



# Inquests

Answers to some common questions



### **What is an inquest?**

An inquest is a fact-finding inquiry held by a Coroner. Its purpose is to establish who has died and how, when and where the death occurred.

An inquest cannot establish civil or criminal liability or apportion blame, although the coroner can pass the evidence to the police or Crown Prosecution Service if this suggests someone may be responsible for the death.

### **What is a coroner?**

A coroner is an independent judicial office holder who must either be a qualified lawyer or doctor.

Coroners investigate deaths that have been reported to them if it appears that:

- The death was violent or unnatural
- The cause of death is unknown
- The person died in prison, police custody or another type of state detention

### **Who may report a death to a coroner?**

- Doctors
- The police
- A registrar of deaths e.g. if the cause of death appears to be due to industrial disease or poisoning

If you believe a death should be considered by the Coroner, you can report the matter yourself.

What happens once a death is reported to a coroner?

If the coroner decides that an investigation is necessary, a pathologist will normally carry out a post-mortem examination of the body.

What happens after the post-mortem examination?

If the cause of death remains unknown, or the coroner believes that the deceased died a violent or unnatural death or died in prison, he must hold an Inquest.

However, the coroner will normally allow a burial or cremation to take place before the Inquest takes place.

### **What is a pre-inquest review?**

Before an Inquest, the coroner may decide to hold one or more hearings known as 'pre-inquest reviews' (PIR).

These will normally occur in cases where the circumstances of the death are complex or legal discussion about the scope of the Inquest is required.

The coroner will invite you to the PIR and you will have a chance to comment on what you consider the Inquest should cover. Interested parties should always ask a coroner to prepare an agenda before the PIR takes place.

PIRs are usually held in public, but if the matter is particularly complex, this may be carried out privately.

### **When will the inquest take place?**

An Inquest should be held as soon as practicable and normally within six months of the date the death has been reported to the coroner, if possible.

However, depending on the complexity of the case, an Inquest may not take place until 12 months or longer after the date of death.

### **Where will an inquest be held?**

This can vary. In larger cities there will be a specific Coroner's Court, whereas in London one Coroner's Court could cover a number of boroughs. In smaller towns inquests may be held in the Magistrates' Courts, a town hall or a police station.

### **Who can attend an inquest?**

Inquests are nearly always held in public.

After the date for the Inquest is arranged, 'interested persons' will be informed of the date by the Coroner's Officer.

'Interest persons' include, for example, a spouse, civil partner, partner, parent, child, sibling, grandparent, grandchild, stepfather and stepmother. They can also include statutory bodies, hospitals or insurance companies affected by the death.

If you choose to attend, you may be accompanied by a family member or friend for support. In many Coroners' Courts, volunteers from the Coroners Courts Support Service (a registered charity) may be on site to offer further support.

Inquests are held in the public interest and not on behalf of any individual, therefore it is not always necessary for the bereaved relatives to attend if they may find the experience too distressing.

### **Will there be a jury at an inquest?**

The vast majority of Inquests will be held without a jury, however there are certain circumstances when a jury must be called, including:

- If the death occurred in prison or in police custody
- If the death resulted from an accident at work

At a jury Inquest, the coroner will decide the matters of law and procedure and the jury will consider the facts of the case and reach a verdict.

### **Who decides which witnesses to call?**

The coroner will decide who should be called to give evidence and also the order evidence is given in. However, the coroner may be open to considering other witnesses if sufficient reasons are given, in good time, as to why their evidence is relevant.

### **Do witnesses have to attend?**

Witnesses who live in England and Wales must attend if they have been called, whereas witnesses who live abroad cannot be compelled to attend or give evidence.

A witness will usually be asked to attend voluntarily, however if they do not agree, a formal summons will be issued. If the witness does not attend following the formal summons, they may be charged with contempt of court, which is an offence that is punishable by a fine or imprisonment.

### **Who can ask the witnesses questions?**

The coroner will usually question a witness. Following this, any interested person or their legal representative may put forward questions to a witness. The coroner will decide whether the questions are relevant.

It is often advisable to make a list of questions that you wish to have answered before the Inquest and send these to the coroner in advance so that he or she can have time to consider them.

### **Do I need representation at an inquest?**

You do not need to instruct a solicitor to represent you at an Inquest, however you may prefer to, especially if there is a possibility of other legal proceedings after the Inquest.

### **Is Legal Aid available?**

Legal advice and assistance under the Legal Help scheme may be available provided you qualify financially.

To find out if you qualify, you will need to contact the Civil Legal Advice Line on 0845 345 4345

### **What are the different conclusions or outcomes?**

At the end of the Inquest, the coroner (or the jury) will reach a number of determinations on the facts and a conclusion about how the death occurred.

In doing so, they may use one of the following terms:

- Accident or misadventure
- Alcohol/drug-related
- Industrial disease
- Lawful/unlawful killing
- Natural causes
- Open (used in cases where there is insufficient evidence for any other outcome)
- Road traffic collision
- Stillbirth
- Suicide

The coroner or jury may issue a short 'narrative' conclusion setting out the facts surrounding the death in more detail and explaining the reasons for the decision.

### **What can I do if I am unhappy with the outcome of the inquest?**

It is possible to challenge a coroner's decision or the outcome of the Inquest. However, it is advisable to seek advice from a lawyer or a bereavement support organisation before doing so.

You will need to make an application to the High Court for judicial review of the coroner's decision, which should be done as soon as possible and must be done within three months of the end of the inquest.

### **What if future deaths may be prevented?**

At the end of the inquest, a coroner may come to the conclusion that something could have been done to prevent the death or could have been done to prevent other deaths.

In this event, the coroner must write a "report to prevent future deaths". This report should be sent for the attention of any organisation that may have the authority to take necessary action. All interested persons will receive a copy of the report and of any responses.

The organisation must provide the coroner with a written response to the report within 56 days and confirm what action it has taken.

### **Will the press and media provide a report of the Inquest?**

As inquests are public hearings, journalists may attend and write a report on what happened at the inquest.

If a report is considered to be a fair and accurate description of what occurred it cannot be used to sue for defamation.

In any case, journalists working for newspapers or magazines must follow the Editors' Code of Practice, upheld by the Press Complaints Commission (PCC). The PCC sets out rules for cases involving grief and shock and publications in these circumstances must be handled in a sensitive manner.

### **What about other legal proceedings?**

As previously explained, an Inquest does not apportion blame, however, it is not unusual for civil proceedings to follow and a claim for damages may be brought.

For further advice or information please contact:



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