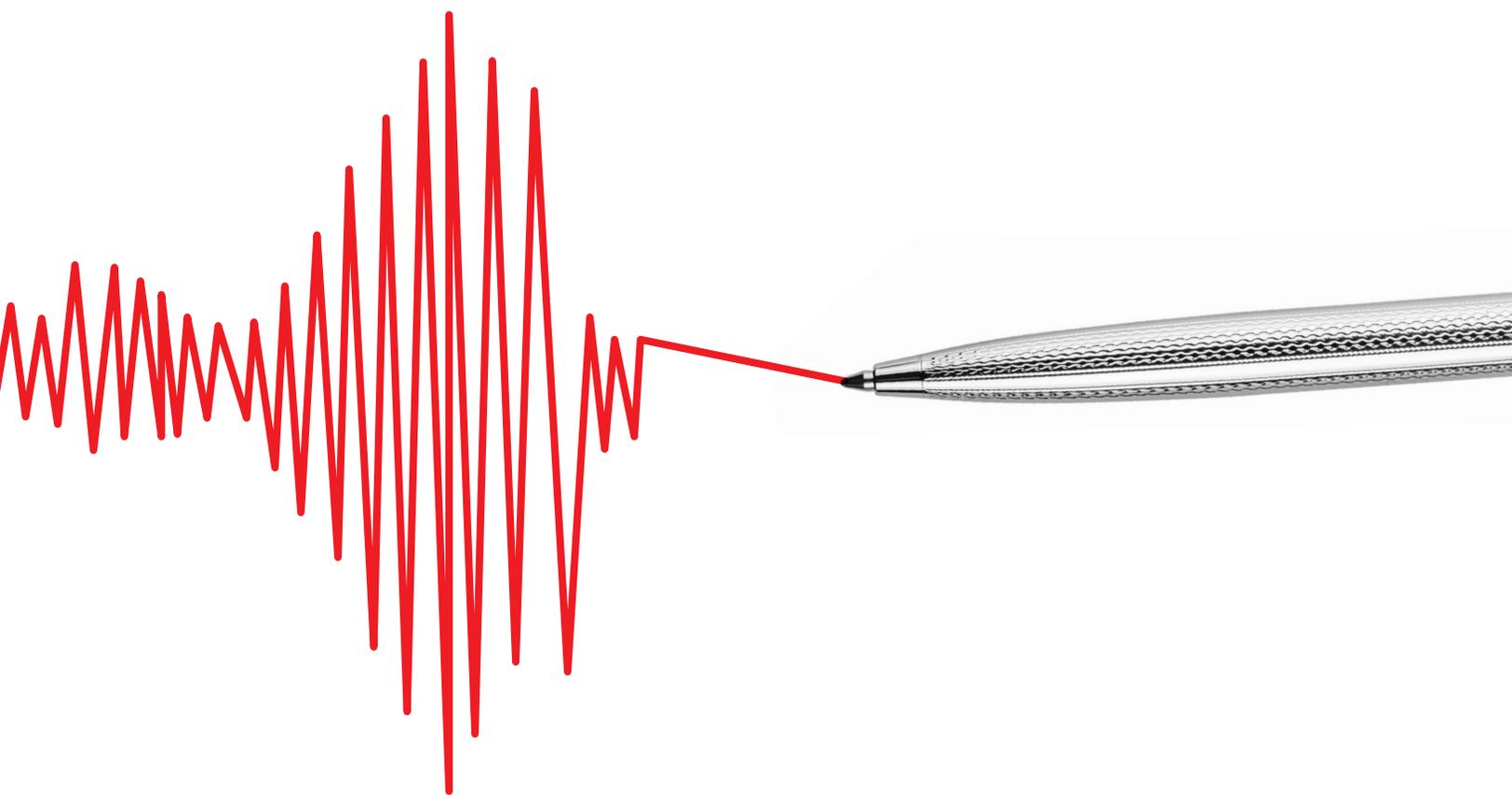


EVERSHEDS  
SUTHERLAND

**Establishing the facts**

Inquest booklet



# Contents

<b>1. Introduction</b>	<b>1</b>
<b>2. What is an Inquest?</b>	<b>1</b>
<b>3. Where is an Inquest held?</b>	<b>2</b>
<b>4. What is expected of me as a witness giving evidence?</b>	<b>2</b>
<b>5. What should my deposition say?</b>	<b>2</b>
<b>6. Who can ask questions at the Inquest?</b>	<b>3</b>
<b>7. What happens if I am called to give evidence?</b>	<b>3</b>
<b>8. Is the Inquest held in public or private?</b>	<b>4</b>
<b>9. Outcomes</b>	<b>4</b>
<b>10. Contacts</b>	<b>5</b>

# 1. Introduction

The purpose of this booklet is to provide an overview of the conduct and procedure of a Coroner's Inquest. It reviews at a high-level the role of a Coroner in investigating a death and explores how and why you might be called as a witness, along with practical advice for preparing a deposition and giving evidence at an Inquest.

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## 2. What is an Inquest?

An Inquest is an official public enquiry. The hearing of the Inquest is presided over by the Coroner whose purpose is to establish the cause of a sudden, unexplained or unnatural death. The Inquest seeks to establish how, when, and where the death occurred.

It is important to note that questions of civil or criminal liability will not be considered as part of an Inquest. The Inquest is not a forum for directing blame toward any person(s).

An Inquest can sit with or without a Jury. A Jury is required in the following circumstances:

- Where the death may be due to homicide.
- Where the death occurred in prison.
- Where the death was caused by accident, poisoning or if the death requires notification to be given to the Government Department or inspector.
- Where the death resulted from a road traffic accident.
- Where the death occurred, in circumstances, where it may be prejudicial to the health and safety of the public and where the Coroner considers it desirable to hold an Inquest with the Juror.
- Where an Inquest is held with the Jury and the members of the Jury and not the Coroner, enter the findings and verdict together, with any recommendations they feel necessary.

### 3. Where is an Inquest held?

Generally speaking an Inquest is heard in a Courthouse. In some regional areas, a hotel or a town hall or community hall may be used.

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### 4. What is expected of me as a witness giving evidence?

A Coroner will decide the witnesses to attend and what order they will be required to give evidence. The purpose of this is to provide a logical order and a sequence to the circumstances surrounding the death. In order to establish the sequence of witnesses the Coroner generally asks for a deposition or statement from potential witnesses which is submitted to the Coroner's office for review in advance of the Inquest taking place.

Generally speaking, those individuals involved in the care of the deceased up to the time of death or who are present at the time of death, or the person or people who are last to have seen the deceased alive, may be asked to provide the Coroner's office with a deposition.

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### 5. What should my deposition say?

Depositions are requested by the Coroner in advance of the Inquest. They are statements that should be factual in nature. If you are an expert witness or involved in the care of the deceased, you should include your role at the time of the deceased death, you may reference the medical chart. Your deposition should set out the sequence of events and your involvement in the care of the deceased up to and including the time of their death.

## 6. Who can ask questions at the inquest?

Any person with an interest in relation to the Inquest may examine a witness and be represented by a legal representative. Interested persons generally include:

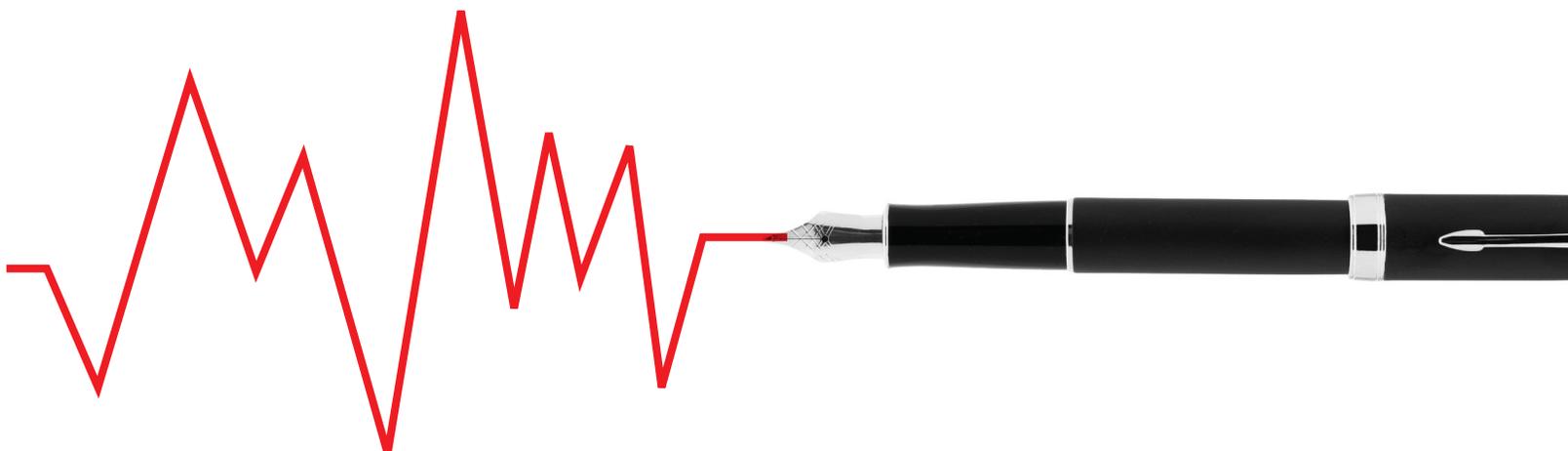
1. The family or next of kin of the deceased.
2. Representatives from the institution in which the deceased was admitted/ cared for up to and including the time of death; for example, a hospital or nursing home.
3. Representatives of the Insurance Company, if applicable.

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## 7. What happens if I am called to give evidence?

You will be called to the witness box by the Coroner's registrar located next to where the Coroner is seated. You will be asked by the registrar to swear under oath an affirmation prior to giving evidence. If you are a professional witness you will be asked to read your deposition out loud to the Court. The depositions of non-professional witnesses are generally read by the Coroner's registrar.

It is open for interested parties to ask questions of you. The Coroner will decide whether the person seeking to ask the question is an appropriate 'interested party'. The Coroner may have a number of questions to put to you also. Once you have given your evidence you will be asked to sign your deposition.



## 8. Is the Inquest held in public or private?

All Inquests are conducted in public. Anyone can attend including members of the press. However, it is generally the case that only few Inquests are reported in the media.

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## 9. Outcomes

Once the hearing has been completed a verdict is returned in relation to the identity of the deceased, how, when and where the death occurred. There is a range of verdicts open to the Coroner / Jury to include:

- accidental death
- medical misadventure
- suicide
- open verdict
- natural causes
- unlawful killing
- narrative verdict

In certain circumstances, the Coroner may issue a general recommendation, which is designed to prevent similar deaths from occurring in the future. Once the Inquest is complete, a Certificate is issued so the death can be properly registered.



# Contacts



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