



NOVUM LAW

NOVUMLAW.COM



GUIDE TO INQUESTS

Your guide to Inquests

What is an inquest?

An inquest is a legal investigation to establish the circumstances surrounding a person's death including who died, how and when they died and why death actually occurred.

When is an inquest needed?

An inquest is held in public at a coroner's court in cases where:

- A death was sudden, violent or unnatural
- A death occurred in prison or police custody
- The cause of death is still uncertain after a post-mortem

Are there any exceptions to this rule?

If you are due to receive compensation related to an injury, you should In cases where someone has died due to industrial disease, such as deaths related to asbestos exposure, the coroner will often hold a 'read only' inquest if they are satisfied as to the cause of death. This means that no one else needs to attend the inquest. The coroner will usually obtain medical reports before the read only inquest occurs and will consider these beforehand. Often, inquests involving deaths due to industrial disease are much less formal.

What questions does the coroner address?

An inquest is a fact-finding exercise. The questions for the coroner to consider are:

- Who was the deceased?
- When did the deceased die?
- Where did the deceased die?
- How and in what circumstances did death occur?

Do inquests investigate allegations surrounding a person's death?

No. Unlike criminal trials, inquests do not try to establish whether anyone was responsible for a person's death. Evidence is given by witnesses but there is no prosecution or defence. The coroner is not allowed to consider criminal liability on the part of an individual or civil responsibility.

What happens during an inquest opening?

An inquest is opened a few days after the death. This allows the death to be recorded and the deceased to be formally identified. An interim death certificate will be issued to relatives so that they can start sorting out the deceased's estate. The coroner will also give authorisation for a burial or cremation to take place as soon as possible (although this may take a few days or a week).

What is a pre-inquest hearing?

It is becoming more common for coroners to hold one or more additional hearings before an inquest begins, known as pre-inquest hearings. These allow interested parties, such as: a parent, child, spouse, partner or legal representative of the deceased to plan the procedure for the inquest. Pre-inquest hearings should be public meetings, even if they are informal. Items to be discussed may include: documents to be relied on; calling of a jury; deciding which witnesses should give oral evidence and what statements may be read.

When is a jury required?

A jury is often not required. In fact, most inquests are carried out solely by the coroner. If there is a jury, the coroner must leave it to the jury to decide the facts. In clinical negligence cases (also known as medical negligence cases) that involve medical issues; the jury can choose not to accept an expert's opinion as long as they do so rationally. A jury is mandatory in cases of death in prison or police custody or deaths where allegations of breach of the Health & Safety at Work Act 1974 are considered. It is also mandatory in situations where the events that led to the death may affect the health and safety of the general public.

How does the coroner decide on the date for an inquest?

When the coroner is satisfied that all the material and witnesses required for the inquiry has been gathered, a date for the inquest can be set. The evidence to be given at the inquest is controlled by the coroner who decides what experts and lay witnesses to call, including choosing the pathologists and deciding whether or not to admit witness statements. A witness called by a coroner is obliged to attend and give evidence.

Is it possible to review any documents before an inquest?

Documents for the inquest are controlled by the coroner and it is their decision whether or not they should be admitted. Historically, coroners have not been willing to disclose documents to interested parties prior to inquest hearings; however this has changed and they now provide documentation to interested parties.

How should relatives of the deceased prepare for an inquest?

It is essential that relatives attending an inquest are briefed by a barrister and/or the solicitor representing them so they know what to expect. The inquest is held in public so it is also worth bearing in mind that the press may be there and have a right to report on the proceedings.

It is also a good idea to agree on a photograph of the deceased that relatives are happy to be shared. This can be brought to the inquest and shown to the coroner to make the inquest more personal.

What happens during an inquest?

During an inquest, witnesses chosen by the coroner give evidence. Interested parties are permitted to ask questions, if the coroner agrees to their involvement. If the coroner is not satisfied that all the required information is available, the appropriate witnesses are not available or if there is to be a police investigation into a possible crime, the inquest may be adjourned (postponed).

What kinds of verdicts does the coroner make?

At the end of the inquest, the coroner or the jury decides the verdict. The verdicts which may be considered are likely to be as follows:

- Natural causes
- Want of attention at birth
- Suicide
- Accident or misadventure
- Unlawful killing
- Still birth
- Industrial disease
- Open verdict (this means there is insufficient evidence to decide how death occurred. The case is left open in case further evidence comes to light)

The verdict at an inquest is not a deciding factor in any civil issues, but the evidence may be a powerful influence on the outcome of any civil claim. The evidence tends to be recorded and the coroner may supply a transcript of the evidence to interested parties upon request. This may be in the form of a tape, disc or the actual transcript and there may be a charge to receive a copy.

Once a verdict has been reached, the coroner will issue the final death certificate and the relatives can then officially register the death.

Can inquests help to prevent future deaths?

Yes. Following an inquest, the coroner can write a report in cases where the evidence suggests that further avoidable deaths could occur. The coroner can recommend that in their opinion, preventative measures should be taken. This report will be sent to the person or authority that has the power to take actions to reduce the risk.

For more information visit www.novumlaw.com or call us on 0800 884 0777