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HOUSE OF LORDS,
LONDON SW1A 0PW

12 March 1990

CONFIDENTIAL

The Right Honourable Peter Brooke MP
Secretary of State for Northern Ireland
Northern Ireland Office
Old Admiralty Building
Whitehall
LONDON
SW1

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Dear Secretary of State,

NORTHERN IRELAND INQUESTS

You will by now be aware that on 8 March the House of Lords allowed the Crown appeal in the McKerr case.

As a result, rule 9(2) and (3) of the Coroners Rules has been found to be *intra vires* and remains part of the law relating to coroners inquests in Northern Ireland. Consequently, it will now be possible for HM Coroner to resume the inquest which gave rise to the appeal and for the other inquests to which this issue is relevant to proceed whenever practicable.

It probably goes without saying that it will no longer be necessary to proceed with the proposed Order in Council to reinstate rule 9(2) and (3). One consequence of this is that we shall lose the opportunity to amend the Coroners Act to enable me to transfer inquests between coroners' districts. You will recall that this provision has been included in the Draft Coroners Order at the request of your officials to meet the logistical and security difficulties encountered with certain inquests. While it is unfortunate that this should be a by-product of the House of Lords Judgment, it seems to me that, subject to your views and those of colleagues, that it is probably not of sufficient importance to merit proceeding with an Order in Council for this purpose alone.

Copies of this letter go to the Prime Minister, Geoffrey Howe, Douglas Hurd, David Waddington, Tom King and Patrick Mayhew, and to Patrick Walker and Sir Robin Butler.

Mrs Innes
Paul Scott

*(Approved by the Lord
at ... and signed in his ...)*

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