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### GUIDANCE ON HOLDING INQUESTS IN WRITING

#### (rule 9A(3) Coroners (Inquests) Rules, 2015)

The following guidance is made by the Chief Coroner pursuant to rule 9A(3) of the Coroners (Inquests) Rules, 2015. The Guidance relates to the circumstances where an inquest in writing would be suitable and the considerations to be applied before and following holding such an inquest.

#### Introduction

1. Many cases which coroners have a duty to investigate are uncontentious ones where the cause and the circumstances of the death are fully explained in the witness statements and reports that have been collected during the investigation. Such cases can be dealt with on the documents alone, as there is no need for any witness to be called to give live evidence.
2. The use of a summary documentary procedure is recognised as a proper step which can often avoid the stressful attendance at an inquest for the bereaved; it will also avoid any unnecessary delay in completing the coronial process.
3. A further valid consideration when deciding to conduct an inquest by means of an inquest in writing is avoiding the inconvenience and emotional impact upon a witness of being required to give oral evidence when their written statement provides all the relevant and necessary evidence they can give, and their account is not in dispute.

#### Pre-conditions for holding an inquest in writing

4. Rule 9A of the Coroners (Inquests) Rules, 2015 provides:

*9A (1) Where an inquest into a death is to be held, the inquest is to be held—*

- (a) at a hearing, or
- (b) if the Chief Coroner, or deputy Chief Coroner, decides that a hearing is unnecessary, in writing.

(2) The Chief Coroner, or deputy Chief Coroner is not to decide that a hearing is unnecessary unless—

- (a) the Coroner has invited representations from each interested person known to the coroner,
- (b) no interested person has represented on reasonable grounds that a hearing should take place,
- (c) it appears to the Coroner that there is no real prospect of disagreement among interested persons as to the determinations or findings that the inquest could or should make, and
- (d) it appears to the Coroner that no public interest would be served by a hearing.

(3) The Chief Coroner may issue guidance as to the circumstances where an inquest in writing would be suitable and the considerations to be applied before and following holding such an inquest.

5. **Note** - This means that if an interested person (“IP”) represents on reasonable grounds that a hearing should take place (for example because a particular piece of evidence needs testing, or there is a reason why the content of a particular document should be read out in open court), or if the public interest requires a public hearing, the inquest should not be held in writing.
6. **Note** – this does not mean that the entire process is conducted outside of court – there must be a pre-inquest review hearing to decide the issue and a note of the hearing circulated for agreement after the hearing.

### Notification of inquest

7. Rule 7(3) of the Coroners (Inquests) Rules, 2015 provides:

*7 (3) If an inquest in writing is to be held, the Coroner must make details of the week in which the inquest will be held publicly available before the inquest commences.*

8. **Note** - this is done by ensuring the clerk publishes the notice of the inquest on the court noticeboard and any Judicial Services website. It is also important that the IPs are made aware of when the inquest in writing will take place giving them as much notice as possible.

## Admission of evidence

9. Rule 20(1) of the Coroners (Inquests) Rules, 2015 provides:

*20 (1) Written evidence as to who the deceased was and how, when and where the deceased came by his or her death is not admissible unless the Coroner is satisfied that—*

- (a) it is not possible for the maker of the written evidence to give evidence at the inquest hearing at all, or within a reasonable time;*
- (b) there is a good and sufficient reason why the maker of the written evidence should not attend the inquest hearing;*
- (c) there is a good and sufficient reason to believe that the maker of the written evidence will not attend the inquest hearing; or*
- (d) the written evidence (including evidence in admission form) is unlikely to be disputed.*

10. **Note** – this does not apply to evidence obtained other than by written evidence. It is therefore important that all exhibits (including evidence obtained pursuant to rule 20A - pre-recorded video or audio evidence) are properly exhibited by written statement.

## Cases suitable for documentary inquests and inquests in writing

11. Examples of cases where inquests in writing or documentary inquests might be held include:
- i. deaths following witnessed and unwitnessed falls, where no issue arises regarding the quality of care provided at the time of the fall or in respect of any subsequent hospital care and no issues arise regarding the safety of the environment in which the fall occurred;
  - ii. deaths from long term alcohol or drug misuse where no issue arises regarding support offered to assist the deceased in ceasing drinking or misusing drugs and no issue arises in respect of any subsequent hospital care;
  - iii. self-inflicted deaths in the community where the events and intent are clear, and no actions of a third party (including any public body) give rise to concern and the deceased was 18 years or older;
  - iv. cases where the medical cause of death remains unascertained, but there is no reason to suspect an unnatural cause or a death in state detention and the circumstances surrounding the death are clear;
  - v. still births where no issue arises regarding the quality of care provided to mother or child.

## Considerations before holding a documentary inquest or an inquest in writing

12. Coroners should only hold an inquest in writing where they are satisfied that sufficient inquiry into the evidence can and will take place. A hurried or insufficient inquiry in the face of family concerns may lead to the inquest being quashed.

13. If there is likely to be an inquest in writing the coroner should ensure that there is a pre-inquest review hearing with the bereaved and all other IPs giving them the opportunity to propose that live evidence is heard.
14. The IPs should be notified that the coroner is considering holding an inquest in writing at least 7 days before the pre-inquest review hearing to enable the IPs to make representations at the hearing. IPs may raise with the Coroner at any time before, or during, the pre-inquest review hearing that they wish for an inquest in writing to be held.
15. In many cases suitable for an inquest in writing the only IPs will be the bereaved. However, where other persons or organisations are entitled to be an IP it should never be assumed that they will be neutral as to the nature of the hearing, so they too must attend at a pre-inquest review hearing and their views sought on adopting the proposed procedure.
16. If after the pre-inquest review hearing additional IPs are identified then a further pre-inquest review hearing must take place before an inquest in writing is held. It is therefore important to ensure that the investigation prior to the pre-inquest review hearing is sufficiently advanced to ensure that, as far as possible, all IPs are identified.
17. In all cases proceeding as inquests in writing it is important to ensure that the IPs have the opportunity, if they wish, to review all of the relevant documentary evidence before agreeing with the proposal for this procedure. Those communicating with IPs should not explicitly suggest or inadvertently imply to the bereaved, who may be feeling vulnerable and dealing with an unfamiliar situation, that they have no option but to accept an inquest in writing. This means that all material suitable for disclosure must be disclosed before the pre-inquest review hearing and further lines of enquiry fully identified at the pre-inquest review hearing.
18. Any evidence obtained after the pre-inquest review hearing must be disclosed to the IPs in accordance with rules 10-13 of the Coroners (Inquests) Rules, 2015 and the IPs made aware that they may make submissions that the Coroner should revisit the decision to hold an inquest in writing. This means that it is important not to rush into making a decision to hold an inquest in writing where there are substantial lines of inquiry still open. There is no requirement to make the decision at the first pre-inquest review hearing and a further pre-inquest review hearing should be directed if there is insufficient information to make the decision.
19. If a Coroner is to review whether an inquest in writing is to be held this should normally be done in writing on submissions from all IPs, but where a Coroner feels it appropriate a further pre-inquest review hearing can take place. If the additional material is such that had it been known an inquest in public would have been directed, then the Coroner must direct an inquest in public.

20. A contemporaneous record should be kept of communications between the coroner's office and IPs prior to the inquest. The record of the pre-inquest review hearing must contain the reasons why an inquest is to be held in writing and this must be provided to the IPs. If a decision on any matter has been made after receiving submissions in writing from an IP then that decision must be communicated to all IPs in writing with reasons.

### **Disclosure in advance of a documentary inquest**

21. In all cases where an inquest is held in writing a copy of the relevant documentary evidence must have been made available to any IP who wishes to be provided with a copy in advance of the inquest. Disclosure of a fresh bundle where the material has already been disclosed is not required. Electronic disclosure, with any redactions made clear, will usually be sufficient.

### **Conducting an inquest in writing**

22. It should be remembered that the bereaved may still wish for a pen portrait of their loved one to be included in the inquest evidence being considered by the coroner even though there is to be no hearing in open court.
23. There are no additional statutory requirements in relation to the format of the coroner's determination, findings and conclusion by virtue of the inquest being held in writing. Coroners should follow the same process in reaching their decision that they would when conducting any type of inquest.
24. After the written inquest has been conducted all the IPs should be informed in writing of the coroner's determination, findings and conclusion, and the supplemental coroners certificate of fact of death should be made available to the family. The clerk may lodge this supplemental certificate with the Registrar of Deaths on behalf of the family if so requested.
25. As the coroner does not have to be in court when conducting a written inquest there will be flexibility to work on these inquests efficiently around other duties. An example of a possible ruling in an inquest in writing is as follows:

*The Interest Persons are: [provide details]*

*[The Interest Persons are in agreement] OR [Having received no representations on reasonable grounds that a hearing should take place, I have decided] that the inquest into the death of [deceased's name] can be concluded in writing in accordance with Rule 9A of the Coroners (Inquests) Rules, 2015.*

*[Deceased's name] was identified as confirmed by [insert details, e.g. an identity statement of [name] dated [date]].*

*I have had regard to: [insert details of evidence considered, e.g. a radiological report of [name] dated [date], Statements of [names] etc].*

*I have received and read a pen portrait of [deceased's name].*

*I make the following findings of fact on the evidence: [insert details and provide reasons].*

*Based upon those facts, I make the determination, findings and conclusion set out in the Record of Inquest attached.*

*[Signed and dated]*

### **Open justice in inquests in writing**

26. When an inquest takes place in writing, the public and press lose the ability to attend to hear the evidence that would, in all other types of inquest, be read out in open court. Coroners therefore need to take steps to ensure that inquests in writing comply with the fundamental principle of open justice.
27. The first requirement is to ensure that the public and press can identify when an inquest in writing is going to take place. Information about upcoming inquests in writing must be published on the court noticeboard and any Judicial Services website.
28. It is important for this information to be published before an inquest in writing is conducted to enable members of the public and press to make representations about the format of the inquest, and/or request a copy of the ruling and Record of Inquest, if they wish to do so.
29. The second requirement is to ensure that coroners' decisions are sufficiently transparent. Coroners should usually accede to requests for both the ruling and Record of Inquest, as the Record of Inquest should be treated as a public document and the ruling contains information that attendees would have heard in court if the mode of hearing had been in open court. Coroners will therefore need a strong justification for refusing to provide copies of the ruling to the public and press. This does not, however, apply to requests for any underlying documents from non-IPs, which should be dealt with in the usual way under regulation 25 of the Coroners (Investigations) Regulations, 2015.

Duncan Cooke  
Chief Coroner

25 February 2026