



Attorney General's Office

Attorney General's Office
20 Victoria Street
London
SW1H 0NF

T +44 (0)20 7271 2502
F +44 (0)20 7271 2433

www.gov.uk/ago

Richard Card

By e-mail

8th January 2014

Dear Mr Card,

Re: Mary McGill (deceased)

I am writing in response to your request that we conduct a review of Attorney General's decision in respect of whether or not to grant his fiat (under section 13 Coroners Act 1988) in relation to the inquest in respect of Mary McGill (deceased).

The Solicitor General has undertaken a review of that decision and has concluded that the previous decisions rejecting your applications to this Office respect of this inquest should be upheld. In particular, he has concluded that it is not appropriate to grant a fiat in this case or for either him or the Attorney General to make an application to the High Court under s. 13(1)(b) Coroners Act 1988.

Detail

You submitted a Freedom of Information request to this Office on 1st May 2013 asking for information in relation to the inquest in respect of Mary McGill. That request included a request that we review the previous decision not to grant you a fiat. You clarified his request in further e-mails on 1st May and 3rd June 2013. This Office responded to your FOI request on 4th June 2013 and we agreed to undertake a review of the Attorney General's earlier decision in respect of the above inquest.

As you have pointed out in the above e-mails you have previously made a number of unsuccessful applications to this Office seeking a fiat in respect of the above inquest.

The basis for your current application for a review of the Attorney General's previous decision in relation to this case is contained in your e-mails to this Office dated 1st May 2013 and 3rd June 2013. You have also referred to your affidavit dated 11th December 1995.

Applications to re-open inquests are governed by section 13(1)(b) of the Coroners Act 1988. The test under section 13(1)(b) of the Coroners Act is: "...that (whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the

discovery of new facts or evidence or otherwise) it is necessary or desirable in the interests of justice that another inquest should be held".

The Solicitor General has considered the points you have raised in the e-mails referred to above. He notes that more than forty years have elapsed since the original inquest. The courts can take account of lapse of time when deciding whether a new inquest is desirable or necessary in the interests of justice. The court stated in Sutovic¹ that:

"The lapse of time since the death is a factor that has generally been seen as a factor against ordering a further inquest (see *ex parte Homberg* and *Re Tabarn* 20 January 1998 (Div Court), per Simon Brown LJ Transcript p 10) but this is not always so: see *Nicholls v HM Coroner for the City of Liverpool* [2001] EWHC 922 (Admin), paras 49-50, 59 per Sullivan J."

Moreover, on the basis of the information you have provided, it is very unlikely that the High Court would accept that it is necessary or desirable in the interests of justice to re-open the inquest the above test was met after such a long period of time.

In light of the above, the Solicitor General has concluded that that it is not appropriate to grant a fiat in this case or for either him or the Attorney General to make an application to the High Court under s. 13(1)(b) Coroners Act 1988. Accordingly, he has concluded that the previous decisions rejecting your applications to this Office in respect of this inquest should be upheld.

Other Issues

You have also asked us to ask the Suffolk Police to check the Stefania Bronk Deceased case file to see if similar bruising is recorded in relation to her autopsy. Even if Suffolk Police still hold a copy of that file, we do not think it would be an appropriate use of resources for this Office to make such enquiries given the significant lapse of time since the original inquest.

Yours sincerely



Sam Duffett

D +44 (0)20 7271 2502

E Samuel.Duffett@attorneygeneral.gsi.gov.uk

¹ *Sutovic v HM Coroner for the Northern District of Greater London* [2006] EWHC 1095