

Jonathan Craig MLA
Chair of Performance Committee

Date: 1 May 2014

Mr Paul Givan MLA
Chair of the Justice Committee
Room 242
Parliament Buildings
Stormont
BT4 3ZZ

Dear Paul

LEGAL AID AND CORONERS' COURTS BILL

At its meeting on 17 April 2014 the Performance Committee considered the Justice Committee's consultation on the Legal Aid and Coroners' Courts Bill.

The Performance Committee noted that during the briefing to the Justice Committee on 13 March 2014, a Department of Justice official committed to provide additional information regarding the provisions in the Bill relating to the Coroners' Courts. I would be grateful if this information could be shared with the Performance Committee. The Committee would be particularly interested to know what the role and remit of the presiding coroner will be and whether he/she will be responsible for managing the ongoing issue of delay in relation to legacy inquests. If the Justice Committee is able to provide any additional information in this regard, it would be appreciated.

The consultation letter from the Justice Committee advises that the Attorney General for Northern Ireland has proposed a potential amendment to the Bill. The Attorney General has the power under the Coroners Act (Northern Ireland) 1959 to direct an inquest into a death where he considers it 'advisable' to do so. Mr Larkin has advised the Justice Committee that he has experienced some difficulty in recent years in securing access to documents that he has needed. His proposed amendment to the 1959 Act would confer on the Attorney General a power to obtain papers and it would provide a statutory basis for disclosure. Mr Larkin has indicated to the Justice Committee that the principle focus of his concern is deaths that occur in hospital or where there is a suggestion that medical error may have occurred.

The Performance Committee noted that the Attorney General for Northern Ireland's power to direct an inquest is not limited to deaths involving hospital/medical failings and there is no time limit as regards the date of death. For example, it was reported in 2013 that the Attorney General had ordered a new inquest into the Kingsmill massacre of 1976; and earlier this year it was reported that he had ordered a new inquest into the death of Thomas Friel who was killed by a rubber bullet in Derry/Londonderry in 1973. The Performance Committee would therefore be grateful to receive clarity on the nature of the Attorney General's proposed amendments – would they enable the Attorney General to obtain only certain types of documents, such as medical records, and only in respect of certain types of cases, such as medical cases, or would he be empowered to obtain any documents connected with any death in respect of which the Attorney General is considering directing an inquest?

The Committee looks forward to hearing from you. I would be grateful if you would copy your response to the Board's Director of Policy, Peter Gilleece.

Yours sincerely



Jonathan Craig MLA
Chair of Performance Committee

cc. Ms Christine Darrah, Clerk to the Committee for Justice