrator's foresight of harm.

R v Matthews and another - [2003] EWCA Crim 192

Intent for murder and perpetrator's appreciation of the consequences of actions.

R v Adomako - [1995] 1 AC 171



BAILII - [1995] 1 AC 171

Elements of gross negligence manslaughter.

R v Cheshire - [1991] 3 All ER 670



Causation requires significant contribution.

R v Cato and others - [1976] 1 All ER 260



Unlawful act manslaughter the context of deliberate drugs injection of another.

Regina v Kennedy (No 2) - [2008] 1 AC 269



BAILII - [2007] UKHL 38

Supply of drugs to informed adult not unlawful act manslaughter.

13. Narrative Conclusions

***R (on the application of Smith) v HM Assistant Coroner for North West Wales* [2020] EWHC 781 (Admin)**

[2020] EWHC 781

Even in Article 2 cases, narratives must be brief and include conclusions of fact as opposed to expressions of opinion; when a coroner is sitting without a jury, admitted failures can be included in the reasons rather than in the conclusion.

R (on the application of Tainton) v HM Senior Coroner for Preston and West Lancashire -

[2016] 4 WLR 157 

BAILII - [2016] EWHC 1396 (Admin)

In Article 2 cases, conclusions should include admitted failings central to the issues (but see *Smith above*)

***R (on the application of Allen) v HM Coroner for Inner North London* [2009] EWCA Civ 623**

[2009] EWCA Civ 623

Narrative conclusions should only contain the issues which are 'central' to the cause of death, and nothing more.

***R (Longfield Care Homes Ltd) v Blackburn Coroner* [2004] EWHC 2467 (Admin)**

[2004] EWHC 2467 (Admin)

Narrative conclusions available in non-Article 2 cases.

***R v. H.M. Coroner For North Humberside And Scunthorpe, Ex Parte Jamieson -* [1995] Q.B. 1** 

BAILII - [1995] Q.B. 1

In non-Article 2 cases, a narrative conclusion but this must be a brief, neutral, factual statement and express no judgment or opinion.

***R (Middleton) v West Somerset Coroner and another -* [2004] 2 WLR 800** 

[2004] UKHL 10

Guidance on narrative conclusions in Article 2 cases.

14. Regulation 28 (Reports to Prevent Future Deaths)

Coroners Inquests into the London Bombings of 7 July 2005, Ruling 6 May 2011 (per Lady Justice Heather Hallett at p. 15 Transcript)

“Giving rise to a concern” (for the purposes of determining whether the coroner has a duty to report) is a low threshold.

Sreedharan v HM Coroner for the County of Greater Manchester (Manchester City District) & Ors [2013] EWCA Civ 181

BAILII - [2013] EWCA Civ 181

Evidence may be admitted even if it is relevant only to the issue of preventing future deaths.