

**IN THE BIRMINGHAM & SOLIHULL CORONER'S COURT**

**BEFORE HM CORONER HH RICHARD FOSTER**

**In the matter of multiple Inquests touching the death of patients of Mr Ian**

**Paterson for treatment for breast cancer**

**RULING AND PROTOCOL ON REMOTE EVIDENCE IN MODULE 1**

Ruling

1. Module 1 will deal with the medical cause of death in each of the opened Inquests. The time-table and list of witnesses for each Inquest has been provided to all Interested Persons and is available on the website <https://coronerspatersoninvestigation.org>. Much of the evidence will come from medical professional witnesses – both expert and factual.
2. I have considered the Chief Coroner's Guidance Note 42. I am satisfied that by virtue of Rule 17 of the Coroners (Inquests) Rules 2013 and my inherent common law power to manage proceedings that it would be lawful for me to allow any witness to give evidence remotely.
3. I have already given a provisional ruling that Mr Paterson should be allowed to participate in the Inquests remotely from the prison where he is serving his sentence.
4. Although the Chief Coroner's Guidance Note 42 recommends that applications for remote access are dealt with on a case by case basis I am of the view that this should be adapted for reasons of expediency in the exceptional circumstances of these Inquests bearing in mind their nature, size and complexity. Accordingly, I intend to give a generic ruling to cover all medical professional witnesses in module 1, save for those who are also Interested Persons.
5. I have taken into account that most medical professional witnesses will have busy clinical practices in different parts of the country. Although a time-table has been set for each Inquest in module 1 it is inevitable that some cases will overrun, and others might proceed more quickly. It will be important that witnesses are able to be flexible as to when they are able to give evidence. It is, therefore, my intention to permit all medical professional witnesses in module 1 who are not also Interested Persons to give evidence remotely on the terms of the protocol set out below. I am satisfied that this would serve the interests of justice, would enable the Inquests to proceed more expediently and would not impede the questioning of those witnesses. I would reserve the right to review any ruling in the light of experience in any Inquest.
6. Any Interested Person who is also a witness in module 1 who wishes to give evidence remotely will have to apply on a case by case basis. Such applications must be made through the Solicitors to the Inquests at least 28 days prior to any hearing setting out reasons. Applications should be served on all Interested Persons. However, as a general rule I take the view that Interested Persons (and their legal representatives) should be present at court when necessary.
7. Further cases will be listed for Openings on 25<sup>th</sup> September 2024 and if necessary a further Pre Inquest Review Hearing will take place on that date. If any Interested Person

wishes to object to this ruling, notice should be given to the Solicitors to the Inquest, with reasons, at least 14 days beforehand and I will consider these at that hearing.

His Honour Richard Foster

3<sup>rd</sup> July, 2024

Protocol for remote evidence by Medical Professional Witnesses in module 1

1. Witnesses must provide the Solicitors to the Inquest their email addresses and mobile telephone number. Those solicitors will provide directions for remote access which must be followed.
2. Witnesses must use suitably robust equipment such as a laptop or desktop computer and have a reliable internet connection. Telephones or tablets would generally be considered as being unsuitable.
3. Witnesses must be alone in a quiet private room and have available any Holy Book which they would like to use to take the oath.
4. Witnesses should ensure they have access to a copy of their statement and any other documents which have been shared with the court and which they understand to be relevant to their evidence.
5. Witnesses should bear in mind that remote participation does not alter the formality of the proceedings, and so must behave and dress appropriately so that the dignity of the proceedings are not compromised.
6. Witnesses should not discuss or confer with others about their evidence.
7. Witnesses are warned that it is a contempt of court to record, play, or publish a recording or transcript of the proceedings, or to dispose of a recording or transcript with a view to its publication. That means that if anyone records or broadcasts any part of these proceedings, that person will be committing a criminal offence.