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Attorney General's Office

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Oxfordshire Coroners Office
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Your ref: NGG.LDL 1763/2003

15th November 2010

Dear Coroner,

DR DAVID KELLY - DECEASED

Thank you for your letter of 10th November enclosing a transcript of the proceedings on 16th March 2004. It is most helpful. I write now to ask if you would be prepared to assist the Attorney General by commenting, if you feel able, on the matters I raise below.

The first is whether you consider you carried out an inquest into Dr Kelly's death. Was there an Inquisition? I accept that on the face of it this appears to be a rather odd question. The issue arises in the context of whether any application to the High Court (if one gets to that stage) would be made under section 13(1)(a) of the 1988 Act or 13(1)(b). I suspect that when section 17 A was inserted in the 1988 Act little or no thought was given to how it impacted on section 13. I should make it clear that I am not expecting you to provide legal advice but would, rather, be interested to know your view.


The remaining questions arise from the many submissions we have received that an Inquest would in some way be "better" than the process followed by the Inquiry. You touched on some differences in your ruling on 16th March 2004. The references to paragraph numbers refer to the memorial.

- In your view would there have been any material difference procedurally and substantively between an Inquest held by you and the Inquiry by Lord Hutton so far as the statutory duty under s.8 is concerned?
- Are you likely to have accepted any other individuals as Interested Persons under R20 (para 33)?

- Would you have decided to empanel a Jury under s. 8(3) (para 33)?
- Would you have set a different scope for the Inquest (para 22)?
- Would the ability of Interested Parties to question have been materially different (para 36)?

I entirely understand that you may feel uncomfortable about answering necessarily hypothetical questions about what you might have done and will of course accept you declining to do so if that is your decision. Your views would, however, help the Attorney General in understanding whether an inquest held by you would have been materially different from the Inquiry conducted by Lord Hutton.

If the Attorney General decides not to apply for a new inquest he will give his reasons for doing so. He will want to publish, by placing material in the Library of the House of Commons, the material on which he based his decision. Given the nature of the questions we have asked you, we would not publish any response without your consent. If you would prefer, I would be happy to meet with you, either in London or Oxford.

Yours sincerely


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