

IN THE SURREY CORONER'S COURT

BEFORE HM 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)

RULING ON INTERESTED PERSONS - PATRICK ARMSTRONG

Introduction

1. This is a ruling on whether Mr Patrick Armstrong is an “interested person” in connection with the above inquests which I formally resumed by way of an earlier ruling dated 31 January 2019. I have concluded that Mr Armstrong is not an interested person and I decline to recognise him as such. My reasons are set out below.
2. The inquests are into the deaths of the five young people killed by the Provisional IRA bomb attack on the former Horse and Groom public house, North Street, Guildford on the evening of Saturday 5 October 1974.
3. Mr Armstrong is one of the so-called “Guildford Four” who were first convicted and then acquitted of the Guildford murders and conspiracy to cause explosions likely to endanger life. Two of the remaining members of the Four are now deceased, namely, Mr Gerard Conlon and Ms Carole Richardson. Members of their families supported the resumption of these inquests, but have not applied for recognition as interested persons. The other surviving member of the Guildford Four, Mr Paul Hill, has not sought to engage.

Legal framework

4. The Coroners and Justice Act 2009 (“the Act”), the Coroners (Investigations) Regulations 2013 and the Coroners (Inquests) Rules 2013 confer important procedural rights on “interested persons”. These include: rights to be notified or informed of certain matters (s.4, regs 10, 13 and 18 and rr.9-10 and 25); rights to disclosure (reg.23 and r.13); an exemption from fees (r.16); rights in relation to the use of video links and screens (rr.17-18); the right to examine witnesses (rr.19 and 21); rights in relation to the admission and inspection of written evidence and inquiry findings (rr.23-24); and rights in relation to reports on the prevention of future fatalities (rr.28-29).¹ In addition to these express rights, interested persons also enjoy well-established ancillary and implied participatory rights, including the right to make submissions on, e.g. the summoning of a jury, the selection of witnesses, available conclusions and the making of reports on the prevention of future fatalities.

5. Section 47 of the Act defines “interested person” in relation to a deceased person or an investigation or inquest under Pt 1 of the Act. Various categories of interested person are listed in section 47(2)(a)-(m) and, so far as material for present purposes, category (m) includes, “any other person who the senior coroner thinks has a sufficient interest”. Strictly speaking, I do not have a power to “designate” interested persons or confer status as such, rather it is for me to recognise them and, in the case of category (m), this depends on whether I think any particular person has a sufficient interest.

Recognised interested persons

6. I have thus far recognised the following as interested persons in these inquests:
 - (1) Joyce Clowes and Patricia Garrard (sisters of Mr Craig);
 - (2) Thomas Forsyth and Marion Rennie (brother and sister of Guardsman Forsyth);
 - (3) Cassandra Hamilton (sister of Private Hamilton);
 - (4) Maureen O’Neill and Diane Reid (sisters of Guardsman Hunter);
 - (5) Wendy Hutchinson and James Slater (sister and brother of Private Slater);
 - (6) the Chief Constable of Surrey;
 - (7) the Commissioner of Police of the Metropolis;

¹ As enacted, section 40 of the Act would also have conferred various rights of appeal to the Chief Coroner on interested persons. However, s.40 was never brought into force and was repealed by s.33 of the Public Bodies Act 2011.

- (8) the Secretary of State for Defence.
7. At a pre-inquest review hearing (“PIRH”) on 22 July 2019, I confirmed that I had recognised (1)-(6) above as interested persons and directed that any other applications for recognition as such should be filed in writing by 30 September 2019 and heard at a further PIRH on 4 November 2019.
8. Applications were duly made on behalf of the Metropolitan Police Service (“MPS”) (letter from Mr David McCahon dated 24 September 2019), the Ministry of Defence (“MOD”) (submissions of Mr Edward Pleeth dated 24 September 2019) and Mr Armstrong (witness statement of Mr Armstrong dated 30 September 2019 and submissions of Ms Henrietta Hill QC and Ms Turan Hursit dated 30 September 2019).
9. There was no opposition to the MPS and MOD applications and I confirmed their recognition as interested persons at the outset of the PIRH on 4 November 2019.
10. There was opposition to Mr Armstrong’s application as follows:
- (1) written submissions of Ms Brenda Campbell QC and Ms Anna Morris dated 24 October 2019 on behalf of Ms Hamilton;
 - (2) written submissions of Ms Beatrice Collier dated 16 October 2019 on behalf of Surrey Police;
 - (3) written submissions of Mr James Berry dated 10 October 2019 on behalf of MPS;
 - (4) written submissions of Mr Pleeth dated 17 October 2019 on behalf of MOD.
11. In addition, I received written submissions in reply of Ms Hill QC and Ms Hursit dated 1 November 2019 on behalf of Mr Armstrong and heard oral submissions at the PIRH on 4 November 2019 from:
- (1) Ms Hill QC (for Mr Armstrong);
 - (2) Mr Christopher Stanley (for Ms Hamilton);
 - (3) Ms Collier (for Surrey Police);
 - (4) Mr Berry (for MPS);
 - (5) Mr Pleeth (for MOD);
 - (6) Mr Oliver Sanders QC and Mr Matthew Flinn (counsel to the inquests).

Mr Armstrong's application

12. Mr Armstrong invites me to conclude that he is a person with a sufficient interest in the inquests within the meaning of section 47(2)(m) of the Act.

13. In summary, Mr Armstrong's witness statement and the written and oral submissions made on his behalf outlined the circumstances of his arrest, wrongful conviction, imprisonment and acquittal and the profound impact of these events on his life. They also reiterated that he had never been to Guildford and had nothing to do with and no knowledge of the bombings and advanced four grounds:

(1) Assistance

Mr Armstrong is likely to be able to offer me significant assistance with the identification of, first, inconsistent, incredible, unreliable and missing evidence and, secondly, evidence obtained by interrogation, threats and abuse (his ability to do this derives, he says, from his familiarity with and unique insight into the majority of the evidence due to be heard at the inquests which was also used in his prosecution and appeals, the fact this evidence has never been tested before and the absence of any other "responsible challenger" capable of testing it now);

(2) Motivation

Mr Armstrong is motivated - as an "indirect victim" of the bombings - by a clear, proper and justified desire to help ensure that the inquests get to the truth in a way that brings him and other interested persons "closure" and protects his and other reputations;

(3) Interest analogous to those of other interested persons

Mr Armstrong has an interest - which is analogous to the interests of other interested persons - in rebutting any suggestion of wrongdoing on his part and, by participating in the inquests, he will be able to allay any continued suspicions about his role;

(4) Interests of justice

the impact of the police investigation and criminal proceedings on Mr Armstrong mean that the interests of justice dictate that he should be recognised as an interested person, particularly when the police are recognised as such and are therefore able to protect their own interests.

The relevant test

14. All concerned agree about the nature of the “sufficient interest” test under section 47(2)(m) of the Act and the need to have regard to the guidance given by the Divisional Court in *R v Coroner for the Southern District of Greater London, ex p Driscoll* [1993] 159 JP 45 (on “properly interested” in the former Coroners Rules 1984, r.20) and in *Jervis on Coroners* (13th ed., 2014), para.8.24. In summary, the interest need not be proprietary or financial, but must be reasonable and substantial, capable of assisting the inquisitorial function, genuinely directed to the scope of the inquest, more than a desire to give evidence, more than idle curiosity and not trivial or contrived. Furthermore, the categories of interested person included in section 47(2)(a)-(m) provide a guide to the type of interest envisaged in section 47(2)(m).
15. For the avoidance of doubt, I have applied the above principles, as elaborated in other coronial authorities, and did not find the authorities on the “sufficient interest” test for standing in claims for judicial review of any additional assistance.

Conclusions

16. Although I do not accept Mr Armstrong’s self-characterisation as a “victim” of the Guildford pub bombing itself - he was not harmed by the blast, but by what happened thereafter - I recognise that the police investigation and subsequent criminal proceedings had a profoundly damaging and unfair impact on him personally, I have no reason to doubt what he says about his motivations and I accept that his interest in these inquests goes beyond idle curiosity and is not trivial.
17. To my mind, the key issue is whether Mr Armstrong’s interest is capable of assisting the conduct of the inquests and genuinely directed to their scope. I do not think it satisfies either condition.

18. My ruling on resumption of 31 January 2019 set out my provisional views on the scope of these inquests:

10. *Although the background to this case is unusual, the inquests themselves will have the same purpose as any other inquest in that they will seek publicly to ascertain and record: (a) who the deceased were; (b) how, when and where they came by their deaths; and (c) the particulars (if any) required to be registered under the Births and Deaths Registration Act 1953 (section 5(1) of the Coroners and Justice Act 2009). For these purposes, the “how” question must be taken to mean “by what means did each deceased come by their death” (R v HMC North Humberside & Scunthorpe, ex p. Jamieson [1995] QB 1 (CA)).*

11. *Importantly, coroners courts must operate within their powers and statutory restrictions provide that they must not express any opinion or make any determinations or findings on any matters other than (a)-(c) above or frame their determinations in such a way as to appear to determine any question of criminal liability (on the part of a named person) or civil liability (on the part of any person, named or unnamed) (sections 5(3) and 10 of the Coroners and Justice Act 2009). These restrictions inevitably inform and guide coroners in the exercise of their discretion to set the scope of the issues investigated and evidence heard at any inquest.*

12. *In my view, the above restrictions mean that the resumed inquests cannot investigate the identities of the Provisional IRA terrorists who carried out the attack, any evidence pointing towards or away from any particular perpetrators or any questions relating to the conduct of the original police investigation or prosecution. I give this ruling on this basis, notwithstanding that, in due course, I will be required to undertake a more detailed assessment of the scope of the inquests.*

...

18. *In my judgment, the questions of “how”, “when” and “where” the deceased came by their deaths have not been “sufficiently established in public proceedings” and investigation and determination of these matters by way of resumed inquests now would satisfy a worthwhile purpose.*

19. *In this regard, the original murder trial did not examine what happened immediately before or after the blast on 5 October 1974 in any great detail because the prosecution case was based entirely on confessions signed by the accused and because it was also directed towards a simultaneous time bomb attack on the Seven Stars Public House, Swan Lane, Guildford (which fortunately did not kill or injure anyone) and a subsequent throw bomb attack on the former King’s Arms Public House, Frances Street, Woolwich on 7 November 1974 (which killed two people).*

...

21. *Accordingly, very little evidence about how the deceased came by their deaths has ever been heard in public proceedings (particularly not in proceedings which can now command public confidence) and there is a consequent gap in the official, reliable public record of these matters. It is not in doubt that the deceased were unlawfully killed by a team of Provisional IRA terrorists - probably comprised of eight people in two cars. What the resumed*

inquests can and will investigate are issues such as the time of the blast, the respective locations of the bomb and its victims, who was with the victims at the time of the blast, whether each of the deceased died immediately and, if not, how long they survived for, whether they said anything to anybody prior to their deaths and the response of first aiders and the emergency services. These are all important questions.

22. *I take the view that the deceased, their families and the public are entitled to have these matters formally explored in open court and in proceedings which are untainted by allegations of impropriety or misconduct. Doing this will establish and record a credible and reliable account of what happened to the victims in a way that respects and honours their memory and I believe this would represent an important and worthwhile exercise.*

...

31. *At the hearing on 20 December 2018, Ms Campbell QC advanced a number of arguments in favour of the resumption of the inquests which I did not find persuasive. In this regard, she submitted that resumed inquests could answer questions as to who was responsible for the attack on the Horse and Groom, the making of the bomb, whether police lied at the trial of the Guildford Four, the nature of any links with other Provisional IRA bombings and claims made in the 1970s about the Guildford bombings by two Provisional IRA terrorists, Mr Brendan Dowd (or O'Dowd) and Mr Joseph O'Connell.*

32. *For the reasons set out above, I do not think any of these questions could be said to fall within the proper scope of the resumed inquests and none of them played any part in my decision. The same goes for the other factual questions set out in Ms Campbell QC's written submissions dated 5 August 2018 which went further than the above and which she did not press at the hearing before me.*

33. *For completeness, I should mention one further point, which reinforced my decision on the proper scope of the resumed inquests: there is an additional statutory prohibition which is relevant and which means that the inquests must not make determinations inconsistent with the "not guilty" outcome of the criminal proceedings against the Guildford Four (paragraph 8(5) of Schedule 1 to the Coroners and Justice Act 2009).*

19. By his own account, Mr Armstrong has no first-hand knowledge of or evidence to give about any of the matters I have identified as falling within the scope of these inquests for the simple reason that he was not present or involved with the bombing in Guildford or connected or related in any way with anyone who was or with any of its victims.
20. As made clear in paragraphs 19 and 21 of the above ruling, my decision to resume these inquests was influenced by the fact that the prosecution of the Guildford Four was based entirely on their confessions and their trial therefore did not examine in any great detail what happened immediately before or after the blast on 5 October 1974.

21. I am therefore unpersuaded by the claim that Mr Armstrong has any special familiarity with or insights into the evidence that will be heard at the inquests. What he says about the identification of, first, inconsistent, incredible, unreliable and missing evidence and, secondly, evidence obtained by interrogation, threats and abuse appears to relate to the conduct of the police, the circumstances in which the Guildford Four signed and then withdrew their confessions and alibi issues. None of these matters will be ventilated at the inquests, there will be no determination of any question of criminal liability (on the part of a named person) or civil liability (on the part of any person, named or unnamed) and no determinations inconsistent with the “not guilty” outcome of the criminal proceedings against the Guildford Four. Accordingly, Mr Armstrong will not be said to have caused or contributed to the deaths and his reputation will not be impugned (*cf.* section 47(2)(f) of the Act). Furthermore, I cannot see that the bare fact of his participation could have any meaningful impact on third party views about his innocence or guilt and, in any event, I do not think that the possible impact of his participation on the perceptions of third parties or his understandable desire for “closure” and “healing” could create a sufficient interest for the purposes of section 47(2)(m) of the Act.
22. Similarly, I am not satisfied that Mr Armstrong has a special ability to navigate or assess the evidence that will be heard in the inquests going beyond the abilities of myself and my counsel.
23. Ms Hill QC told me that materials going to matters relating to events in the Horse and Groom - rather than issues relating to the police interviews and alibis - were disclosed in connection with the criminal proceedings and considered at the trial. Although Mr Armstrong complains that the disclosure given in the criminal proceedings was inadequate and defective, I can believe that there may well have been some disclosure of “unused material” and I will proceed on the basis that what Ms Hill QC told me was correct. However, I have not seen or been told anything to suggest that any such materials purported to put any of the Guildford Four at the scene of the attack or were later shown to have been fabricated or tainted by police misconduct. If and to the extent that such materials are heard at the inquests and contain inconsistencies or accounts whose credibility or reliability might be challenged, I have no reason to think that I and

my counsel will not be able to appreciate and pursue such matters as effectively as Mr Armstrong.

Extraneous arguments

24. On behalf of Ms Hamilton, Ms Campbell QC's written submissions asserted that Mr Armstrong could be legally represented throughout the inquests notwithstanding his lack of sufficient interest and, on behalf of the MPS, Mr Berry made the following point in his written and oral submissions:

The absence of IP status does not prevent a person from (i) attending the inquest hearings, accompanied by a lawyer if they wish; (ii) giving evidence relevant to matters within scope; (iii) making submissions on the law; or (iv) suggesting lines of inquiry within scope. For instance, Mr Armstrong could provide the Coroner with a statement or submissions detailing why he considers some of the evidence released from the May Inquiry to be "utter lies" (see his witness statement at [54]) to the extent that the evidence in question relates to matters within scope. Evidence on matters within scope upon which Mr Armstrong might be able usefully to comment could be released to him pursuant to a confidentiality undertaking.

25. On behalf of Surrey Police, this was echoed by Ms Collier in her oral submissions. I have some doubts about these points but have not found it necessary to resolve them: I do not think Mr Armstrong has a sufficient interest for the purposes of section 47(2)(m) of the Act and have not attached any weight to the possibility that he might nevertheless be able to participate in the inquests on some lesser, hybrid basis.
26. On behalf of Surrey Police, Ms Collier also argued in her written and oral submissions that Mr Armstrong lacks independence and his proposed involvement in the inquests might usurp my function or compromise my independence. I was not persuaded by this. Interested persons are very often not independent or impartial (or even objective) and this does not disqualify them from recognition as such or mean that their involvement might compromise the independence or impartiality of the coroner.

Next pre-inquest review hearing

27. This will take place at 10am on 26 February 2020.

Richard Travers
HM Senior Coroner for Surrey
25 November 2019