

IN THE SURREY CORONER’S COURT

BEFORE HM SENIOR CORONER FOR SURREY, MR RICHARD TRAVERS

IN THE MATTER OF THE GUILDFORD PUB BOMBINGS 1974

AND IN THE MATTER OF THE INQUESTS TOUCHING AND CONCERNING THE DEATHS OF:

- (1) MR PAUL CRAIG (DECEASED)**
- (2) GUARDSMAN WILLIAM FORSYTH (DECEASED)**
- (3) PRIVATE ANN HAMILTON (DECEASED)**
- (4) GUARDSMAN JOHN HUNTER (DECEASED)**
- (5) PRIVATE CAROLINE SLATER (DECEASED)**

JUNIOR COUNSEL NOTE OF PRE-INQUEST REVIEW HEARING

8th October 2021

1. Abbreviations

1.1 The following abbreviations may be used herein:

“CTI”	Leading counsel to the inquests, Oliver Sanders QC;
“HMC”	HM Senior Coroner for Surrey, Mr Richard Travers;
“HGPH”	Horse & Groom Public House;
“IP”	Interested Person;
“MOD”	Ministry of Defence;
“MPS”	Metropolitan Police Service;
“PIR”	Pre-Inquest Review;
“SECAMB”	South East Coast Ambulance Service NHS Foundation Trust.

2. Attendance

- 2.1 HMC began the PIR by welcoming the attendees. The legal representatives in attendance (in person) were:
 - 2.1.1 Oliver Sanders QC, leading counsel to the inquests
 - 2.1.2 Matthew Flinn, junior counsel to the inquests;
 - 2.1.3 Fiona Barton QC, leading counsel for Surrey Police; and
 - 2.1.4 Cecily White, counsel for the MPS.
- 2.2 The Government Legal Department had sent apologies on behalf of the MOD and Home Office, but there was no objection to proceeding with the hearing.

3. Summary note of hearing

- 3.1 After welcoming attendees, HMC noted that written submissions had been received in various forms from CTI, Surrey Police, and the family of Private Ann Hamilton. He then turned to CTI, who proposed to update the court by working through the items on the Agenda that had been circulated to IPs in advance of the hearing (along with CTI's written submissions, which provide further detail).

Disclosure

- 3.2 CTI reported that since the last PIR on 16th July 2021, Surrey Police had completed its work in disclosing potentially relevant material to HMC, in the form of Tranches 5-7. A summary of the contents of that disclosure is set out in CTI's written submissions.
- 3.3 Regarding the onward disclosure of that material to IPs, CTI reminded the court that the first batch of disclosure (Batch 1) was provided to IPs on Caselines on 18th June 2021. Subject to confirming a small number of redactions to the material, Batch 2 was due to be disclosed imminently. Within the next few days IPs would be granted access to the further material, again via Caselines.

- 3.4 Once that had occurred, the majority of disclosure of relevant material (probably in excess of 90%) will have been disclosed to IPs.
- 3.5 CTI noted that Batch 2 contained distressing images, including photos of bodies of the Deceased. Having consulted with the families of the Deceased, some of whom understandably had no wish to see or even have access to the relevant images, it was proposed to upload them to a separate section of Caselines, to which IPs would not have access unless they specifically requested it.
- 3.6 It was also confirmed that there would be one further, much smaller batch of disclosure (“Batch 3”) which would be provided to IPs by the end of the year. It was anticipated that one type of document included in Batch 3 would be messages received and generated by the Surrey Police Incident Room from around the time of the bombing. Most of those messages (there are thousands) would not be relevant, but some might assist in dealing with matters such as e.g. the timing of the blast, and so a selection of these messages could be included with Batch 3.
- 3.7 Finally, CTI referred to the written submissions which outlined further enquiries that had been made to locate potentially relevant documentation held by the National Archives, the Surrey History Centre and the London Metropolitan Archives. CTI had located one report in the London Metropolitan Archives relating to the blast and prepared/deposited by the South West Thames Regional Health Authority. That report was now being obtained and assuming it was relevant (it was anticipated that it would be) that report would also form part of Batch 3 of disclosure.
- 3.8 HMC confirmed with CTI that this meant that the remaining disclosure would be provided by the end of the year. There were no other submissions from IPs in attendance about disclosure.

Instructions to Professor Hennessey

- 3.9 The next Agenda item was the instructions to Professor Hennessey, a historian who was to be instructed to assist the court in understanding the context of the bombings in Guildford in the broader context of PIRA campaigns being pursued in England at the

time. Draft instructions had been prepared and circulated to all IPs. They were ready to be sent, but CTI had awaited the PIR in case any IP wished to make submissions upon them.

3.10 HMC established that no written submissions had been received in relation to the instructions, and no IP in attendance at the PIR wished to make oral submissions. HMC accordingly confirmed that the draft letter previously circulated would be put into final form and sent to Professor Hennessey.

3.11 CTI noted that, as apparent from the text of the instructions letter, it was hoped that a draft report would be received back from Professor Hennessey by the new year, for consideration in advance of the next PIR, which was scheduled for 14th January 2022. Although it could be provided sooner, CTI considered that even if it did not arrive until the beginning of January 2022, there would still probably be sufficient time for IPs to review and consider it in advance of the January PIR hearing. If not, they could request more time, and it could be revisited at a subsequent PIR.

Witnesses

3.12 Batch 1 of disclosure contained statements from 196 witnesses which had been provisionally colour-coded as green (the most obviously central witnesses), amber (borderline witnesses) and red (witnesses whose evidence was unlikely to be required). CTI said that batch 2 would contain some further statements from 32 new witnesses.

3.13 That would leave a total of 30 green witnesses, 56 amber witnesses and 142 red witnesses. CTI noted that there would also be some additional witnesses to be added to that list e.g. Professor Hennessey, and a handful of others (e.g. an ambulance service worker had been identified, and witnesses from the families of the Deceased).

3.14 As set out in CTI's written submissions, it was confirmed that tracing work was ongoing with the assistance of Surrey County Council, SECAMB, Royal Surrey NHS Foundation Trust, and Surrey Police. CTI noted that Surrey County Council had provided helpful information confirming the position in relation to a number of fire brigade witnesses who

were involved on the night of the blast, and in respect of certain medical witnesses the next step to be taken by the Coroner's Officer was to contact NHS Pensions.

- 3.15 The main point for consideration by IPs in relation to witnesses was the provisional colour-coding proposed by CTI, and whether any witness's categorization ought to be changed.
- 3.16 HMC confirmed that, to date, no submissions had been received from any IPs in that regard, and no represented IP sought to make submissions at the hearing. However, Fiona Barton QC did wish to clarify the position in relation to witness contact. In particular, she asked if HMC would like Surrey Police to take responsibility for making initial contact with Surrey Police witnesses on the green and amber list (i.e. members of Surrey Police force), noting that although such witnesses had been traced, no actual contact had been made at this stage. The purpose of the contact would simply be to inform them that they may be required to assist further with the inquests.
- 3.17 CTI was neutral on the point, noting that it would be a situation in which contact would be made with people who had already made statements. HMC noted that other organisations were making initial contact with their witnesses, and so confirmed that the court would be grateful for that assistance.

Empanelment of a jury

- 3.17 CTI noted that HMC was not intending to make a decision on jury empanelment at the hearing, and indeed that the court may first wish to determine issues of scope and the likely length of the inquest. However, the issue was floated in CTI's written submissions, setting out a number of considerations for and against empanelment.
- 3.18 The test was whether HMC considered there to be "sufficient reason" to empanel a jury i.e. it was ultimately a matter for HMC's judgment and discretion. CTI did not consider that the substance of these inquests had any features which made them inappropriate to hear with a jury, or conversely, which made them need or be particularly suitable for a jury hearing, although it was acknowledged that the inquest would be looking at matters

of historical significance for the County of Surrey. It was an issue on which CTI was neutral, and the court would welcome the views of IPs in due course.

3.19 HMC noted that CTI's written submissions had helpfully referred both to section 7 of the Coroners and Justice Act 2009 (which contains the test in most cases) and paragraph 11 of Schedule 1 to the Act, which he felt was more likely to apply in this instance. In any event, he noted that when applied to this case, the test was the same i.e. it was a question of "sufficient reason", and ultimately a matter for his discretion. He did not feel it would assist to take further submissions on the issue now, but reiterated that he would welcome the views of IPs on the issue in due course.

3.20 Fiona Barton QC for Surrey Police said that for the Chief Constable, the views of the family on this issue were of importance. Accordingly, before Surrey Police formed a position and made submissions, it would assist to know the position of the families to the extent possible. Those views would very much be taken into account by Surrey Police when taking its own view on the issue. Failing that, Surrey Police might make submissions on the factors to be taken into account, but refrain from urging HMC to take any particular decision.

3.21 HMC again emphasised that, although he could not oblige anyone to make submissions, he would be very interested to know what the views of the families were on this issue.

Website

3.22 HMC wished to note in court that, after a lot of hard work on meeting document accessibility requirements, the webpage for the inquests was now up and running on the Surrey County Council website, and information was available there for the public to access. It was more limited than had initially been envisaged in terms of its capacity to store documents, but the core documents would be uploaded there as the inquests progressed, and the process was now working much more efficiently.

Progress towards final hearings

3.23 CTI noted that the next PIR was scheduled for 14th January 2022. By that time, disclosure will have been completed and the court should be in possession of Professor Hennessy's draft report. That hearing will be used for the final determination of scope.

3.24 However, it was right to note that the family of Private Ann Hamilton had addressed scope in some submissions they had submitted in advance of the present PIR. In particular, Ms Cassandra Hamilton had raised four issues that the family were keen should be addressed at the substantive inquest hearings. It was proposed to set them out for the court and indicate CTI's provisional views as to whether the inquests should or could address them:

3.24.1 The first issue related to the contemporaneous press coverage of the bombings, and why there were different versions of events reported. CTI submitted that this could not form part of the inquests, which were focused on how the Deceased came by their deaths. Matters arising subsequently i.e. whether events were reported accurately, could not form part of HMCs investigation.

3.24.2 The second issue related to the particular timing of the blast, which is known to be between 20:30 hrs and 21:15 hrs on 5th October 1974, with slight variations in the accounts as to the precise timing. CTI said that this was something that the inquests can address, and there is evidence available going to the issue of timing.

3.24.3 The third issue raised related to convictions of the Guildford Four, and the subsequent quashing of those convictions. CTI noted that, as set out in HMC's Ruling on Resumption of 31st January 2019, this was not a matter which the court has any power to investigate in the context of these inquests. The position on that was also reiterated in HMC's Ruling on the application of Mr Patrick Armstrong for status as an Interested Person in these inquests, dated 25th November 2019.

3.24.4 The fourth issue was why local barracks around Guildford were not on lockdown, such that personnel based there were allowed to leave and travel

into Guildford on the night of the bombings. CTI submitted that this was something the inquest would be able to cover. At present, there was no evidence of which CTI was aware that there was any prior warning of the attack, or of there being similar attacks in the area or at that time. There were obviously PIRA bombs and attacks in the early 1970s, but there was nothing specific to this area or to army barracks. Nevertheless, CTI had made enquiries via the Government Legal Department to see what evidence might exist as to the security alert status of barracks in the area, and what security advice was being given to personnel at the time. If such evidence does exist, it will be obtained, and it was submitted that such evidence will fall within the scope of these inquests.

3.25 HMC noted the submissions although confirmed that he would not make any final decisions at that time. No other IPs in attendance made further submissions on the issue.

3.26 Turning to the organisation of the final hearings next year, CTI noted there were two issues:

3.26.1 Whether to have a further PIR in March 2022, as proposed in the submissions of Fiona Barton QC.

3.26.2 The change of date of the final hearings from March to June 2022 and whether any IPs had any submissions on that change.

3.27 HMC confirmed that the start date for the final hearings had been changed to 6th June 2022 of necessity, due to unavoidable court timetabling issues. In respect of a further PIR, he agreed that a further hearing would be helpful to ensure there were no issues outstanding. He noted that the submissions of Surrey Police suggested another hearing in the week commencing 7th March 2021, but on establishing that there was no particular reason why the PIR needed to be in that week, indicated his preference would be to fix another hearing towards the end of that month.

3.28 HMC said that he would set a provisional date in the court diary for a further PIR on Friday 25th March 2022, but allow seven days for IPs to revert to the court if there were difficulties with that date.

3.29 It was also noted that MPS had requested a short further delay by two weeks from the new June start date (to 20th June 2022), due to issues with the availability of its counsel, Mr James Berry. Ms White for MPS acknowledged that it might not be a matter for final decision at the current PIR as it could be impacted upon by other decisions such as empanelment of a jury, and a final time estimate for the hearings. However, she confirmed that Mr Berry would be available from 20th June, at which point she noted there would still be four weeks of the inquest hearing window remaining. It was noted that Mr Berry had been instructed throughout, including in relation to disclosure, but understood and accepted that this was only one factor to be borne in mind.

3.30 HMC confirmed that he would leave the start date as it is for now (6th June 2022) although he would revisit it once the court had a better idea of the other issues that had been discussed at the PIR.

Any other business

3.31 CTI recalled that at the last hearing HMC had heard brief submissions on the Habershon report, which had been reported on in the media. At that time, CTI had expressed the view that the report was not relevant, although there was one table appended to it containing illegible entries. A better copy has since been obtained and reviewed by CTI, who remained of the view that the document was not relevant for the purposes of these inquests.

4. Next steps

4.1 HMC noted that the next PIR was listed for 14th January 2022, with a further PIR now provisionally listed for 25th March 2022.

MATTHEW FLINN

18th October 2021