



Attorney General for Northern Ireland

Ms Christine Darrah
Clerk to the Justice Committee
Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
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Our Ref: 18/05/14/001

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Dear Christine

Legal Aid and Coroners' Courts Bill

Thank you for your letter of 4 April seeking views on the above Bill and the Attorney's proposed amendment. Having reflected further on the draft amendment, the Attorney would suggest that the Committee, if it is in agreement with the substance of the proposal, adopt an amended text.

The main change, as can be seen from the new text below, is to clearly provide a statutory basis for disclosure to the Attorney of papers relating to deaths, for example, in a hospital over a certain period so that he can then consider whether he should exercise his section 14 (1) power to direct an inquest in any particular case. The text proposed initially could have been interpreted as only applying to papers relating to a specific death of which the Attorney was already aware. The second change is designed to restrict the scope of the power to information or documents which relate to the health or social care provided to the deceased. Finally, this text adopts a more modern drafting approach to information held electronically.

The Attorney's proposed amendment now reads as follows (drafted as an insertion into the Coroners Act (Northern Ireland) 1959:

Provision of information to Attorney General for purposes of section 14

14A.—(1) The Attorney General may, by notice in writing to any person who has provided health care or social care to a deceased person, require that person to produce any document or give any other information which in the opinion of the Attorney General may be

relevant to the question of whether a direction should be given by the Attorney General under section 14.

2) A person may not be required to produce any document or give any other information under this section if that person could not be compelled to produce that document or give that information in civil proceedings in the High Court.

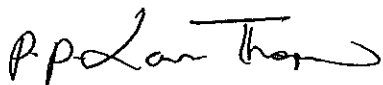
(3) In this section—

“document” includes information recorded in any form, and references to producing a document include, in relation to information recorded otherwise than in legible form, references to providing a copy of the information in a legible form;

(4) A person who fails without reasonable excuse to comply with a requirement under this section commits an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

If the Committee wish to discuss any aspect of this proposed clause or the Bill as a whole with the Attorney then please do not hesitate to contact me.

Yours sincerely



Maura McCallion
Division Head