



**Kingsley Knight**

Legal Training & Consultancy

## Coroner's Courts are radically different to other courts

Have you ever wanted to know the difference between the different courts?

Adversarial	Adversarial	Inquisitorial
Civil Courts	Criminal Courts	Coroner's court
Organised on a national basis	Organised on a national basis	Organised on a local basis
Interested parties	Parties R (Crown) v defendants	Interested persons includes family members
Proceedings start with an application	Commencement of process by the Crown Prosecution Service	No application. Process commences when the coroner is informed of a death
Pleading documents define issues	Indictment	Questions to be answered: Who, Where, When and How – to reach a conclusion- Short form/narrative
Not open to the public Hearings are publicised on court lists	Open to the public and press Hearings are publicised on court lists	Open to the public and press Hearings are publicised on the coroner's website and on court lists
Court bundle includes statements	No court bundle	Court bundle includes statements



Judge make an order/findings	Judge passes sentence	No one on trial- coroner or jury is not to make any determination on other matters, including criminal or civil liability Only to determine the statutory questions of Who, When, Where and How Coroner decides: <ul style="list-style-type: none"> <li>• When the deceased's body is released for funeral</li> <li>• Scope of the inquiry (breadth and depth)</li> <li>• Reaches conclusion (if no jury)</li> </ul>
Judge can be solicitor or barrister  Parties lead on questioning witnesses	Judge can be solicitor or barrister  Parties lead on questioning witnesses	Coroner can be solicitor or barrister or medical practitioner. Role of Coroner- investigative style, decides on witnesses, leads the questions
Balance of probabilities	Beyond all reasonable doubt	Balance of probabilities inc suicide cases
Witness is cross examined	Witness is cross examined	Witness is not cross examined; however, witnesses can be asked about inconsistencies
Hearsay evidence is admissible	Hearsay evidence is not admissible	Hearsay evidence is admissible, if relevant. Once admitted, the coroner (or the jury) must consider the weight of the hearsay evidence
Appeal process available	Appeal process available	No appeal process and no award of costs Judicial review is available
Judgement/order/award damages	Verdict of guilty or not guilty	Conclusions, no damages/award of costs/ coroner can draw lessons- PFD 28 report – lessons to be learnt