

Inquests & Coroner's Courts



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Introduction

The Coroners Court is an ancient Court, which is quite unlike all others in England and Wales. It is an inquisitorial Court unlike the adversarial Courts in Civil and Criminal Law. In simple terms, the Coroner dictates what happens in his or her own Court and is the one to ask questions of the witnesses and Police Officers and take evidence from them. Civil and Criminal Courts rely on Solicitors and Barristers asking questions of witnesses, and the Judge usually takes little or no direct part in the questioning of those witnesses. Families of the deceased are entitled to be represented by a Solicitor or Barrister at the Inquest.

The Coroner

The Coroner is usually a former senior Solicitor, Barrister or medical practitioner local to the area in which the Coroner's Court has jurisdiction. The Coroner has a duty to hold an inquiry into any death that is not expected, or satisfactorily explained by illness, or in any case where there are possible suspicious circumstances. Clearly deaths arising from road traffic accidents come into the category requiring a Coroner's Inquest. The Coroner will employ a number of Officers to act as intermediaries between the families of the deceased and himself, in the conduct of his inquiries.

No Strict Rules of Evidence or Burdens of Proof

Unlike Criminal or Civil Law, the Coroner is not bound by any rules of evidence relating to hearsay nor is he governed by any requirement for a case to be determined beyond any particular burden of proof, such as the balance of probabilities or beyond all reasonable doubt. This is simply an enquiry by the Coroner into the statutory requirements set out below

Statutory Functions

Unlike Criminal or Civil Law, the Coroner is not Under Section 11(5)(b) of the Coroners Act 1988, the Coroner is simply required to find out the following: -

- 1. Who was the deceased;**
- 2. How, when and where the deceased came by his or her death.**

It is important to realise that the Coroner's function therefore is relatively limited. He is not allowed to determine any question of criminal liability or civil liability on the part of any named person. In fact, Rule 42 of the Coroners Rules 1984 expressly prohibits the Coroner from doing this.

Jury

Under Section 8 of the Coroner's Act, a Coroner can call for a Jury to be summoned. The section says:

"If it appears to a Coroner that there is a reason to suspect that a death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the Health & Safety of the Public or any section of the Public, he shall proceed to summon a Jury".

If an incident has occurred at a so called accident "black spot", on the roads, or if a death has been caused because of some defect in the motor car, then it would be likely that a Jury should be summoned.

Coroner's Recommendations

A Coroner, who believes that action should be taken to prevent further fatalities similar to that in respect of which the Inquest is being held, can announce at the Inquest that he/she is going to report the matter, in writing, to a person, or authority, who has power to take action and can make a report accordingly.

If a road death occurred, for example, at an accident black spot, the Coroner could make a recommendation to a Local Authority suggesting that appropriate action be taken to make the road safer by installing traffic lights, improving road signage and the like. Coroners can also make recommendations to the local Crown Prosecution Service Lawyers and can make their file of evidence available for criminal prosecution purposes. Juries cannot make any such recommendations, only the Coroner.

Inquest or Criminal Trial - which comes first?

Having regard to the Coroner's requirements simply to investigate the identity of the deceased and how, where and when the deceased came by his or her death, it could be seen that there is no particular disadvantage in the Inquest coming before or after any Criminal Trial. Some Lawyers take a view that if the Inquest comes first, and the Defendant is charged with a serious criminal matter, for example causing death by Dangerous Driving, the Inquest gives the Defence the chance to hear the Prosecution evidence, thereby gaining an unfair advantage. Normally, if the Coroner is aware that a Section 1 offence is being pursued by the Crown Prosecution Service, he will not hold his Inquest until the conclusion of that Criminal Trial so as not to prejudice that Criminal Trial. (Section 1 Offence = Causing Death by Dangerous Driving.)

Verdicts

The usual verdicts available to a Coroner are as follows:

- (a) Accidental Death**
- (b) Death by Misadventure**
- (c) Unlawful Killing**
- (d) An Open Verdict**
- (e) Suicide**
- (f) A narrative verdict**

Representation at an Inquest

It is important that the family of the deceased be represented at an Inquest. Insurance Companies will usually arrange for their Solicitors to attend Inquests and a victim's family may feel disadvantaged. For example, the Insurance Company providing Insurance cover for a driver of a vehicle involved in an accident in which someone other than himself was killed, will invariably arrange for a solicitor or barrister to attend, and question witnesses at the Inquest. If the family of the victim is not similarly represented, they will possibly feel disadvantaged when there is no one there to represent them and their interest, other than the Coroner himself.

Appeals

There is no right to an Appeal as such, although there is the possibility of a Judicial Review. You would need to speak carefully with an experienced solicitor before undertaking this.

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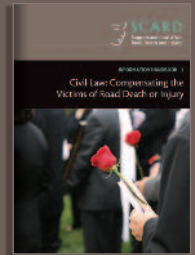
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Andrew Greenwood solicitor at Emsleys for SCARD.

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