

Information on the
**Rights of Families
at Inquests**



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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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What is an inquest?

An inquest is a public inquiry held by a Coroner to decide the "who, when, where and how" of an unexplained death.

Is an inquest like a court case?

No, it's different because an inquest is not about finding out who was responsible for the death or if a crime was committed.

When is an inquest held?

An inquest takes place when the local Coroner thinks that the person may have died in a sudden, unnatural, or violent way, or due to unknown causes.

There are a list of situations where deaths need to be reported to the Coroner, who will decide if an inquest is needed. There are some circumstances where an inquest is always required, for example where a mother dies in, or shortly after, childbirth or where a prisoner in jail dies.

People in certain jobs are required to report unexplained deaths to the Coroner. The family of someone who has died can ask the relevant person if the death has been reported. The family can contact the Coroner directly if they think the death should be looked into and has not been reported.

Post-Mortem Examination

The Coroner may direct a doctor to carry out a post-mortem to examine the body of the person who has died, in order to gather more information about how they died.

The families permission is not required, but they should be informed that a post-mortem is needed. The family is entitled ask for a copy of this report of this examination and they will be given it unless it could impact on other related legal actions.

How will I be told about the inquest?

The family will be informed of the time, date and place of the inquest at least 14 days before hand. You may be informed by the Coroner's office, a Garda or officer from the Garda Ombudsman, depending on the nature of the case.

Who is entitled to be at the inquest?

Anyone can attend an inquest.

If you want to take part and contribute to the inquest you can contact the Coroner and ask to be included, and explain your relationship with the person who has died and/or why you think your participation is needed. The Coroner makes the decision on who takes part in the inquest.

[See appendix for template letters](#)

Do I need to have a solicitor to take part in an inquest?

No, you don't need to have a solicitor to attend and participate in an inquest, but you can have one at your own expense. You should inform the Coroner's Office if you are bringing a solicitor, so they can be given access to information on your behalf.

Depending on your circumstances, you may be eligible for legal aid or legal advice. You must ask the Coroner to request the Legal Aid Board to give you legal aid or advice. This should be done as early as possible as there is an application process and strict criteria. Only one member of a family can get this legal aid or advice and it may not be granted.

[See appendix for template letters](#)

What should I expect before an inquest happens?

Before the inquest happens, as the family of the person who has died you can get the information you need in order to participate. You can ask the Coroner to give you copies of the written information that will be looked at during the inquest. If you'd like this, ask the Coroner for it as early as possible.

[See appendix for template letters](#)

If you think someone else may be able to help the inquest or have additional paperwork that may be useful, you can inform the Coroner. It is up to the Coroner to decide if the information is relevant.

It's important, before the inquest starts, that the Coroner has all the information they need.

If you think they are missing something important, let them know before the hearing so that they can decide if they need to get that information.

Inquests should be held as quickly as is possible, but it can take some time to happen and the date of the inquest can be moved or changed at short notice. If there is a link to an ongoing investigation or court case, the inquest may be delayed to a later date (called an adjournment). In these situations, the coroner would usually declare basic information about the death, e.g. identification.

If the inquest is delayed to a later date (adjourned) then you can write to the Coroner to ask why.

Where does an inquest take place?

Inquests are often held in courthouses around the country or at the Coroner's Court in Dublin city centre. They are sometimes held in different places, including hotel conference rooms or other meeting rooms.

If you need any special arrangements to be made to allow you to take part, such as wheelchair access or translation into your language, you need to let the Coroner know as soon as possible.

[See appendix for template letters](#)

What happens at the inquest or hearing?

Sometimes a jury is needed at the inquest. The Coroner decides if a jury is needed based on the circumstances of how the death happened. If there is a jury, they are sworn in first.

Anyone who is taking part in the inquest (or their solicitor) is asked to identify themselves, and witnesses are asked to give evidence.

The first person who is usually asked to give evidence is the witness who will identify the person who died. Then the other witnesses will be asked to give evidence. The Coroner decides the order that witnesses will speak.

Once the witness is called, their evidence is usually presented by a member of the Coroner's staff (the registrar) who reads the witness' statement (or deposition), which was prepared before the inquest. Then the various interested persons present may examine (or question) the witness. The Coroner will decide if and when you are allowed to ask witnesses questions. The Coroner will not allow questions that are not relevant to the inquest. Questions cannot be asked about someone's responsibility or blame for the death. The Coroner can ask witnesses questions directly, and can also request them to answer other people's questions. Lying when giving evidence is against the law.

The Coroner decides what evidence is considered and they can request any information they think they need from anyone at the inquest.

Participating at the inquest

Sometimes a person can be asked to give evidence at an inquest using a summons. If you receive a summons, you are required to give evidence. It is a crime if you do not.

The Coroner decides who can ask witnesses questions at the inquest, but people who might be able to speak to witnesses can include:

- » the next of kin of the person who has died or their representative; or
- » people who are from the hospital, prison or other place where the person died.

How does the inquest finish?

At the end of an inquest, a verdict is given stating the identity of the person who died, and how, when and where the death happened.

A verdict is the final statement of the inquest, but unlike a court, this will not find anyone guilty or innocent.

The range of verdicts that can be declared by the Coroner or jury include:

- » Accident;
- » Misadventure;
- » Suicide;
- » Natural causes;

- » Unlawful killing; or
- » An open verdict – where none of the above verdicts match the death.

The record of the inquest and the verdict are signed by the Coroner and, where there is a jury, by the foreman of the jury. The Coroner can also add recommendations to the final record, for example to help prevent further deaths. The record, notes and evidence heard in the inquest are kept by the Coroner, you can ask for these afterwards (for a cost).

The official document recording the outcome of an inquest, including the verdict and the conclusions about the circumstances of death, is sent to the Registrar of Births, Marriages and Deaths for the death certificate. You should allow seven working days after the inquest for the Registrar to process the information. You can request a certificate at: www.certificates.ie

Can I appeal if I'm unhappy afterwards?

There is no way to appeal the outcome of an inquest, the Coroner's job is at an end. If a family feels there was a very significant problem with the inquest or a serious block to their involvement in the process, they can seek a Judicial Review from the High Court, but this is a very significant legal step to take. If your family is considering this option, your solicitor can give you detailed advice in relation to it and the relevant time limits to take such an action.

In very limited circumstances, the Attorney General can order a new inquest to take place. This might happen where new evidence came to light that raised doubts as to the correctness of the earlier

verdict. It is open to the family of the person who has died to write to the Attorney General and explain why they believe that a new inquest should be ordered – significant justification for a new inquest would be required.

Who can I ask for more information or to explain in more detail?

[Read IHREC's Information on the Rights of Families at Inquest Information Note](#)

[Visit the Citizen's Information webpage on Inquests](#)

[Speak to a Family Liason Officer through your local Victim Service Office](#)

[Contact the Garda Ombudsman \(GSOC\) if the death occurred following contact with An Garda Síochana](#)

[Read the Health and Safety Authority's advice for bereaved families following a fatal accident at work](#)

[Read the PARC Road Safety Groups Finding Your Way guide for families of victims following the death or serious injury of a loved one in a road traffic collision](#)

[Read the Irish Penal Reform Trust's Deaths in Prison Custody: Information for Families & Others Affected booklet](#)

[Visit the Legal Aid Boards webpage on legal services in respect of certain inquests](#)

Appendix 1 - Draft Letter of Interest

Insert address of the relevant coroner

Dear Coroner,

I/we am/are the *[Insert relationship to the deceased]* of the deceased *[Insert name of deceased]* and understand that a decision has been made to hold an inquest.

I/we am/are writing to ask that we be notified in writing of the time, date and place of the proposed hearing of the inquest, so that I/we may be able to attend the inquest and to fully engage in the proceedings.

I/we request that as much advance notice as possible be provided and that notice be given at least 14 days in advance of the holding of the inquest in accordance with the Coroners Act 1962, as amended.

Yours sincerely,

(Note: use of this template letter is not a statutory requirement under the Coroners Act 1962).

Appendix 2 - Draft Letter on Legal Aid or Legal Advice

Insert address of the relevant coroner

Dear Coroner,

I am the *[Insert relationship to the deceased]* of the deceased *[Insert name of deceased]* and understand that a decision has been made to hold an inquest.

I am writing to apply for a request to be submitted by you to the Legal Aid Board in relation to the granting of legal aid or legal advice, or both, to me pursuant to the Civil Legal Aid Act 1995.

Yours sincerely,

(Note: use of this template letter is not a statutory requirement under the Coroners Act 1962).

Appendix 3 - Draft Letter on Disclosure

Insert address of the relevant coroner

Dear Coroner,

I/we am/are the *[Insert relationship to the deceased]* of the deceased *[Insert name of deceased]* and understand that a decision has been made to hold an inquest.

I/we am/are writing to formally apply for all documentation in relation to this inquest, to include a list of all witnesses, a copy of the post-mortem report, a copy of all draft depositions and a list of any other materials relevant to the inquest.

If any materials that are relevant are not being disclosed, or are otherwise being edited or redacted (on the grounds of privilege or otherwise), please identify what materials are not being disclosed, or otherwise being edited or redacted, and the basis for same.

I/we would be most grateful if you would please ensure that the above are provided as soon as possible to allow me/us the opportunity to fully consider same in advance of the inquest.

Yours sincerely,

(Note: use of this template letter is not a statutory requirement under the Coroners Act 1962).

Appendix 4 - Draft Letter on Special Arrangements

Insert address of the relevant coroner

Dear Coroner,

I/we am/are the *[Insert relationship to the deceased]* of the deceased *[Insert name of deceased]* and understand that a decision has been made to hold an inquest.

I/we am writing to formally notify you that in order to properly participate at the hearing of the inquest, I/we require the following facilities/accommodations be made available to me: *[Insert relevant requirements]*

Please confirm by return that same will be provided.

Yours sincerely,

(Note: use of this template letter is not a statutory requirement under the Coroners Act 1962).



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an Duine agus Comhionannas
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