



Attorney General for Northern Ireland

Mr Alastair Ross MLA
Chairman
Committee for Justice
Room 242 Parliament Buildings
Stormont Estate
Ballymiscaw
Belfast BT4 3XX

Our Ref: 18/05/13/012

Date: March 10 2015

Dear Chairman,

**Re : Justice Bill 2014-Proposed Amendment to the Coroners Act
(Northern Ireland) 1959**

I refer to my letter dated 23 December 2014 and to my subsequent appearance before the Justice Committee. As you will recall I asked the Committee to consider an amendment to the Bill which would provide the Attorney General with a power to require health or social care providers to produce documentation or to provide information relevant to a decision whether or not to exercise the power to direct an inquest pursuant to section 14 of the Coroners Act (Northern Ireland) 1959. I understand that the response of the Health and Social Care Board was that the amendment was unnecessary and that the present system was sufficiently robust to ensure that the interests of justice would be properly served.

In my letter I referred to the fact that my request for access to Trust documentation in one particular case was met with a request to know my legal authority for accessing the documents in question. As you will be aware, it is my view that, in the event of meeting a refusal to provide such documentation, I have no legal power to access such documents and information, no matter how relevant they may be to the exercise of my statutory power under section 14.

It has recently come to my attention that I am not alone in having encountered difficulties in obtaining documentation from health care providers which is necessary for the exercise of a statutory duty. I have recently become aware of evidence given to the Coroners Court by a PSNI officer in the inquest relating to the death of Sean Paul Carnahan in July 2013 which indicates that the police had encountered similar difficulties. It was reported in the Belfast Telegraph on 18 February 2015 that a police officer giving evidence before the coroner in that case told the court at a preliminary hearing that "*inquiries were being stifled because the Belfast Health and Social Care Trust had repeatedly refused to provide important papers including patient medical records.*" In that case it was reported that the Senior Coroner Mr Leckey made an order that the Trust provide documentation, including medical records to the PSNI, Coroners Service and the legal representatives of the next of kin.

I think that this case focuses attention on the lacuna in the law which the proposed amendment is intended to fill. In the Carnahan case, because the inquest was before the court, the PSNI had available to them a remedy for the alleged failure to provide the documentation in question. The Coroner was able to make an order that the documents/information be produced. Where no inquest is before a coroner, no such remedy exists. The suggestion that the remedy is to order an inquest is an impractical one and would lead to inquests being directed in circumstances where the simple provision of information might well have satisfied me that no such direction would be necessary. Needless to say, to add to the pressure upon the Coroners Service by directing inquests simply as a means to obtain documentation which could easily have been provided at an earlier stage, is not a procedure which anyone would consider to be in the public interest.

Yours sincerely

John F Larkin

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