

INQUESTS

The last year has seen the largest and most comprehensive reform of Coronial Law since the early nineteenth century. The new Coroners and Justice Act 2009 impacts upon every aspect of the Inquest and this comprehensive new work lays out both the substantive law and new procedure following the recent legislation and authorities.

The whole coronial process is laid out in distinct chapters which consider the present and developing law.

The book provides practical guidance from the beginning to the end of the process and includes a special chapter on Military inquests, creating an invaluable reference for both the practitioner and student of this fast developing area of law.

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INQUESTS

JOHN COOPER QC



• H A R T •
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*‘Long gone are the days of travel to some dispiriting corner of
St. Pancras or Battersea only to be told peremptorily,
when appearing on behalf of the bereaved “Keep quiet & sit down!”’*

Lord Justice Moses in *R (on the Application of Lin & others) v
The Secretary of State for Transport* [2006] EWHC 2575 (Admin)

FOREWORD

by Lord Judge, Lord Chief Justice of England and Wales

The development of the Coroner's responsibilities from inquiring into deaths, imposed in 1276 by *De Officio Coronatoris* (which office was already ancient) to the consequences of the Human Rights Act 1998 and the incorporation of the European Convention of Human Rights into domestic law in the context of article 2 of the Convention – the right to life – has involved significant changes to the coronial jurisdiction and its processes. Thus, not very many years ago, it would have been utterly astonishing to imagine an open judicial process in this country inquiring into the sad deaths of members of the British armed forces in Iraq (see, for example, *R (Gentle) v Prime Minister* [2008] 1 AC 1358).

This meant that a legislative overhaul of the entire system was necessary, and the answer was to be found in the Coroners and Justice Act 2009, which received Royal Assent in November 2009. This was a comprehensive attempt at reform of some antiquated arrangements, not sufficiently geared up to the increasing demands placed on the coronial system. This new legislative structure suggested that a careful re-appraisal and analysis of the ramifications and impact of the 2009 Act was required and John Cooper set about the task with characteristic enthusiasm. As he set about his work, he can hardly have anticipated the bombshell that the newly-created office of Chief Coroner might not survive the national financial crisis. He seems to have taken this important change in his stride, but he is unable to try, and perhaps does not wish to deny, his surprise that the office might be, as he puts it, 'one of the shortest lived judicial offices in legal history'.

Notwithstanding the proposed abolition of the office, the 2009 Act continues to represent the latest and most comprehensive changes to the coronial system for very many years. The changes are symbolised in the inquests currently being conducted in the Royal Courts of Justice by Lady Justice Hallett into the ghastly events in London on the 7th July 2005, when so many innocent people were the victims of a terrorist outrage committed in the heart of the London.

This new volume compresses the law relating to Inquests into manageable proportions, and is written in crisp and readily understood language. It will be of great assistance to all those who work in or have an interest in this sensitive area of the legal system.

Igor Judge

PREFACE

The Law is never still.

In the field of Inquests the pace of development has, at times, been frenetic.

A new Act, completely overhauling practice and procedure is enough to keep up with, but add to that a regular diet of new law from narrative verdicts to jurisdictional issues concerning overseas deaths outside of Army bases, then it truly seems that Coronial Law is never at rest.

In attempting to keep as current as possible, through the inexhaustible patience of my publishers, I have been allowed to consider in this book the latest consultation paper on the development of the 2009 Act, seminal cases such as *R(Catherine Smith) v Assistant Deputy Coroner for Oxfordshire*, the invaluable ruling of Lady Justice Hallett in the 7/7 Inquest hearings and the consequent judgment in the High Court just before Christmas 2010 on the extent of Secret Hearings.

All errors and omissions are entirely mine.

I would particularly like to record my deep thanks and appreciation to Shaila Bux, whose enthusiasm and encouragement have meant that this book has been able to cover the range and depth that it does. I owe her a significant debt of gratitude.

It is my hope that this work benefits the growing number of practitioners in this field, as well as those who have the very difficult task of sitting as Coroners and deputies. Additionally, this book aims to assist students of the law who read and hear of the growing number of high-profile inquests and have a curiosity to know exactly what goes on in the Coroner's Court.

I further hope that those who are waiting to be trained in the forthcoming sessions planned to introduce the new Act find the book a helpful aid; it is you who will be responsible for bringing the reforms to life.

John Cooper QC
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London
March 2011

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