Additional evidence from INQUEST on the Chief Coroner's proposal to change s.13 so that where the High Court is satisfied that it is neither necessary nor desirable in the interests of justice that a fresh investigation or inquest should be held into the death, the High Court may direct that the particulars of the Record of the Inquest (Form 2, Schedule, Coroners (Inquests) Rules 2013) be amended as appropriate.

We fear the proposal could have implications beyond the very small number of cases where justice could be done by the High Court amending the narrative conclusion or other conclusions on the Record of Inquest (indeed for such cases it may be that no-one would want the cost and delay of a fresh inquest). For cases where a fresh inquest is the only way of ensuring justice, we are concerned that the "satisfied that it is neither necessary nor desirable in the interests" wording could put in place a significant hurdle.

There are options that might address these concerns. One would be to add 'beyond reasonable doubt' after 'satisfied' to make it a higher hurdle with the same basic test. Alternatively, you could also require the AG to indicate that the case may be one where this provision should apply, or somehow require AG agreement to the course of action (given that the AG grants a fiat to begin with). Another would be to require at least the agreement of the claimant/applicant (a veto power to this outcome) because as we see it the problems are most likely to arise where a bereaved family have two grounds – one of which is capable of being remedied by amending the record, the other of which requires a new inquest. Finally, if this provision were adopted, we would strongly encourage clear guidance to avoid it becoming the default.