

<p>1 Thursday, 23 February 2017 2 (10.30 am) 3 Proceedings 4 THE CORONER: Yes, good morning to you all. 5 This is the second pre-inquest review hearing. The 6 first was held on 28 November of last year, and 7 essentially that one was adjourned for resolution of the 8 applications on behalf of some of the families for Legal 9 Aid. 10 Some progress has been made, but the timing has been 11 such that the objective of this hearing today -- the 12 prime objective -- to consider the extent of the scope 13 of the inquests has had to be postponed. 14 That is unfortunate, but at least some progress has 15 been made, both in the Legal Aid applications and the 16 agreement over some of the issues, and a solicitor has 17 now been appointed to act as part of the independent 18 legal team for the Coroner. That is Mr Suter, who is 19 sitting here. I have made clear before and I make clear 20 now that these inquests will be thorough and 21 independent. 22 Looking ahead and at the timescale, I do also want 23 the inquests to be held, if at all possible, in the 24 autumn from late September. I would ask everybody -- 25 the lawyers particularly -- to bear that in mind.</p> <p style="text-align: center;">Page 1</p>	<p>1 Paul Rowlands, Paul Bodman, Paul Bridgewater and 2 Michelle Sealey, Claire Luckman, Stanley Bennett, George 3 Jones, Pauline Curzon(?), Sean Reilly and the Chief 4 Constable of West Midlands Police. 5 THE CORONER: Yes. And I shall hear any further 6 applications for interested person status after the 7 issue of scope has been determined. 8 COUNSEL TO THE INQUESTS: Yes, sir, which will be after the 9 hearing in May when your direction is given, which will 10 be reserved, I anticipate. 11 THE CORONER: Yes. 12 So does anybody wish to say anything else about that 13 issue for now? 14 Item 2? 15 COUNSEL TO THE INQUESTS: Item 2 is scope. The critical 16 issue for present purposes which, as you have said, sir, 17 was originally intended to be determined today following 18 submissions, in light of the fact that the funding 19 position has unfortunately not yet been resolved for the 20 families, ie the Legal Aid has not yet been granted but 21 applications as we understand it have been made and will 22 be determined we hope shortly on an expeditious basis, 23 submissions on that issue will be deferred until May and 24 the decision made thereafter. 25 We hope, certainly from our perspective this side of</p> <p style="text-align: center;">Page 3</p>
<p>1 I have a duty to the families of those who died, and to 2 the community of Birmingham and the wider public, to 3 move forward to conclusions in these inquests. 4 So there is an agenda for today which can be made 5 available if anybody wishes to see it later, but we 6 shall work to that agenda. So Mr Skelton would you like 7 to start, please? 8 COUNSEL TO THE INQUESTS: Sir, thank you. I think the first 9 issue on the agenda is the identity of interested 10 persons. That issue is clearly closely related to the 11 scope of the inquests which has not yet been 12 determined -- 13 THE CORONER: Yes. 14 COUNSEL TO THE INQUESTS: -- and will be determined after 15 the hearing this May according to your direction. 16 THE CORONER: Yes. 17 COUNSEL TO THE INQUESTS: For present purposes, there are 18 therefore no significant changes to those who are 19 identified in Mr Suter's letter of 1 February 2017 in 20 terms of who are interested persons. 21 THE CORONER: Yes. 22 COUNSEL TO THE INQUESTS: There are those here who may have 23 things to say about whether or not they anticipate being 24 interested persons, but in summary it will for present 25 purposes be Julie Hambleton, William Craig, Paul Thrupp,</p> <p style="text-align: center;">Page 2</p>	<p>1 the room, that the decision will be made with sufficient 2 time that the legal representatives of the families can 3 get to grips with the material and make their 4 submissions. 5 THE CORONER: Yes. 6 COUNSEL TO THE INQUESTS: We understand that the Ministry 7 which is the recipient of those applications will deal 8 with them expeditiously but of course we have no 9 guarantees of that. 10 THE CORONER: Yes. 11 Ms Kemish, do you want to say anything? 12 MS KEMISH: My learned friend will speak. 13 MR McGOWAN: Thank you, sir. 14 There is nothing really to add except to say that 15 six full applications have been lodged at present. 16 There are three further that will be lodged, but we have 17 been assured that they are being processed as quickly as 18 possible and we are very grateful for that. Hopefully 19 they will be processed in sufficient time for the next 20 hearing. 21 THE CORONER: Thank you very much. 22 Ms Hill? 23 MS HILL: Nothing further, sir. 24 THE CORONER: Thank you. 25 COUNSEL TOTHE INQUESTS: Issue 3, sir, is the engagement of</p> <p style="text-align: center;">Page 4</p>

1 Article 2 of the European Convention.
 2 You have previously indicated that your provisional
 3 view was that Article 2 was engaged, as indeed was the
 4 view of the Senior Coroner who had conduct of the
 5 applications.
 6 THE CORONER: Yes.
 7 COUNSEL TO THE INQUESTS: I don't have any submissions to
 8 make to you further than those I have made before on
 9 that. I think there is no dissent in respect of that
 10 view as I understand it.
 11 THE CORONER: Yes.
 12 I can't see Ms Hill while you are standing up.
 13 I can see her now. Yes, thank you.
 14 COUNSEL TO THE INQUESTS: Sir, I think there may be
 15 a hearing problem at the back, I gather.
 16 THE CORONER: Yes.
 17 COUNSEL TO THE INQUESTS: I'm going to try to speak a bit
 18 more loudly.
 19 THE CORONER: I am sorry about that. For those of you who
 20 are at the back, I did ask for amplification today but
 21 it has not quite worked out for one reason or another.
 22 So I will do my best to speak up and I will ask counsel
 23 and solicitors to do their best to speak up too.
 24 Yes, I am minded to say, Mr Skelton, that this will
 25 be an Article 2 inquest, and to say that now. I am

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1 satisfied on the material available so far, not least
 2 the advance notice issues identified by the Senior
 3 Coroner in her ruling on 1 June of last year, that
 4 Article 2 is engaged.
 5 There is nothing I am likely to see later that will
 6 be likely to disengage Article 2, so I am prepared to
 7 say now -- and I think it is good to say it now -- that
 8 this will be an Article 2 inquest in the sense, for
 9 example, that the inquests will inquire into what
 10 circumstances the deceased came by their deaths under
 11 Section 5(2) of the Coroners and Justice Act 2009, and
 12 the findings and conclusions may be judgmental, which
 13 otherwise they would not be. So I propose to make that
 14 decision and I do make that decision today.
 15 MS KEMISH: Sir, may I say we welcome that view.
 16 THE CORONER: Thank you.
 17 MS HILL: The same for us, sir.
 18 THE CORONER: Thank you.
 19 Yes, fourth?
 20 COUNSEL TO THE INQUESTS: The fourth issue is whether a jury
 21 will be required for the inquests in due course.
 22 THE CORONER: Yes.
 23 COUNSEL TO THE INQUESTS: Likewise, as I understand it,
 24 there is no dissent that that is likely to be the
 25 position in law under the Act.

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1 THE CORONER: Yes.
 2 In those circumstances, I am also going to say today
 3 that a jury will be summoned for these inquests. This
 4 is clearly a jury case on any basis, either on the
 5 mandatory basis under section 7(2)(b)(i) of the 2009
 6 Act, or on the discretionary basis under section 7(3)
 7 that there is sufficient reason, which there is in my
 8 judgment, for summoning a jury. So I will make that
 9 order today.
 10 COUNSEL TO THE INQUESTS: Sir, in light of that order
 11 certain practicalities will arise. I am not in
 12 a position to make detailed submissions on them today,
 13 but an issue will be jury questions, since we clearly
 14 will want a jury which is suitable for the purpose of
 15 determining the answers that will be posed to them in
 16 due course.
 17 THE CORONER: Yes.
 18 COUNSEL TO THE INQUESTS: That is something which your legal
 19 team, Mr Suter and counsel, will start work on, and we
 20 will liaise with the interested persons and others with
 21 a view to providing appropriate communications to
 22 potential jurors.
 23 THE CORONER: Yes. I am not expecting any response today,
 24 but what I will have in mind are in the first stage
 25 broad questions to go out with the summons for

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1 a response on which the Coroner will decide, and then
 2 questions later at the time of the swearing in of the
 3 jury at the beginning of the inquests.
 4 COUNSEL TO THE INQUESTS: Sir, the next matter, item number
 5 5, is disclosure of evidence and other information
 6 relevant to your investigation and inquest.
 7 Mr Suter from Fieldfisher was appointed as Solicitor
 8 to the Inquests about four weeks ago and that issue of
 9 disclosure is clearly one which is firmly within his
 10 sights. The first thing that we are initiating is
 11 effectively an audit of what material has previously
 12 been provided to the court and to those persons who were
 13 interested in the application process which led to the
 14 resumption of the inquests.
 15 That is something which we will do on your behalf --
 16 the legal team that is -- in liaison in particular with
 17 West Midlands Police, who were the principal providers
 18 of material, and that is in hand. We will also liaise
 19 with the interested persons and others to see what
 20 material they have received or have otherwise provided
 21 to the court with a view to providing a definitive list
 22 of that material.
 23 THE CORONER: Yes.
 24 COUNSEL TO THE INQUESTS: And then auditing what everyone
 25 has and ensuring everyone has parity of documents

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<p>1 et cetera.</p> <p>2 THE CORONER: Yes. I think that is particularly important,</p> <p>3 to make sure that I know what has been disclosed to the</p> <p>4 Coroner and I know what has been disclosed to various</p> <p>5 potential interested persons, and what has not been</p> <p>6 disclosed, so that we have a very clear picture of that</p> <p>7 and can look at that. So that will be very helpful.</p> <p>8 COUNSEL TO THE INQUESTS: Alongside that, your legal team</p> <p>9 will consider whether or not it is appropriate to</p> <p>10 initiate an electronic database system --</p> <p>11 THE CORONER: Yes.</p> <p>12 COUNSEL TO THE INQUESTS: -- in order to facilitate</p> <p>13 disclosure and analyses of disclosed documents. As yet</p> <p>14 we have not reached a firm view as to the</p> <p>15 proportionality and cost of that option. It clearly is</p> <p>16 utilised in major inquests on a routine basis but it</p> <p>17 depends on the degree of disclosure et cetera. But we</p> <p>18 will liaise with those who have provided material and</p> <p>19 others in respect of that and hopefully have an update</p> <p>20 on that certainly long before May.</p> <p>21 So far as disclosure is concerned, it may be that</p> <p>22 others have submissions to make which I may need to</p> <p>23 respond to, but I was not proposing to say any more</p> <p>24 on it at this stage, save for the fact that disclosure</p> <p>25 for present purposes is designed to facilitate</p> <p style="text-align: center;">Page 9</p>	<p>1 adopting my learned friend's submissions, simply to say</p> <p>2 at the outset that we welcome the proposal for a clear</p> <p>3 audit.</p> <p>4 We have come to proceedings rather later than my</p> <p>5 learned friend and those she represents, but having</p> <p>6 conducted some exercise of comparison we can identify</p> <p>7 material that appears to have been before the Coroner</p> <p>8 for the previous legal argument that we have not seen.</p> <p>9 THE CORONER: Yes.</p> <p>10 MS HILL: It also appears that there was material that</p> <p>11 perhaps was not seen by any of the IPs in relation to</p> <p>12 which decisions around sensitivity were made.</p> <p>13 We have not yet seen any reasoned decisions why</p> <p>14 material had been made available to the Coroner that was</p> <p>15 not made available to the interested persons, so we</p> <p>16 welcome that audit process. We will of course assist as</p> <p>17 we see fit, but as with my learned friend we would press</p> <p>18 for as much disclosure as possible ahead of the scope</p> <p>19 argument.</p> <p>20 THE CORONER: Thank you.</p> <p>21 COUNSEL TO THE INQUESTS: Item number 6, sir, is matters for</p> <p>22 investigation, clearly tied up with scope intricately.</p> <p>23 For present purposes, sir, the position we advocate</p> <p>24 is that we anticipate that those matters which the</p> <p>25 Senior Coroner relied upon in her ruling as the proper</p> <p style="text-align: center;">Page 11</p>
<p>1 submissions on scope, as opposed to investigating</p> <p>2 matters which are within scope. There will have to be</p> <p>3 a review of disclosure which is relevant to matters in</p> <p>4 the scope after May.</p> <p>5 THE CORONER: Yes.</p> <p>6 MS KEMISH: Sir, if I may speak for the families who are</p> <p>7 represented by KRW: in terms of the disclosure process</p> <p>8 we are very keen to be engaged as fully as possible.</p> <p>9 THE CORONER: Yes.</p> <p>10 MS KEMISH: And I understand that we will be, so I'm</p> <p>11 grateful to your team, sir.</p> <p>12 We wish -- and again we will discuss this in due</p> <p>13 course with your team -- to possibly put in requests for</p> <p>14 disclosure. Obviously that is a matter for you, sir,</p> <p>15 whether you will then request that that disclosure is</p> <p>16 obtained and further down the line what happens to that</p> <p>17 disclosure, whether it is served on interested parties</p> <p>18 or if it is deemed not relevant.</p> <p>19 We wish the disclosure search to be as wide as</p> <p>20 possible in order that the terms of the scope are again</p> <p>21 as broad as possible but, for the record, we will assist</p> <p>22 as much as we can with the process and ensure that it is</p> <p>23 carried out with all due expediency on our part.</p> <p>24 THE CORONER: Thank you.</p> <p>25 MS HILL: Sir, I have relatively little to add short of</p> <p style="text-align: center;">Page 10</p>	<p>1 basis for resuming the inquests -- in other words the</p> <p>2 advance notice question or issue -- are highly likely to</p> <p>3 fall within scope. I don't think there is any dissent</p> <p>4 again from those people in the room in respect of that,</p> <p>5 and investigations may properly be initiated in respect</p> <p>6 of those issues in order for time not to be lost between</p> <p>7 now and a final decision on scope.</p> <p>8 Full investigation of matters that are not presently</p> <p>9 within scope cannot properly continue in any detail in</p> <p>10 the intervening period prior to a ruling, but there are</p> <p>11 some, if I may call it, loose ends which may be tied up</p> <p>12 with some state organisations and the Solicitor to the</p> <p>13 Inquiry has initiated steps to do that.</p> <p>14 May I just explain one of those matters? It was</p> <p>15 raised as a potential issue in the application process</p> <p>16 that there was a suggestion that the state may have</p> <p>17 covered up advance notification of the bombings -- this</p> <p>18 is the state other than the West Midlands Police -- or</p> <p>19 have covered up information relating to an informant in</p> <p>20 order to protect that informant.</p> <p>21 Questions were asked of three central government</p> <p>22 departments by the Senior Coroner in correspondence in</p> <p>23 respect of those issues. When I say "three government</p> <p>24 departments", for clarification I mean the Secretary of</p> <p>25 State for Defence, the Secretary of State for the Home</p> <p style="text-align: center;">Page 12</p>

<p>1 Department and the Secretary of State for Foreign and 2 Commonwealth Affairs. Although there was a short hiatus 3 while the application process proceeded, the Senior 4 Coroner reinitiated those requests, and in October the 5 Government Legal Department answered those requests in 6 writing stating that all appropriate government 7 departments had conducted searches for information 8 relevant to the requests and nothing of relevance had 9 been found. 10 Those answers are the subject of ongoing discussion 11 between the Coroner's -- your -- legal team and the 12 Government Legal Department with a view to understanding 13 further the nature of the work that was done to answer 14 those requests and to check the answers. That process 15 is ongoing. 16 At the same time, the Solicitor -- 17 THE CORONER: That is in your role as independent counsel 18 and solicitors as part of my independent legal team. 19 COUNSEL TO THE INQUESTS: Precisely. Yes, sir. 20 At the same time, in order to ensure that the 21 questions were directed to all appropriate bodies of the 22 state -- not just West Midlands Police and the three 23 government departments -- the Solicitor to the Inquiry 24 has written to the Police Service of Northern Ireland, 25 the Prison Service and the Metropolitan Police Service</p> <p style="text-align: center;">Page 13</p>	<p>1 in the context of other major inquests, Hillsborough 2 being a recent example, and the idea from our 3 perspective would be to bring to the attention of the 4 jury a summary, possibly in statement form, possibly 5 accompanied by photographs, of each individual who lost 6 their life during the attacks: who they were, what their 7 circumstances were, and how they came to be where they 8 were on the day of the attacks. 9 That will be done with close liaison with the 10 family's representatives. It is up to them, of course, 11 if they do not want certain material to come before the 12 court. It is irrelevant. But others may want to 13 provide a full picture of their loved ones and their 14 lost lives. So that kind of work will go on behind the 15 scenes over the forthcoming months in addition to the 16 more overt material that is relevant to scope. 17 THE CORONER: Yes. 18 MS KEMISH: Sir, we are confident that that process will be 19 dealt with sensitively and individually. 20 THE CORONER: Yes. 21 MS KEMISH: Some individual family members may wish not to 22 have very much information made public, others may. We 23 are grateful for my learned friend's comments about the 24 sensitivity of the approach that will be adopted. 25 THE CORONER: Yes, thank you. Yes, that is important.</p> <p style="text-align: center;">Page 15</p>
<p>1 along similar lines asking similar questions and we will 2 await the answers to those questions in due course. 3 So those, sir, are my proposals in respect of the 4 investigatory steps that can be taken. 5 THE CORONER: Yes. 6 COUNSEL TO THE INQUESTS: Again I will reserve my position 7 and respond potentially to others who have things to say 8 on those issues. 9 THE CORONER: Yes. 10 I think at the same time, if I may say so, 11 Mr Skelton, this is not a "stop here" process. There 12 are a number of areas which are not likely to be in 13 dispute of evidence which will be required for the 14 inquests and I expect that that process of collecting 15 evidence, assessing the evidence, seeing whether further 16 evidence is required in relation to those issues will 17 continue. 18 COUNSEL TO THE INQUESTS: Yes, sir. I have not mentioned 19 all perhaps the uncontroversial steps that we are 20 proposing to take. 21 THE CORONER: Yes. 22 COUNSEL TO THE INQUESTS: But one example which I think is 23 a critical example is to seek information about those 24 that died. 25 It is our understanding that that course was taken</p> <p style="text-align: center;">Page 14</p>	<p>1 Mr Skelton, the post-mortem reports? 2 COUNSEL TO THE INQUESTS: Sir, there was a request in 3 respect of the post-mortem reports for disclosure of 4 those. 5 THE CORONER: Yes. 6 COUNSEL TO THE INQUESTS: They are clearly relevant evidence 7 because they are the medical account of how each 8 individual came about his or her death. 9 There are however, of course, sensitivities that 10 attach to them. They are bluntly written scientific 11 documents and it is appreciated by your team that the 12 recipients of those reports may find them distressing. 13 THE CORONER: They are distressing, yes. 14 COUNSEL TO THE INQUESTS: Indeed, sir. 15 At present, it is proposed that 20 of the 21 16 post-mortem reports be circulated by the Solicitor to 17 the Inquests to interested persons in the first instance 18 and ongoing discussions will take place in respect of 19 the last of those to ensure that the sensitivities of 20 the family are properly considered. 21 THE CORONER: Yes, I wanted the families to see them first, 22 obviously. That was important for those families we 23 have contact with because of their nature. 24 COUNSEL TO THE INQUESTS: The other issue, of course, sir, 25 will be expert evidence. We have not -- again because</p> <p style="text-align: center;">Page 16</p>

1 of the scope issue being yet to be determined -- taken
 2 a position on counsel's side as to which experts the
 3 court will require in order to discharge your statutory
 4 functions. But that is something we will put under
 5 active consideration and in due course no doubt you will
 6 hear submissions from interested persons as to which
 7 experts they consider to be appropriate medical or
 8 otherwise.
 9 THE CORONER: Yes.
 10 MS KEMISH: Yes, sir. On that point, once we are served
 11 with any expert evidence if then we could be given the
 12 opportunity obviously to have some input into that
 13 process and perhaps suggest further lines or further
 14 questions to be posed to that expert in order that the
 15 expert report or conclusions at the end are as full as
 16 possible.
 17 THE CORONER: Yes. Thank you.
 18 Ms Hill?
 19 MS HILL: No, thank you.
 20 THE CORONER: Can I just come back to scope for a moment?
 21 I have not decided yet, but I have in mind to set
 22 out a list of about 25, 30 items which could come within
 23 scope or could fall without scope, so that they could be
 24 considered.
 25 I will draw that list from what is obvious from the

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1 Senior Coroner's letter after the decision which she
 2 made in June to resume the inquests where she invited
 3 submissions about scope; from the submissions of
 4 interested persons and potentially interested persons
 5 who have raised issues which touch upon scope, so that
 6 hopefully it will cover -- for the time being at least,
 7 if I decide to do this -- the full potential issues of
 8 scope so they can be considered, argued for or against.
 9 But I will give that some consideration and discuss that
 10 with the legal team, so you may expect that document to
 11 come in due course if I make that decision.
 12 Yes, next?
 13 MS KEMISH: Sorry, sir, if I could just interrupt?
 14 If we could perhaps be put on notice of that? So if
 15 you, sir, would not mind if it could be a provisional
 16 list --
 17 THE CORONER: Yes.
 18 MS KEMISH: -- we may need to refine the submissions we did
 19 before --
 20 THE CORONER: Yes.
 21 MS KEMISH: -- in light of developments.
 22 THE CORONER: I think I did use the word "provisional".
 23 MS KEMISH: Provisional.
 24 THE CORONER: Yes.
 25 MS KEMISH: And then we may have the opportunity, sir, to

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1 put in some further submissions for your consideration
 2 then for full argument?
 3 THE CORONER: What I put forward will be for discussion and
 4 submission in any event.
 5 MS KEMISH: Thank you, sir. Thank you very much.
 6 THE CORONER: But you will have it in sufficient time so
 7 that you can make some submissions before the next
 8 hearing so that everybody will know what you would like
 9 to have on the list which was not on the list, for
 10 example.
 11 MS KEMISH: Sir, we will ensure they are focused. We are
 12 aware that you have a small team.
 13 THE CORONER: I am sure they will be focused.
 14 Yes, next?
 15 COUNSEL TO THE INQUESTS: Sir, items 7 and 8 are
 16 respectively the provisional list of witnesses and jury
 17 bundle.
 18 Again, tied intimately with scope, yet to be
 19 determined. Of course, you and your team will keep
 20 under active consideration which witnesses are likely to
 21 fall within scope.
 22 THE CORONER: Yes.
 23 COUNSEL TO THE INQUESTS: I have already identified one
 24 issue which is going to be within scope from our
 25 perspective and where we can already start to look at

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1 the witnesses that might be relevant to that issue.
 2 THE CORONER: Yes.
 3 COUNSEL TO THE INQUESTS: Likewise with the jury bundle
 4 which is tied up with the issue of disclosure and
 5 I don't propose to discuss that further.
 6 THE CORONER: Yes. While we are looking and thinking about
 7 the issues of scope which will be considered in the next
 8 hearing, clearly the list of witnesses is in mind, and
 9 later the jury bundle will be in mind.
 10 So perhaps 10 before 9: date of the next pre-inquest
 11 review hearing?
 12 COUNSEL TO THE INQUESTS: The proposal for that, sir, would
 13 be Wednesday, 31 May.
 14 In advance of that it will clearly be necessary for
 15 interested persons and others to provide their written
 16 submissions on the matters that will be dealt with,
 17 primarily of course the issue of scope. It would be the
 18 intention of Counsel to the Inquests to respond to those
 19 issues in writing in advance so that the interested
 20 persons and others can consider our views.
 21 The proposed date for written submissions would be
 22 10 May, so three weeks before if that is feasible, with
 23 our written responses by the 19th to give the court and
 24 all those who are likely to be present at the PIR
 25 sufficient time to digest them.

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1 It is clearly a very important issue. There will be
 2 matters of law, practicality, principle and evidence to
 3 be dealt with in those submissions and they will require
 4 quite some time to process.
 5 THE CORONER: Yes. All right, thank you.
 6 I have already referred to the date of the inquests.
 7 Is there anything you want to add about that?
 8 COUNSEL TO THE INQUESTS: No, sir. Just for completion, for
 9 a further pre-inquest review where you will give your
 10 ruling openly and deal with matters in relation to
 11 scope, we would suggest 29 June, so about a month after
 12 the next PIR.
 13 THE CORONER: I will consider giving my decision in writing
 14 before then.
 15 COUNSEL TO THE INQUESTS: Indeed, sir. Then that will make
 16 it possible for the IPs and indeed for your counsel to
 17 address you on investigatory steps, et cetera.
 18 THE CORONER: Exactly.
 19 COUNSEL TO THE INQUESTS: So far as the date of the inquests
 20 is concerned, sir, you have already indicated that you
 21 are minded to aim, as has always been the case, for the
 22 end of September this year.
 23 THE CORONER: Yes.
 24 COUNSEL TO THE INQUESTS: That will be our target date and
 25 remains our target date.

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1 We will of course address you on that when it
 2 becomes apparent what matters are within or without
 3 scope. I don't think I can say more than that today.
 4 THE CORONER: Yes.
 5 COUNSEL TO THE INQUESTS: No one else has to address you on
 6 that either.
 7 THE CORONER: I am sure counsel will not be backward in
 8 coming forward if they need to say anything.
 9 COUNSEL TO THE INQUESTS: I am sure they won't.
 10 Item number 11 is a matter of law.
 11 THE CORONER: Yes.
 12 COUNSEL TO THE INQUESTS: A case was determined recently by
 13 the High Court, Mr Justice Singh and indeed the Lord
 14 Chief Justice, in respect of the Senior Coroner for
 15 Norfolk. The relevance of that case I hope is apparent
 16 to those lawyers who have read it. It is about whether
 17 or not it is appropriate for the Coroner's Court to
 18 re-investigate matters which another independent state
 19 agency has looked into.
 20 I don't propose to address you in detail on the
 21 legal principles of that now. That again is a matter
 22 which will be held over for scope, but you have drawn
 23 your attention to the relevance of that decision and no
 24 doubt those that will be submitting to you in due course
 25 will have considered it and will have something to say

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1 about it.
 2 THE CORONER: Yes. It may not be relevant at all but it
 3 does need to be raised, I think, having been a recent
 4 decision. The extent and effect of the decision is
 5 perhaps not yet widely known or appreciated, but it may
 6 or may not have any significance for us.
 7 Yes. Any other matters?
 8 COUNSEL TO THE INQUESTS: Sir, some minor matters from my
 9 perspective, I think.
 10 The Solicitor to the Inquiry is considering
 11 initiating a website which we hope will be up and
 12 running in due course. I am afraid I can't give a date
 13 for that but that is the plan, so that there will be
 14 a public face on the internet for the inquests which we
 15 hope will assist all.
 16 We are also in the process of drafting some
 17 protocols, one of which may include a protocol for our
 18 liaison with West Midlands Police on an ongoing basis.
 19 You will recall, sir, from the last PIR, that both
 20 West Midlands Police and we, on your behalf, were keen
 21 to ensure that there could not be any question of their
 22 position being compromised or in any way non-independent
 23 going forwards. Therefore we need to have it clear for
 24 those who are represented here and for the public that
 25 that is going to be the position and that documents,

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1 witness statements and the like will be dealt with
 2 according to a process which is readily understood by
 3 anyone.
 4 I don't have any proposals to put before you today,
 5 but that is something which hopefully by next time will
 6 be in position.
 7 We also anticipate from West Midlands Police that
 8 they have what they call Submission 6 to provide further
 9 disclosure. We expect that will be forthcoming shortly
 10 and we suggest that you make it part of your directions
 11 that that can be released by 24 March at the latest.
 12 Just for clarity, Submission 6 is by reference to
 13 submissions that were previously made to the Senior
 14 Coroner in the context of the application process, but
 15 that material has now of course become relevant to the
 16 actual inquests since they were ordered. So it is the
 17 six submission by West Midlands Police for the purpose
 18 of your investigations.
 19 Sir, I don't think there is anything more from me.
 20 THE CORONER: Anybody else?
 21 MS KEMISH: No, thank you, sir. All our questions have been
 22 answered, thank you.
 23 MS HILL: Thank you, sir.
 24 THE CORONER: And those who have been silent so far?
 25 No? Thank you.

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<p>1 MR DAVIES: Remain silent. 2 THE CORONER: Yes, thank you very much. 3 So just let me give some brief directions. I have 4 directed that this will be an Article 2 inquest and that 5 a jury will be summoned. 6 In addition, I direct that further disclosure by 7 West Midlands Police, known as Submission 6, shall be 8 provided to the Coroner by 4.00 pm on Friday, 24 March. 9 That 20 out of the 21 post-mortem reports be 10 disclosed, but only to those who have signed the fresh 11 confidentiality undertakings. That has mostly been 12 done, I understand, so those who have not are encouraged 13 to do so. 14 My legal team are instructed to make further 15 inquiries on the consequence of the government searches 16 which Mr Skelton referred to. The persons or 17 organisation and organisation listed at page 1 of 18 Mr Suter's letter of introduction of 1 February of this 19 year, those persons are to be from now interested 20 persons. Others, if they so wish, should apply after 21 the decision on scope. 22 So matters to be decided after the scope decisions 23 include further interested person status for anybody or 24 any organisation; a list of witnesses for the inquests 25 including expert witnesses, and in due course a jury</p> <p style="text-align: center;">Page 25</p>	<p>1 (11.08 am) 2 (The inquest adjourned until Wednesday, 31 May 2017) 3 I N D E X 4 Proceedings1 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 27</p>
<p>1 bundle of paper documents and other items for the jury 2 to be used in front of the jury for their purposes; 3 questions for prospective jurors both at the summoning 4 stage and at the stage of just before being sworn in 5 court; the length of the inquests. I think those are 6 the principal issues for now. 7 Points raised by KRW Law under the heading recently 8 of "Matters for further investigation" shall be 9 considered for further investigation. 10 The date of the next hearing will be Wednesday, 11 31 May, with a further provisional date for a further 12 pre-inquest review hearing on 29 June. 13 So for the next hearing on scope particularly, or on 14 other issues which may arise, submissions from those who 15 wish to make them to the Coroner in writing by 16 Wednesday, 10 May, and the Coroner's team to make their 17 submissions by Friday, 19 May. 18 Meanwhile, as I have indicated, there will be 19 further investigation work. We are all working towards, 20 hopefully, these inquests commencing towards the end of 21 September depending to some extent upon scope. 22 Anything else? 23 MS KEMISH: No, thank you, sir. 24 THE CORONER: Thank you very much. Thank you all for 25 coming.</p> <p style="text-align: center;">Page 26</p>	

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