

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 AN APPLICATION TO RESUME 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 RESUMPTION

Introduction

1. I have decided to resume the inquests into the deaths of the five young people killed by the Provisional IRA time-bomb attack on the former Horse and Groom public house, North Street, Guildford on the evening of Saturday 5 October 1974.
2. This ruling sets out my reasons, the factors I considered relevant and, importantly, the factors I did not consider relevant.

Deaths

3. The deceased were in order of age:

<i>Name</i>	<i>Age</i>	<i>Date of birth</i>	<i>Occupation</i>
<i>Mr Paul Craig</i>	22	06/10/52	<i>Plasterer</i>
<i>Private Ann Hamilton</i>	19	18/03/55	<i>Women's Royal Army Corps</i>
<i>Private Caroline Slater</i>	18	18/06/56	<i>Women's Royal Army Corps</i>
<i>Guardsman William Forsyth</i>	18	06/08/56	<i>Scots Guards</i>
<i>Guardsman John Hunter</i>	17	01/04/57	<i>Scots Guards</i>

4. As will be seen, four of the deceased were service personnel recently recruited to the Scots Guards and the Women's Royal Army Corps respectively stationed at Pirbright and Stoughton. In addition, there was one civilian fatality, Mr Craig, who was out celebrating the birthday of a friend also serving with the Women's Royal Army Corps. At this time the Horse and Groom was known as an "army pub" and it would appear that the Provisional IRA considered it a "military target" and so gave no advance warning of their attack.

Inquests opened and adjourned and not resumed

5. Inquests into the deaths were opened and adjourned immediately after the bombing in order to give primacy to the Surrey Police homicide investigation in the usual way. That investigation culminated in the convictions of four alleged bombers the following year. The then Surrey Coroner, Lt Col Murdoch McEwan, concluded that the murder trial and convictions had made inquests unnecessary and decided not to resume them and instead certified the result of the criminal proceedings to the Registrar of Deaths under section 20 of the Coroners (Amendment) Act 1926.

Power to resume the inquests

6. That was an end of the matter from the perspective of this office, but coroners have long had a discretion to resume inquests adjourned in the above circumstances if there is "sufficient reason" for doing so. The power of resumption has resided in a series of different enactments over the years and is currently found in paragraph 8(1) of Schedule 1 to the Coroners and Justice Act 2009. This provides that a suspended coroner's investigation "may not be resumed unless, but must be resumed if, the senior coroner thinks that there is sufficient reason for resuming it".

Application to resume

7. I was first asked to review this case and resume the inquests by way of a letter dated 31 October 2017 which I will come to shortly. However, I was not able to form a view at that time, first, because I needed to make enquiries and consult others and, secondly, because relevant litigation about the Birmingham pub bombing inquests was ongoing. That litigation commenced on 7 September 2017 and concluded on 26 September 2018 when the Court of Appeal handed down judgment in *R (Hambleton) v Coroner for the Birmingham Inquests 1974* [2018] EWCA Civ 2081. Following on from that, I held a

public hearing on 20 December 2018 at which I heard oral submissions and confirmed that I would hand down this ruling in open court today on 31 January 2019.

Outline of legal test - “sufficient reason”

8. In addressing whether there is sufficient reason for resuming inquests, I have considered the following factors set out in *R v HMC Inner West London, ex p. Dallaglio* [1994] 4 All ER 139 (CA), per Simon Brown LJ at p.155d and per Sir Thomas Bingham MR at p.164d-e:

- (1) the proper scope of any resumed inquests;
- (2) whether resumed inquests would now be a practicable proposition;
- (3) whether resumed inquests would satisfy any worthwhile purposes;
- (4) the lapse of time;
- (5) the existence of other reports, particularly, in this case, the final report of Sir John May’s *Inquiry into the circumstances surrounding the convictions arising out of the bomb attacks in Guildford and Woolwich in 1974* dated 30 June 1994 (HC 449); and
- (6) the interests of those bereaved who have succeeded in putting this terrible tragedy behind them.

For the avoidance of doubt, I have treated (1)-(3) above as principal issues and (4)-(6) as sub-issues arising thereunder. I deal with each factor in turn below.

9. I have also had regard to the guidance set out in *Jervis on Coroners* (13th ed., 2014), at para.10-85 (quoting the judgment of Carswell J in *Re Downes’ Application* [1988] 4 NIJB 91 (NIHC)) and para.10-86:

the coroner must direct his attention to the question whether it has been sufficiently established who the deceased was, and how when and where he came by his death. If the coroner, after looking at the facts of the case, considers

that these matters have already been sufficiently established in public proceedings, he is quite justified in taking the view that an inquest is not necessary. The fact that the next-of-kin of a deceased person may thus not obtain the opportunity to cross-examine witnesses or tender more evidence does not itself make it necessary for him to hold an inquest. What is material is whether the relevant matters have been established in a manner in which the public interest has been adequately served.

...

Thus where the criminal proceedings have already gone thoroughly into the facts surrounding the death, as in, e.g. a murder trial that goes to the jury (whatever the result), the coroner may well consider that no useful purpose would be served by resuming the inquest. But if the criminal proceedings did not reach a substantive conclusion, or terminated on technical grounds, so that the evidence relating to the death itself was not heard, the matter may be otherwise...

Proper scope of resumed 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.

Practicability?

13. I do recognise that a number of key witnesses will have died or will now be very elderly, recollections of the time and the night in question are bound to have faded or been lost and ensuring the availability and quality of meaningful witness evidence will present the resumed inquests with very serious challenges.
14. That said, it has not been suggested to me that the conduct of resumed inquests would be impossible or impracticable and a number of inquests and inquiries have investigated or are investigating, with apparent success, similar events dating back to the 1970s and relating to the Northern Ireland troubles.
15. As was made clear at the hearing on 20 December 2018, there would appear to be a considerable volume of usable materials and exhibits relating to the circumstances of the Guildford pub bombings in the possession of Surrey Police and, quite possibly, the archive of Sir John May's inquiry. Furthermore, the clientele of the Horse and Groom was relatively young and many of them will only be in their 60s and 70s.
16. It is also of relevance to note at this point that Surrey Police have made clear that, while they have been and are working on the preservation, cataloguing and review of the materials in their possession, they are not reviewing their original investigation, nor have they opened any reinvestigation of the bombings and they consider the prospects of this happening to be remote. Had Surrey Police been actively assessing a possible investigative opportunity or line of enquiry relating to the bombings, this might have had an impact on the practicability of resumed inquests and/or might have caused me to defer my decision.
17. On balance, I am satisfied that a significant number of witnesses should be able to provide valuable evidence and that resumed inquests would be a practicable proposition.

Worthwhile purpose?

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).
20. Furthermore, and notoriously, the relevant convictions were quashed in 1989 after serious irregularities were discovered in the prosecution evidence.
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 the 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.

Lapse of time?

23. I have nothing further to add on this factor, save to say that the deaths in question and the occurrence of a terrorist atrocity in Guildford town centre still matter to the families of those who died, the people of Surrey and the wider public, notwithstanding the lapse of time. This case is not of such antiquity that it should be considered ancient history or of no further interest.

Other reports?

24. I have thus far deliberately avoided any reference to “the Guildford Four” who were first convicted and then acquitted of the five murders in the Horse and Groom and conspiracy to cause explosions likely to endanger life in both Guildford pubs. The Four were Mr Patrick Armstrong, Mr Gerard Conlon (now deceased), Mr Paul Hill and Ms Carole Richardson (now deceased). (Mr Hill and Mr Armstrong were also convicted and then acquitted in connection with the Woolwich murders.)
25. The circumstances of the prosecution, convictions and acquittals of the Guildford Four were exhaustively investigated by Sir John May’s abovementioned inquiry and will not be revisited in these inquests. By contrast, Sir John’s final report touches only very briefly and in summary on the circumstances of the Guildford bombings themselves (see paragraphs 2.1-2.10).
26. While Sir John May’s reports may contain some relevant findings which could usefully be admitted in the resumed inquests under rule 24 of the Coroners (Inquests) Rules 2013, his inquiry had very different terms of reference and cannot be said to have made the resumption of the inquests unnecessary.

The interests of those bereaved?

27. The short point here is that the families of Private Hamilton, Private Slater and Guardsman Hunter support the resumption of the inquests and the families of Mr Craig and Guardsman Forsyth are neutral. I believe that all five families have a realistic understanding of the limitations which resumed inquests will face and the painful

feelings and memories they are likely to stir up. In the circumstances, I do not think that their interests weigh against the resumption of the inquests and I have attached weight to the powerful sentiments expressed by those families who actively support it.

28. It is worth recording the positions of others at this point. The original letter dated 31 October 2017 asking me to resume the inquests was sent on behalf of Ms Ann McKernan (a sister of the late Mr Conlon) and Ms Yvonne Tagg (said to have been a former member of the armed forces who was injured by the bomb in the Horse and Groom). However, Ms McKernan died on 2 April 2018 and the application to resume was ultimately advanced at the hearing before me on 20 December 2018 by Brenda Campbell QC on behalf of Ms Cassandra Hamilton (sister of Private Hamilton) and Ms Tagg.
29. The application was also supported by Mr Armstrong, Ms Bridie Brennan (another sister of Mr Conlon), unnamed members of the late Ms Richardson's family and Mr Charles King (a member of the public). Surrey Police, the Ministry of Defence and the Metropolitan Police made helpful submissions, but were ultimately neutral, as was the Police Federation.
30. For the avoidance of doubt, and given the reasons for my decision, including my view about the proper scope of the resumed inquests, I have some reservations about whether Mr Armstrong, the families of Mr Conlon or Ms Richardson, Mr King or Ms Tagg can be said to have a "sufficient interest" in the proceedings for the purposes of recognition as "interested persons" under section 47(2)(m) of the Coroners and Justice Act 2009. However, any decisions in this regard will no doubt be the subject of further submissions and consideration on my part.

The Guildford Four

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).

Article 2 of the European Convention on Human Rights

34. For the avoidance of doubt, it was not argued before me that the enhanced investigative obligation conferred on the State by article 2 of the ECHR (the right to life) is engaged in this case or that it obliged me to resume the inquests and this provision had no bearing on my decision to resume the inquests.

Next steps

35. I am mindful of the fact that cases such of this have a tendency to expand and I intend to conduct these inquests in a prompt, cost-effective and proportionate fashion and in a way that keeps them within reasonable bounds. I will meet with the Surrey Police team working on the abovementioned materials as soon as possible in order to get an update on their progress and to discuss whether and how they can best assist me going forward. I will thereafter convene a pre-inquest review hearing to address the scope of the inquests, disclosure and the recognition of "interested persons". I should make it clear that so far as concerns disclosure, this will be tailored to the issues within scope and not *vice versa*.

Richard Travers
HM Senior Coroner for Surrey
31 January 2019