

INFORMATION LEAFLET**APPLICATIONS FOR INQUESTS TO BE DIRECTED
PURSUANT TO SECTION 14(1) OF THE CORONERS ACT (NORTHERN
IRELAND) 1959**

Under section 14(1) of the Coroners Act (Northern Ireland) 1959, the Attorney General can direct a coroner to hold an inquest into a death. Such a direction can issue either when no inquest has been held or when an inquest has already taken place.

Section 14(1) provides:

“Where the Attorney General has reason to believe that a deceased person has died in circumstances which in his opinion make the holding of an inquest advisable he may direct any coroner (whether or not he is the coroner for the district in which the death has occurred) to conduct an inquest into the death of that person and that coroner shall proceed to conduct an inquest in accordance with the provisions of this Act (and as if, not being the coroner for the district in which the death occurred, he were such coroner) whether or not he or any other coroner has viewed the body, made any enquiry or investigation, held any inquest or done any other act in connection with the death.”

At the core of the statutory test the Attorney applies in considering whether to direct a coroner to hold an inquest is a consideration of whether it is ‘advisable’ to do so. What is ‘advisable’ may vary considerably from case to case.

This office receives a large number of applications for inquests each year from a variety of parties such as the next-of-kin of the deceased person, solicitors acting on behalf of next-of-kin, victim groups and others.

This information leaflet is designed to assist those who wish to ask the Attorney General to direct an inquest. It is not a requirement that applicants comply with the guidance in this information leaflet but they may find it helpful to do so and it will assist in the prompt determination of their applications.

1. At what stage is it best to make an application?

Applications can be made at any stage, no matter how long it has been since the person died or the date of the original inquest.

If possible, applications should be prepared in full prior to being submitted to the office rather than being supplied to this office in a piecemeal fashion.

2. What format should my application take?

There is no set format for section 14(1) applications. However, we recommend that applications should be provided to the office as follows:

- When the application includes a large volume of documents these should be provided in a ring bound folder for ease of use.
- An index should be provided and the papers should preferably be in the following order:

Section A- Written submissions (see below)

Section B- Evidence at Inquest (if applicable)

Section C- Post Mortem Report (if available)

Section D- Inquest verdict and findings (if applicable)

Section E- Relevant Reports such as PSNI/Police
Ombudsman/ Medical Reports etc

Section F- New Evidence

Section G- Relevant newspaper clippings/medical notes

Section H- Other material, correspondence etc.

- Written Submissions

The Attorney General welcomes written submissions that set out the facts and reasons (including any legal arguments) why you say an inquest would be “advisable”. It is appreciated that, if family members are making applications without the benefit of a legal representative, they may find these more difficult to provide. Written submissions can be a useful way for the Attorney General to see why you are making your application and what its merits are. If the Attorney General decides to direct an inquest and agrees with your written submissions these may be of assistance to the Coroner. If the Attorney is not minded to direct an inquest your written submissions can provide a framework for his reply to you and may permit further representations by you to be more easily made.

It is useful if the written submissions include the following information:

- Background/ circumstances behind the death;
- Details of any previous inquest held (including what witnesses were called to give evidence);
- Why a new inquest would be “advisable”;
- What new evidence is available;
- Any case law relied upon; and
- Whether consent is provided to enable the lawyers in the office or the Attorney General to contact third parties (e.g. PSNI, PPS etc).

3. Will I be kept informed of the progress of my application?

We will keep in contact with you and provide updates on the progress of your application. The form and regularity of these updates will vary depending on the nature of the application. It may also be necessary for you and or your representative to provide further information or clarification on matters regarding your application. The progress of your application may

be delayed if we are awaiting further information or a response to our queries.

4. How will I know the outcome of my application?

If the Attorney General decides to direct an inquest, you will be sent a letter from the Attorney setting out his reasons for directing the inquest along with a copy of his Direction to the Senior Coroner to arrange the holding of an inquest.

In addition to the Attorney's direction, the Senior Coroner will be sent a copy of the Attorney's letter to you. We may also seek your consent to forward your written submissions to the Senior Coroner, if these have been provided.

If the Attorney General refuses your application, a lawyer in the office will write to you setting out the reasons for the refusal.

A decision by the Attorney General not to exercise his powers under section 14(1) of the 1959 Act is not final and the matter can be re-visited should relevant evidence come to light or further submissions be received.

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