

INTERESTED PERSONS

KEY MATERIALS

Legislation

[Coroners and Justice Act 2009](#)

[Coroners \(Investigations\) Regulations 2013](#)

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

Other Guidance:

[A Guide to Coroners Services for Bereaved People](#)

Introduction

1. There are no ‘parties’ in an inquest as the coronial investigatory process is inquisitorial rather than adversarial, with the duty to investigate falling on the coroner. It is therefore the coroner, at times sitting with a jury, who conducts the inquest proceedings. However, some individuals or organisations have a proper interest in the proceedings and so are given some rights to participate in the investigation and inquest. They are known as Interested Persons, most often abbreviated to IPs.
2. There are several categories of those entitled to IP status which are set out in [s.47\(2\) Coroners and Justice Act 2009 \(the Act\)](#).

Family members and partners: s.47(2)(a)

3. A wide range of the deceased’s family members are entitled to be IPs in the inquest. Section 47(2)(a) includes immediate family members (spouse, parents, children and siblings) as well as step-parents, half-siblings, grandparents and full nieces and nephews of the deceased.

4. This sub-section does not include some blood relatives, such as aunts or uncles of the deceased. Close relatives falling outside s.47(2)(a) may, however, still be afforded IP status under the discretionary provision in s.47(2)(m). As was said in *Driscoll*.¹

it seems reasonable to conclude that close blood relations of a deceased who were in contact with him immediately before he died would have a genuine and proper interest in participating in the process of ascertaining how he died.
5. Marital and civil partners have an automatic right to be an IP under s.47(2)(a) as do ‘partners’ who have no formal legal relationship. Partner is defined in s.47(7) as those ‘living as partners in an enduring relationship’ (whether of the same or a different sex). There is no explicit requirement of cohabitation.
6. Save for partners, there is no requirement to show any on-going social or emotional connection with the deceased at the time of their death to fall within s.47(2)(a). There is no residual discretion on the part of the coroner to refuse anyone IP status once the s.47(2) criteria are met.
7. Whilst the shorthand term ‘next of kin’ is often used to describe the person within a bereaved family with whom the coroner’s office will make contact, the term ‘next of kin’ has no legal definition and there is no primacy amongst those who fall within s.47(2)(a). Pragmatically, coroners will ask their coroner’s officer to assist with identifying the person who is best suited to act as the primary family contact, that person need not be the deceased’s closest relative.
8. In practice, therefore, a coroner will often only have one point of contact within the bereaved family, who will be content to share relevant information with others.² However, the right to be an IP under s.47(2)(a) is a right of each of the individual relatives named in the statute, and so IP status and the rights that come with it must be accorded individually to each one who so requests.

¹ *R v HM Coroner for South London ex p Driscoll* (1995) 159 JP 45.

² See [Guide to Coroner Services for Bereaved People](#) at para 1.7 which suggests that the bereaved might nominate one point of contact ‘where possible’ and to advise the coroner’s officer if that is not possible, such as where there is a divided family.

9. It is not necessary for the coroner to proactively seek out and make contact with every potential bereaved family member listed in s.47(2)(a). The practice in some jurisdictions to ask the family member who is the primary contact with the coroner's office to provide, in writing, the name of every person in the family who *might* fall within s.47(2)(a) and to sign a declaration that they have each been informed of their rights as an IP is also an unnecessarily formal step, which may be experienced as burdensome by those having recently suffered a bereavement. It will usually suffice for verbal enquiries to be made by the coroner's officer as to whether the primary family contact is an appropriate contact point for all those within the bereaved family who might wish to be IPs. That person should be asked to advise the coroner's officer if that is not the case and whether any other family member who might wish to be an IP should be contacted separately.
10. Lawyers representing the bereaved understandably often use the shorthand of saying they represent 'the family', but coroners should be careful not to assume that 'the family' is one cohesive unit. There is no legal obligation upon family members who are IPs to act in unison or to instruct the same lawyers.³ It is therefore good practice at the commencement of any court hearing to ask a legal representative who says they are 'acting for the family' to make clear on whose behalf they are instructed. Where there are a number of bereaved who wish to be considered IPs under s.47(2)(a), care should be taken to ensure all are kept updated.⁴

³ Albeit in those cases where public funding is available it will generally only be provided for one set of legal representatives.

⁴ See [*Chambers v HMC Preston and Lancashire*](#) [2015] EWHC 31 (Admin), [2015] Inquest Law Reports 1, where a legal representative was wrongly understood to be appearing for 'the family' when actually instructed only by the deceased's mother and brother. The deceased's daughter had some months earlier asserted her right to be an IP, but an administrative error resulted in her not being notified of the inquest which went ahead without her. The Divisional Court found this was a procedural irregularity in the inquest process, albeit in the wider context of the facts of that case it was not sufficiently material to require a fresh inquest to be held.

A personal representative of the deceased: s.47(2)(b)

11. The term ‘personal representative’ is not defined in the Act or the subordinate legislation, but is defined elsewhere as the person who, after the death, has obligations to administer the deceased’s estate.⁵ This will be the executor of the will or the administrator of the estate of someone who has died intestate.

A medical examiner: s.47(2)(c)

12. As s.48 of the Act clarifies, this subsection refers to medical examiners appointed under s18A (Medical Examiners: England) and s18B (Medical Examiners: Wales) of the Act.

Insurers and beneficiaries of insurance: s.47(2)(d-e)

13. Whilst it is rare for a beneficiary of a life insurance policy not to be a family member who would anyway have IP status under s.47(2)(a), this will not always be the case. Sub-section s.47(2)(d) extends IP status to any beneficiary of a life insurance policy, including those who may only have a commercial relationship with the deceased.
14. Sub-section 47(2)(e) recognises that the insurer issuing a life insurance policy will have an interest in understanding or establishing how the death came about.⁶ Section 47(2)(e) applies only to the insurer who issued a policy of insurance that was specifically ‘issued on the life of the deceased’, but many coroners will, on request, also accord IP status under s.47(2)(m) to those who issued an insurance policy against which a third-party claim is being made as a result of the death.

⁵ Section 55(1)(xi) of the Administration of Estates Act 1925

⁶ See for example the inquest into the death of Alexander Perepilichnyy, a Russian businessman who took out significant life insurance before his death: *Secretary of State for Home Dept v HM Senior Coroner for Surrey (1) Mrs T Perepilichnaya, (2) Hermitage Capital Management, (3) Legal and General Assurance Co Ltd as Interested Parties* [2016] EWHC 3001 (Admin), [2016] Inquest Law Reports 289.

Those whose actions may have contributed to the death: s.47(2)(f)

15. Under s.47(2)(f) anyone who may by their act or omission have caused or contributed to the death of the deceased, or whose employee or agent may have done so will be entitled to IP status.
16. There is no requirement for the act or omission to be a culpable one. It is the mere fact of the involvement in the death that triggers the right to be an IP.
17. The use of ‘may’ in the subsection implies only possibility, the coroner need not be satisfied that the person probably caused or contributed to the death before affording IP status to them.
18. Where an organisation or public body is afforded IP status under s.47(2)(f) because of an individual employee’s actions or omissions then that employee will invariably be entitled to IP status in their own right. Offering IP status to the employer does not obviate the need to inform the individual employee of their own legal rights. It will, therefore, be prudent for the coroner (through the employer if appropriate) to ascertain whether the individual employee has been informed of their right to be an IP and whether they wish to exercise the right.⁷ There is no obligation to take up those rights and so, in the absence of some conflict⁸ with their employer, many individual employees will not wish to avail themselves of IP status, but they should nevertheless be informed that the right exists.

A trade union representative: s.47(2)(g)

19. In cases of deaths at work or from industrial disease a representative from the deceased’s relevant trade union may exercise the rights of an IP.

⁷ See also §37-41 below.

⁸ The existence of any conflict is, however, wholly irrelevant to whether the individual comes within s.47(2)(f).

A representative of an enforcing authority or government department: s.47(2)(h) and s.47(2)(l)

20. Following a work-related death the Health and Safety Executive (HSE) may assert their IP rights under this sub-section, although the extent to which the HSE actively participates in the inquest may be limited.
21. Similarly, deaths in care homes and hospitals may attract the attention of the Care Quality Commission (CQC), particularly as since April 2015⁹ the CQC has had enhanced powers as a prosecuting authority.

A Chief Constable or Provost Marshal: section 47(2)(i) and (j)

22. A Chief Constable may be an IP where s.47(3) applies, and a homicide offence may have been committed.
23. Similarly, under subsection 47(4) a Provost Marshal may be an IP where there has been a service equivalent of a homicide offence.

Any other person with sufficient interest: s.47(2)(m)

24. IP status may be offered to any person who the coroner thinks has a ‘sufficient interest’. This term is not defined in statute but ‘sufficient’ and ‘interest’ are ordinary words that should be given their ordinary English meaning, with each application determined on its facts. The term is similar to that used in the earlier legislation of ‘any other person who, in the opinion of the coroner, is a properly interested person’¹⁰ and so cases decided under the Coroners Act 1988 (the 1988 Act) remain good law.
25. Most applicants for IP status under s.47(2)(m) will have known the deceased or have had some connection with the specific events surrounding the death being inquired into. Every case will be fact sensitive and must be judged on its own

⁹ See the [Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#)

¹⁰ [Rule 20 Coroners Rules 1984](#) (no longer in force).

merits taking account of the specific circumstances. That an applicant for IP status was a survivor victim of the same incident or events that led to the death being inquired into has previously been found not to be sufficient of itself to justify that status. The understandable desire to explore matters that almost led to one's own death and/or the centrality of one's evidence as a witness will rarely justify IP status without more. But where the survivor may themselves be criticised or the survivor was the pre-planned intended target of a lethal attack, these may be factors pointing towards offering IP status.¹¹

26. On occasions, a coroner may be asked to consider an application for IP status under this sub-section from an individual or special interest group who had no direct connection to the deceased or the events surrounding the death. The principles to be applied will be the same in each case.

27. In *Driscoll*¹² Kennedy LJ made it clear that the term 'interested' should not be narrowly construed, although having 'idle curiosity' was not sufficient.

The coroner is conducting an inquest, which as its name suggests is not adversarial, but it is a public inquiry and there is a public interest in not shutting out anyone who would seem to have a proper interest...

... What must be shown is that the person has a genuine desire to participate more than by the mere giving of relevant evidence in the determination of how, when and where the deceased came by his death. He or she may well have a view he wants to put to the witnesses, but there is no harm in that. Properly controlled it should assist inquisitorial function.

As Pill LJ also said:

it imports not only the notion that the interest must be reasonable and substantial, and not trivial or contrived, but in my judgment also the notion that the coroner may need to be satisfied that the concern of the person seeking to intervene is one genuinely directed to the scope of an inquest.

¹¹ See the Northern Irish decision: *In the matter of an application by Christopher Cummings for Judicial Review* [2023] NIKB 47

¹² *R v HM Coroner for South London ex p Driscoll* (1995) 159 JP 45

28. The expression ‘sufficient interest’ is therefore not to be read in a technical way but equates to a reasonable and substantial interest in the inquest. As with any exercise of any discretion, the decision must be arrived at on reasonable grounds after having considered all relevant matters and disregarded any irrelevant ones.
29. In cases brought under the 1988 Act, the Administrative Court confirmed the principle that the categories of IPs in the other sub-paragraphs are to be used as a guide;¹³ and further, that the word ‘interested’ is not to be given a narrow or technical meaning and is not confined to a proprietary right or financial interest in the estate of the deceased. It could cover a variety of concerns about or resulting from the circumstances in which the death occurred.¹⁴

Giving consideration to who should be an IP

30. Neither the Act nor the relevant statutory instruments set out any procedure for the formal recognition of someone as an IP. Those who have been afforded IP status will usually be identified as such by the coroner at the outset of the investigation and, where relevant, their position will be publicly noted at the opening or at an initial PIR hearing and be reflected in the formal record of the directions issued by the coroner.
31. Regulation 6 of the [Coroners \(Investigations\) Regulations 2013](#) requires a coroner to inform the next of kin and any personal representative of the deceased that an investigation has been commenced under s.1 of the Act. There is no formal requirement to notify *every* IP that an investigation has commenced, although it is good practice to do so.
32. The [Coroners \(Inquests\) Rules 2013](#) at 9(2) and 10(1) require a coroner to give notifications about the inquest hearing and any PIR to those IPs ‘*who have made themselves known to the coroner.*’

¹³ *R v Coroner for the Queen’s Household ex p. Al-Fayed* [2000] Inquest Law Reports 50.

¹⁴ *R (Platts) v HM Coroner South Yorkshire (East)* [2008] Inquest Law Reports 78 para 4; *R (Southall Black Sisters) v HM Coroner for West Yorkshire* [2002] EWHC 1914 (Admin) para 48

33. It is suggested, however, that the principles of natural justice require potential IPs to be proactively notified of their rights by the coroner in so far as is practicable. In a case decided under the 1988 Act, the Administrative Court held that there had been both irregularity of proceedings and insufficiency of inquiry when an inquest was held without proper notification to a properly interested person.¹⁵
34. Many of those who may be at risk of criticism at an inquest will, through their acts or omissions, have possibly caused or contributed to the death, in which case they will fall within the provisions of s.47(2)(f). Where a person or organisation does not fall under this subsection, that they are likely to have their conduct or decision-making criticised during an inquest might justify the coroner exercising the discretion to offer IP status under s.47(2)(m).
35. In inquests following a homicide conviction the perpetrator of the homicide will always be entitled to IP status. Neither sensitivity to the bereaved nor the potential administrative and practical difficulties involved in convening an inquest in which an incarcerated IP wishes to participate can justify failing to inform the perpetrator of their right to be an IP.¹⁶
36. Where an IP who is detained in a prison or secure psychiatric hospital wishes to participate in the investigation and inquest then arrangements may need to be made with the management of the detaining institution dealing with the detainee's access to paper or electronic copies of inquest documents. Any arrangements for the IP's remote attendance at a PIR or the inquest should be made with the institution well in advance of the hearing.

¹⁵ *Dowler v HM Coroner North London* [2009] Inquest LR 260

¹⁶ The family of a deceased killer is, however, not usually accorded the status of IP in the inquests into their victims. See as an example ruling on this point that of HHJ Lucraft QC in the [Fishmonger's Hall inquests in 2020](#).

Individual IPs employed by corporate IPs

37. One group who are often overlooked when consideration is given to IP status are the individual staff members within an organisation or public body that has itself been recognised as an IP.
38. Where an unnatural death occurs in a prison or in a hospital a significant number of prison staff or health care professionals may have been involved in the patient's care. Many will be called to give evidence as mere witnesses, however some may also come within the s.47(2)(f) category of those 'whose act or omission may have caused or contributed to the death'.
39. Employing organisations are sometimes slow to consider alerting their individual staff to their IP rights, particularly if the organisation perceives no conflict of interest with its employee. The individual's right, however, under s.47(2)(f) to be an IP separate from their employer is not founded upon any conflict of interest.
40. Equally, it can happen that individual employees falling within s.47(2)(f) do not alert their employer (who may be unknown to the coroner) to an inquest taking place.
41. Early consideration of this group of potential IPs can obviate the risk that the late identification of an IP who would want to exercise their IP's rights will lead to delay of the proceedings or an application to overturn the inquest after it has concluded.

The rights of an IP

42. Being an IP is a right and not an obligation. A person entitled to claim IP status may choose not to do so, in which case the coroner may then proceed as if they were not an IP, unless and until the right is re-asserted. A person who has foregone their IP's rights may still, of course, be called as a witness.
43. The key rights that come with interested person status under the [Coroners \(Inquests\) Rules 2013](#) include:

- to be given advance notification of hearings and be informed of adjournments – rules 9(1), 9(2), 10(1) and 25(2);
- to be provided with witness statements and other documents relevant to the inquest – rules 13, 14 and 15;
- to examine witnesses – rule 19;
- to make submissions to the coroner regarding the inquest procedure and conclusions – rules 17 & 18);
- to be told of the date time and place of a post-mortem examination if the IP has asked to be told – reg 13(3).¹⁷

44. It is for the individual IP to decide which of their rights they wish to exercise. In some cases the bereaved may not wish to receive pre-inquest disclosure of distressing documents, such as a post-mortem examination report. Disclosure should always be offered to IPs, particularly as unrepresented IPs may not otherwise be aware of their right to request disclosure under rule 13. However, disclosure only need be provided to an IP if it is requested.

Questioning and legal submissions by those who are not IPs

45. Whilst IP status creates a right to ask relevant questions of a witness under rule 19, neither the rules nor the common law limit the categories of person whom a coroner may permit to make legal submissions or to question witnesses.
46. Those who are not afforded IP status may still have a legal representative present at an inquest and that representative may, with the coroner's permission, ask questions or make submissions on matters of law or procedure to the coroner, where appropriate. This was recognised by Hallett LJ who permitted the survivors of the London Bombings of 7th July 2005 to make submissions at the victims' inquests despite refusing to recognise the survivors as having IP status. The absence of IP designation also does not prevent one approaching

¹⁷ But which does not carry a right to attend the PME in person unless the IP is also a medical practitioner.

independent Counsel to the Inquest to request that arguments and legitimate lines of inquiry are pursued.¹⁸ In addition rule 21(c) envisages that a witness may be represented and his or her advocate may ask questions of him or her, even if that witness does not have IP status.

47. When a coroner instructs Counsel to the Inquest who questions witnesses the coroner is exercising a case management power to allow a person who is not an IP to ask questions.

¹⁸ See also *In the matter of an application by Christopher Cummings for Judicial Review* [2023] NIKB 47 at §40