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Mrs G M MacKenzie

**Code A**

19 March 2009

Dear Mrs MacKenzie

**Mrs Gladys Richards:**

As you will be aware from my Coroner's Officer's phone conversation with you, yesterday I opened an Inquest into Mrs Richards' death.

I am now starting my own investigation into the circumstances of her death which will culminate in an Inquest hearing.

As I'm sure you're aware, an Inquest is a fact finding exercise for the Coroner to be able to answer a number of questions about the death in the verdict after all the available and relevant evidence has been heard. Rule 36 of the Coroners Rules 1984 governs the matters that are to be ascertained at an Inquest –

“36(1) The proceedings and evidence at an Inquest shall be directed solely to ascertaining the following matters, namely –

- a) who the deceased was;
- b) how, when and where the deceased came by his death
- c) the particulars for the time being required by the Registration Acts to be registered concerning the death.

(2) Neither the Coroner nor the jury shall express any opinion on any other matter.”

Rule 42 of the Coroners Rules 1984 goes on to state –

“42 No verdict shall be framed in such a way as to appear to determine any question of –

- a) criminal liability on the part of a named person, or
- b) civil liability"

I believe that it is most important at this stage in my investigation to make absolutely clear what are the legal parameters of an Inquest. I know from your previous correspondence that you are critical of aspects of the police investigation into Mrs Richards' death. However, from what I have said above about the scope of the Inquest set out by law, I hope you will appreciate that an examination of police actions after her death cannot be part of the proceedings or verdict at the Inquest.

If you are to be legally represented at the Inquest, it would be most helpful if you could appraise me of the fact and who your legal representatives are at the earliest opportunity. Should you make an application for legal aid for such representation, I would have no objection to supporting your application.

I will now consider the evidence which is available to me concerning Mrs Richards' death to ascertain whether any further evidence needs to be gathered and to decide which persons should be required to give evidence at the Inquest. My starting point will be the evidence already provided to me by the police and also what you have told me in previous correspondence. I will keep you informed of the progress I am making.

At present, it is not possible for me to say when the Inquest hearing will take place nor how long it will last. Those decisions will have to be made in the light of what I decide will be the evidence for the Inquest. Nonetheless, it would assist me at this stage if you could let me have your views as to which persons you consider could assist the Inquest in relation to the matters referred to in Rule 36 of the Coroners Rules.

There is one other matter I need to mention at the moment. You told my Coroner's Officer you wanted the Inquest heard before a jury. Again, this is a matter governed by law. Section 8(3) of the Coroners Act 1988 provides –

- "(3) if it appears to a Coroner, either before he proceeds to hold an Inquest or in the course of an Inquest begun without a jury, that there is reason to suspect –

- a) that the death occurred in prison or in such a place or in such circumstances as to require an Inquest under any other Act;
- b) that the death occurred while the deceased was in police custody, or resulted from an injury caused by a police officer in the purported execution of his duty;
- c) that the death was caused by an accident, poisoning or disease notice of which is required to be given under any Act to a government department, to any inspector or other officer of a government department or to an inspector appointed under Section 19 of the Health and Safety at Work Act 1974; or
- d) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public, he shall proceed to summon a jury in the manner required by Section 8(2)."

From the evidence available to me at the moment, the only one of the above categories which might possibly apply to the circumstances of your mother's death would be that set out in Section 8(3)(d). Hence a decision on this point is for me, as Coroner, to make. I intend to make that decision when I have completed the evidence gathering part of my investigation and I will, of course, inform you of my decision.

Yours sincerely

**Code A**

David C Horsley

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