

Pre-Inquest Review Hearings

KEY MATERIALS

Legislation

[Coroners \(Inquests\) Rules 2013](#)

Introduction

1. A Pre-Inquest Review hearing (PIR) is an administrative case management hearing to ensure that an inquest is managed effectively, efficiently and openly. In many straightforward cases a PIR will not be required as directions can either be dealt with at the inquest's opening or non-contentious matters can be dealt with on the documents alone with directions handed down by email. However, a PIR hearing will usually be required for the more complex investigations, particularly where there are contentious decisions to be made on a point of law or other issues that need to be aired in open court.

Timing of a PIR

2. A coroner may hold a PIR at any time during the course of their investigation before the inquest hearing commences.¹ Those who are clearly entitled to be Interested Persons (IPs) under [s.47\(2\) Coroners and Justice Act 2009](#) (the Act) should have been identified well in advance of the first PIR and have been notified of its date and time.
3. The key elements of a PIR include:
 - an agenda in advance;
 - the hearing;
 - formal rulings and directions (giving oral/written reasons where appropriate);
 - minutes or a note of the outcomes and directions for future actions.

¹ See [Coroners \(Inquests\) Rules 2013, r.6](#)

PIR agenda

4. The agenda for a PIR should usually be provided to all the IPs at least two weeks in advance of the hearing to allow IPs sufficient time to prepare for the hearing and, where they have a legal representative, provide that representative with instructions.
5. Best practice is to also provide IPs with disclosure of all the available relevant documents, reports and witness statements well before distributing the PIR agenda. This allows timely written submissions on any items to be made in advance of the hearing, if appropriate. Although advance disclosure is sometimes not achievable, in its absence a PIR will be far less effective.
6. The PIR agenda will need to be tailored to the requirements of a particular case. The common items that may need to be considered for inclusion on the agenda include:
 - the identity of (additional) IPs
 - the scope of the inquest
 - whether the procedural obligations of Article 2 ECHR are engaged
 - whether a jury is required
 - matters for further investigation
 - outstanding disclosure - both to and by the coroner
 - a provisional list of witnesses (including any evidence to be read)
 - any special measures required for witnesses
 - devising a bundle of selected core documents for use during the inquest
 - index for a jury bundle (if required)
 - date and length of the inquest
 - venue and any practical arrangements for hearings
 - date of the next PIR (if required)
7. An agenda that does no more than recite the list of items above without any further information or indication of the coroner's preliminary view on the agenda items will be of little value. Good practice, where appropriate, is for the coroner to indicate a provisional view on relevant matters. This will assist IPs to focus their own submissions and not waste time dealing with matters that are uncontentious.

8. Below are some examples of how to express a provisional view within the PIR agenda:

- Jury: my provisional view, subject to any representations at the PIR, is that a jury is required. Applying the low threshold test to s.7(2)(b)(i), Coroners and Justice Act 2009, there is ‘reason to suspect’ that this death resulted from an omission of a police officer. Alternatively, if that threshold is not met, I may be minded to exercise my discretion under s.7(3);
- Scope: my provisional view, subject to any representations at the PIR, is that the scope of the inquest will include the following matters: [*set out a list*]. Please will IPs give thought to this list and be ready to make any oral representations upon it at the hearing;
- Witness List: I attach a provisional list of witnesses, setting out whether I propose to hear oral evidence or read their statements. I would like to hear the views of IPs at the hearing before I make any final decisions.

9. There is more than one way that a PIR can be structured. In a routine case, where there is no dispute as to who should be offered the status of an IP, it may be appropriate to begin by noting and recording that status. Where a matter is more complex it may be preferable for the PIR to be ‘issue-led’, particularly where the identification of a central issue as part of determining the inquest’s scope might, in turn, affect who may be considered an IP.

10. In more complex cases additional agenda items may be required. Typical examples include:

- anonymity of witnesses
- public interest immunity
- need for an interpreter
- disclosure of CCTV or body worn video evidence
- viewing the scene
- exclusion of public from part of the inquest (where national security matters arise).

11. The PIR also provides an opportunity to remind professional advocates that they should familiarise themselves with the resources and competence obligations set out on the [Solicitors Regulation Authority](#) and [Bar Standards Board](#) websites for those practising in the Coroners Court. Coroners may even wish to note this upon the PIR agenda.

Submissions to the court

12. It is often sufficient for submissions on PIR agenda items to be made orally at the hearing. However, IPs might also be invited to respond to the PIR agenda in writing in advance of the hearing and to indicate whether the coroner's provisional view is agreed or is disputed, with detailed reasons provided where there is dispute. Such forewarning of attendees' positions is likely to assist the coroner (and other IPs) in preparing for the hearing and focussing submissions. A date by which those submissions are to be provided can be directed when the PIR agenda is distributed.
13. Written submissions from IPs that have not been solicited by the coroner may, on occasions, be filed with the court and should be taken into consideration by the coroner. It is, however, of little assistance to the coroner if written submissions are only filed very shortly before, or at, the PIR hearing.

Service of written submissions on other IPs

14. There is an important principle of open justice that any written submission or application on matters of substance made to a coroner (indeed submissions made to any judge in any court) should be served on all other IPs at the same time as they are filed with the court. It should be the primary responsibility of the person making the submission or application to serve their own submissions on all the other IPs. IPs should not expect the coroner's office to carry out that administrative task for them unless they are unaware of the identity or contact details of another IP.
15. This principle should apply to any communication in which any representation is made to the court on a matter of substance or procedure, but does not apply to communications that are purely routine, uncontentious and administrative. In addition an IP should not be required to disclose or copy a communication to other IPs if there is

a compelling reason for not doing so – but where service is withheld on this basis the IP filling a unilateral communication with the court should make the reason for this clear to the coroner within their communication.² As has been stated in the context of the civil courts:

‘it is a cardinal principle of the conduct of proceedings before the Court that, absent an identified compelling reason, a party's communications with the Court on matters of substance or procedure (unless they are purely routine, uncontentious or administrative) must always be copied to the other parties to the proceedings. It is inappropriate, and unjust, to seek to communicate with the Court without this transparency.’³

The PIR hearing

16. [Rule 11\(3\)](#) requires that any PIR must be held in public. The date of the hearing should be notified to IPs and published in advance.
17. [Rule 11\(5\)](#) permits the press and public (but not the IPs) to be excluded from a PIR if the coroner considers it would either be in the interests of justice or in the interests of national security to do so. This provision is different in respect of an inquest hearing. The press and public may only be excluded from an inquest on a single ground: where such exclusion is in the interests of national security (under [rule 11\(4\)](#)). Therefore on the day an inquest is to be held it will sometimes be preferable to commence the day in court with a PIR rather than immediately commencing the inquest itself. This will allow sensitive administrative matters to be privately discussed in the absence of the press and public if the interests of justice so require (such as the power to restrict reporting pursuant to section 39 of the Children and Young Persons Act 1933 or to hold a [Ground Rules Hearing](#)⁴ in respect of a vulnerable witness where aspects of a confidential medical condition may need to be discussed). However, the primary consideration should be open justice, and so consideration should be given to whether

² Whilst this principle of open justice is not formally embodied in the Coroners Rules, it reflects the Civil Procedure Rules at [CPR 39.8](#).

³ per Fordham J in [Bell v Brabners LLP \[2021\] EWHC 560 QB](#)

⁴ See Bench Book Chapter: Witness Evidence [\(link\)](#)

there is another way the coroner might maintain the hearing fully in public (such as using reporting restrictions if necessary and available).

18. There will be occasions when the physical presence of advocates in the court room for a PIR is deemed necessary by the coroner. However, where appropriate and practicable, attendance of IPs and their representatives at a PIR by way of video-conferencing facilities should be offered. Particularly when the PIR will be brief, it may not be proportionate to require the attendance of IPs or their lawyers in person.
19. No evidence should be called at a PIR. Neither an IP nor a witness can be compelled to attend a PIR. Indeed, the only circumstances when any person can be required to attend the court before an inquest is where a coroner has issued a notice under [schedule 5 para 1\(1\)\(b\) of the Act](#) requiring a person to attend at the coroner's court at a specified time to produce documents in their custody or control which relate to a matter that is relevant to an inquest. The designated time could coincide with a PIR. However such a step will generally only become necessary if there has already been a refusal by the person concerned to provide the requested documents voluntarily.
20. The coroner should take care not to appear to express a final or determined view about any aspect of the evidence discussed at a PIR where the matter will need to be subject to a finding of fact (whether by the coroner or a jury) at the later inquest.
21. Coroners will be more formal on some court occasions, less formal on others, depending on the circumstances. Inevitably, longer inquests with a number of represented IPs will require more formality of structure. PIR hearings or shorter inquests may be less formal. But all hearings will be conducted with appropriate dignity. At each court hearing the coroner will behave appropriately, bearing in mind that the coroner is an independent judicial office holder, acting in public and in the public interest, and in a way that provides open and accessible justice.

Rulings and minutes of the PIR

22. The PIR must be recorded and the recording kept. Although it is unusual for transcripts of a PIR to be produced, it is helpful to provide all IPs with a written note or minute of

the PIR that records who attended, the key points raised, any agreed actions, and any decisions, rulings or directions made. If felt necessary, a formal directions order might be drafted and served on all the IPs.

23. A ruling on any contested issue at the PIR should be accompanied by brief reasons for the coroner's decision. Giving reasons may be unnecessary where there is agreement between IPs. Alternatively, where the coroner needs time to consider a decision, rulings can be provided to IPs in writing after the PIR has concluded. It is preferable if this is done promptly and certainly within seven working days of the hearing.
24. Where a legal ruling has been made in advance of a PIR and already handed down in writing to IPs, it is good practice to read out that ruling aloud in public at the PIR (or to read it in public at the outset of the inquest if no PIR follows). In substantial high media profile inquests it may be appropriate for the coroner's rulings to be published on the coroner area's website.

Court attire

25. To maintain consistency across England and Wales and reflect best practice, robes should not be worn by coroners during PIRs or inquest hearings (this includes gown, bands, wig, or a combination of them).
26. Counsel and solicitors should not be expected to wear robes at coroners' courts.
27. Robes may be worn by coroners for formal or ceremonial occasions, including swearing-in ceremonies,⁵ provided that the person in charge of the event agrees this is appropriate. The wearing of robes for formal or ceremonial occasions should never be mandatory.
28. With the exception of appearing in photographs of formal or ceremonial occasions, a coroner should not be photographed in robes for any public purpose, including in images on the coroner area's website.

⁵ There should be no differentiation between Senior Coroners, Area Coroners and Assistant Coroners in relation to the types of robes that are worn.