

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

16th July 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;

2.1.4 Edward Pleeth, counsel for the MOD; and

2.1.5 Cecily White, counsel for the MPS.

3. Summary note of hearing

3.1 After welcoming attendees, HMC noted that written submissions had been received from CTI, Surrey Police, MPS and KRW Law.

Update on progress

3.2 CTI began by giving a summary update on progress towards a final hearing, noting that further detail was set out in CTI's written submissions.

3.3 Regarding disclosure, Tranches 1 – 3 of potentially relevant material had now been received from Surrey Police.¹ It was anticipated that Tranches 4 and above would not be relevant to the bombing at the HGPH, but they would be subject to a review by HMC's counsel team to verify that.

3.4 Tranches 1 – 3 had been divided into two "Batches" of disclosure. Batch 1 had now been provided to the IPs, consisting of 320 witness statements plus exhibits (i.e. associated floorplans), and 25 core documents. It was anticipated that Batch 2 would be provided via Caselines in the next four to six weeks. Accordingly, by the end of August, it was hoped that 90% or more of the relevant material would have been disclosed to the IPs, although

¹ Tranche 4 had also been received on 23rd April 2021.

CTI noted that there were some outstanding enquiries that needed to be pursued with the National Archive once it properly re-opened, and there might be some other miscellaneous items of disclosure forthcoming.

- 3.5 Another PIR was listed for 8th October, and CTI proposed to address HMC more definitively on issues such as the scope of the inquests and Article 2 at that point, as near-full disclosure would have taken place. However, it was noted that HMC had given a provisional indication in his Ruling on Resumption of 31st January 2019, and CTI confirmed that nothing had been seen or reviewed to date which would warrant a departure from that approach.

KRW Law Application for an Adjournment of the Inquests

- 3.6 There had been an application for an adjournment from KRW Law (assisting the family of Ann Hamilton), which CTI noted appeared to be an invitation to HMC to suspend the preparatory work currently being carried out, with the inquest hearings then being adjourned pursuant to that suspension. It was confirmed that for the reasons set out in the written submissions, that was not supported by CTI, and the other IPs which had put in written submissions were in agreement with that position.
- 3.7 HMC noted that the motivation underpinning KRW Law's application was the issue of public funding; they had not had access to it, and therefore had been unable to take an active role in proceedings to date. The application for an adjournment appeared to be tied to the report on the Coroner Service from the House of Commons Justice Committee (HC 68), which recommended a broadening of access to public funding by 1st October 2021.
- 3.8 CTI noted that this approach entailed multiple layers of speculation. If the purpose of the delay was to enable KRW Law to gain access to public funding, then this would require a positive decision from the government in response to the report's recommendation, then a change in the applicable law or policy framework, and subsequently a decision taken under the new legal regime in favour of KRW Law being granted access to public funding in this instance. In light of the long period of time that had elapsed since the Guildford Pub Bombings, it would not be appropriate to await that sequence of steps to reach their conclusion before resuming work on disclosure and preparing for the inquest hearings.

- 3.9 HMC noted that there was a large amount of work still to be done in processing material for disclosure and preparing for the inquests. This meant that work could progress whilst any developments in the legal aid position were awaited. If at a subsequent point public funding was made available and KRW Law wished to have more time in order to catch up with the progress that had already been made in the preparation for the inquests, then that could be the subject of an appropriate application at that time.
- 3.10 Fiona Barton QC confirmed that Surrey Police supported the families of the Deceased being granted access to public funding in these inquests, but that work preparing for the inquests could continue whilst that issue was pressed. Counsel for the MPS and the MOD did not have any submissions to add to what had been said.
- 3.11 HMC concluded that it would be a mistake to cease work, and the application would be refused. He confirmed that he had been asked by KRW Law to write a letter in support of its application (on behalf of the family of Ann Hamilton) for access to legal aid (and in support of the families generally being granted legal aid), and he had done so. He had recently been asked to reiterate his position, which again he had done, but he emphasised that legal funding was not in the Coroner's gift and he was not able to do more.

Witnesses

- 3.12 CTI noted that once the bulk of disclosure had taken place, the next main issue on the horizon was the selection of witnesses to give evidence at the inquest hearings.
- 3.13 As part of Batch 1, statements from 196 witnesses had been disclosed. They had been categorized according to a green, amber and red code (green signifying the most important witnesses, down to red signifying those not likely to be necessary). CTI indicated that if any IPs had submissions about moving witnesses from one list to another, then any such input would be welcome in due course. The families of the Deceased had also been invited to submit statements.
- 3.14 The next important practical step was to trace the witnesses. As addressed in the written submissions, CTI had had discussions with Surrey Police as to how to go about tracing. CTI's proposal was that those witnesses in the green and amber categories should be

traced. Once that had been done, there would be a clearer understanding as to who was alive/deceased, who was in the jurisdiction, and who ought to be focused on as witnesses for the hearing. Surrey Police was very kindly going to help with tracing most of the witnesses, and had proposed that in relation to former employees of other services (the ambulance service, hospitals, the fire service) those organisations take the first steps in terms of tracing. Once that work had been done, it would be possible to narrow down lists of witnesses who would give oral evidence, or evidence to be read.

- 3.15 HMC asked whether any other organisations had had much success in tracing witnesses thus far. CTI confirmed that some steps had been taken to contact an individual by the Royal Surrey NHS Foundation Trust, but that both that Trust and SECAMB had expressed reservations as to whether their efforts would yield much success.
- 3.16 For Surrey Police, Ms Barton QC confirmed that Op IGIL would trace any witnesses that were not attached to any other IP. Further, Op IGIL had already embarked on tracing witnesses in the HGPH on the night of the bombing (i.e. those witnesses whose statements were provided to CTI in tranche 1 of the Surrey Police materials), and would continue with that work. She confirmed that, although the majority were soldiers, Op IGIL would continue to take responsibility for tracing tranche 1 witnesses, whoever they might be.
- 3.17 Ms Barton explained that the suggestion that other entities/organisations take responsibility for tracing other witnesses was put on the basis that such entities may have ready access to pensions information, providing a route for tracing. However, if that does not yield results despite reasonable endeavours being made, then Op IGIL will step in to provide further assistance.
- 3.18 Ms Barton confirmed that the tracing work of Op IGIL was limited to confirming whether a witness was alive/dead, and if alive, how they could be contacted. Once that work had been done, the relevant information would be passed to HMC for his team to contact the relevant witness. She emphasised that the witnesses were HMC's witnesses and Op IGIL would not be contacting them in order to take evidence (save for former Surrey Police officers).

3.19 HMC confirmed that he could see that if other agencies had pensions information, that was a sensible place to start, but was grateful for SP's offer to assist if that approach did not work.

Other Matters

3.20 CTI noted that there had been some recent media speculation about the relevance of the Habershon Report to the inquest process. The report had been reviewed by MPS and more recently by CTI, who had taken the view that it was not relevant to the inquests, in that it did not deal with anything which occurred prior to the bombing at the HGPH (and so did not suggest that the bombing at the HGPH could have been anticipated).

3.21 The bombing at the HGPH was the first bombing in a phase of IRA bombings in 1974-1975. There was nothing in the report to suggest that the bombing could have been foreseen or prevented. There was one illegible appendix in the copy that had been provided to CTI by MPS, but it was understood that the report had been deposited in the May Inquiry Archive and so the Government Legal Department was assisting with further enquiries to obtain a better copy. Subject to reviewing that appendix, the view of CTI was that the report was not relevant.

3.22 CTI also noted that there had been some discussion at the last PIR about names of witnesses and whether or not they were already in the public domain. Further to that, CTI had reviewed the relevant chapter in the Book "Trial and Error" by Robert Kee to identify the names mentioned there. CTI had verified that there were no names for whom CTI had not already been provided with witness statements, and that what was said by/about those witnesses in the chapter was consistent with the materials in CTI's possession. That line of enquiry was therefore closed.

3.23 Another issue was expert evidence to be sought from Professor Thomas Hennessey. CTI had commenced drafting instructions for him, based upon the instructions he received in relation to the Birmingham Pub Bombing inquests. Once that draft was in near-final form, it would be circulated to IPs for any submissions. It was hoped to do that before the next PIR.

3.24 CTI noted that the issues of empanelment of a jury and the potential admission of findings of the May Inquiry under Rule 24 of the Coroners Rules had been floated for discussion at a future PIR.

3.25 Finally, CTI noted that work was still being done in relation to a dedicated website for these inquests, pursuant to HMC's ruling on media access of 14th September 2020. Surrey County Council had agreed to host a webpage which could hold a selection of documents to be made available publicly. However, delay had been encountered due to the fact that Surrey County Council was subject to regulatory requirements relating to the accessibility of all documentation hosted on its webpages, and it was necessary to consider whether the documents proposed for uploading met the accessibility requirements imposed by the regulations. CTI noted that HMC's junior counsel was to undergo training in order to facilitate the provision of compliant documents for uploading to the website.

4. Next steps

4.1 HMC noted that the next PIR was listed for 8th October 2021, with a further PIR listed for 14th January 2022.

MATTHEW FLINN

31st August 2021