

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 APPLICATION BY THE BBC

1. This is my ruling on an application made by the BBC which was set out in an email from the journalist Tanya Gupta dated 10 June 2020 and in submissions made by Jude Bunting of counsel in writing (dated 19 August 2020) and orally at a pre-inquest review hearing ("PIR") on 2 September 2020. The terms of the BBC's application changed somewhat over time and I shall concentrate on those ultimately developed by Mr Bunting at the hearing.
2. A detailed note of the above PIR has been prepared by junior counsel to the inquests, Matthew Flinn, and reference should be made to this for a summary of the submissions made by Mr Bunting, leading counsel to the inquests, Oliver Sanders QC, and counsel for the interested persons. This ruling should be read together with Mr Flinn's note. The key issue relates to the exercise of my power under regulation 27(2) of the Coroners (Investigations) Regulations 2013 to, "provide any document or copy of any document to any person who in the opinion of the coroner is a proper person to have possession of it".
3. In its final form, the BBC application sought three things which I can deal with fairly briefly and a fourth which is more difficult and which is addressed more fully below:

- (1) A designated point of contact for media enquiries in relation to the inquests
The relevant point of contact has thus far been and shall, until further notice, remain my lead officer on these inquests, Heather Nin.
- (2) Copies of materials referred to or relied upon in previous PIRs
These had not been requested prior to 2 September 2020 and, as discussed on the day, there appear to be no objections to them being made available now. Accordingly, and as proposed at the PIR, Mr Flinn has compiled a bundle containing the following (with personal telephone numbers, email accounts and home addresses redacted):
- (a) agendas for and notes by Mr Flinn of previous PIRs (Mr Flinn began producing hearing notes for circulation from February of this year onwards and there was no agenda for the PIR on 4 November 2019 as it dealt only with interested person status);
 - (b) applications for interested person status and written submissions by or on behalf of interested persons;
 - (c) Surrey Police memorandum of understanding dated 9 July 2019, side-letter dated 20 February 2020 and “Current Situation Reports”;
 - (d) Metropolitan Police disclosure update reports;
 - (e) report by Mr Flinn on Home Office materials dated 11 February 2020;
 - (f) my (already publicly available) rulings of 31 January and 25 November 2019 on resumption and interested persons respectively (included for completeness).

This bundle will be circulated to the interested persons (who have already seen its contents) and, subject to any submissions they may wish to make on redactions to items within (a)-(e) above, I will make a copy available to the BBC

and any other interested media organisations or journalists. From time to time, Ms Nin has copied some additional items of correspondence to the interested persons for information, but I see no need to include all of these in the bundle. If and to the extent that a specific letter or email is referred to in the bundle, or has been otherwise referred to at any of the PIRs to date, the media are free to request a copy should they so wish.

(3) Establishment of a website

As discussed at the PIR on 2 September 2020, Ms Nin has made contact with Surrey County Council who have offered to host a webpage for the inquests on their website. My rulings in this inquest, contact details for Ms Nin, information about hearings and documents falling within paragraph 7(1) below will be uploaded to this webpage in due course. A copy set of the materials made available to the media pursuant to (2) above will also be uploaded and, subject to what follows, I anticipate that further materials of the same type can and will be uploaded going forward. Launch of this facility may take a little time as some prior design work and training will be needed. Ms Nin will notify the interested persons and anyone else who registers an interest once the webpage is up and running and we will also make enquiries about the feasibility of an alert service whereby new uploads are notified to subscribers.

4. In addition to (1)-(3) the above, the BBC sought access for itself and other media organisations and journalists to all materials referred to or relied upon at all future PIRs or substantive hearings in these inquests. As I understood it, the application was for a direction and associated administrative arrangements ensuring that all such materials be made available by default and on a rolling basis save where an interested person gives prior notice of an objection in relation to the whole or part of a specific document.
5. The importance of the open justice principle and the authorities and guidance set out and referred to in the Chief Coroner's Guidance Note No.25 "Coroners and the Media" were emphasised by all the advocates and are not in doubt. I am determined to ensure that they are complied with in full. In particular, I agree with Mr Bunting that paragraph 93 of Guidance Note No.25 applies to this case and that special arrangements of the kind referred to therein are appropriate.

6. The point at which some difficulty arises concerns the nature and practical application of the unarguable presumption in favour of openness:

(1) the BBC urges a presumption that all materials referred to or relied on in court in these inquests be automatically made available unless an objection to this is raised in advance - this would put the onus on myself and the interested persons to review and consider the suitability for onward disclosure or publication of each and every document regardless of its contents or importance;

(2) the principles underlying and reflected in Guidance Note No.25 (particularly the passages referred to by Mr Sanders QC and set out in Mr Flinn's note of the PIR on 2 September 2020) point to a presumption that each document referred to or relied on in court in these inquests should be made available *if and when specifically requested* and subject to any objections of the above kind - this would put the onus on the media to make such requests on a targeted rather than blanket basis.

7. To some extent, I am content to follow (1) above and, to this end, I hereby direct as follows (subject to paragraph 8 below and any contrary directions I may make in relation to particular documents):

(1) Hearing agendas and written submissions or notes by counsel to the inquests which are circulated to the interested persons and (when produced) transcripts of proceedings in open court

These will be automatically uploaded to the abovementioned webpage. Agendas and transcripts will be uploaded as soon as available and written submissions or notes by counsel to the inquests will be uploaded not less than two clear working days after service on the interested persons.

(2) Written submissions and notes or reports filed by or on behalf of and circulated to the interested persons

These will be made available to media organisations or journalists on request not less than two clear working days after service on the interested persons.

8. The two day timeframe will allow for objections to be made in relation to particular documents and, if this happens, publication or disclosure will not take place pending my decision on the objections. Conversely, I will endeavour to accommodate media requests for speedier access to particular documents on a case-by-case basis - in consultation with the interested persons subject to compliance with my duty to act fairly. From what was said at the PIR on 2 September 2020, I do not anticipate that any of the interested persons will object to these arrangements, but not all of them attended or were represented and I will, of course, consider any submissions any of them may wish to make on the subject.
9. In practice, this leaves documentary materials which may represent potential evidence or which may relate to evidential matters more generally, e.g. contemporaneous documents, plans, photographs and reports, witness statements and schedules of exhibits. While I accept that the open justice principle will require that key materials of this kind be made available to the media in due course and without the need for a specific request, I am unable to accede to the remainder of the BBC application at this stage.
10. My reason for this is that I cannot determine the fate of materials I have not yet reviewed and which may not yet exist. Furthermore, I cannot exercise my judgment under regulation 27(2) in relation to unknown information or weigh factors in the balance which are currently inchoate because they are contingent upon future decisions about, e.g. scope, relevance, whether to empanel a jury or whether certain evidence should be heard live or read. Indeed, *some* materials may require particularly careful thought *on a document-by-document basis* prior to media release, e.g. documents whose possible admission or deployment is discussed in open court but which are not ultimately used, or witness statements including information which is not ultimately adduced or does not form part of the relevant witness's evidence.
11. The next PIR will take place on a date to be fixed (provisionally) in December 2020.

Richard Travers, HM Senior Coroner for Surrey
14 September 2020