

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

**HIS HONOUR RICHARD FOSTER**

**NOMINATED PURSUANT TO SCHEDULE 10 CJA 2009**

**INQUESTS TOUCHING UPON THE DEATHS OF PATIENTS OF  
MR IAN PATERSON FOR TREATMENT OF BREAST CANCER**

**DIRECTIONS BY HM CORONER UPON IAN PATERTSON'S  
REPRESENTATIONS REGARDING HIS PROVISION OF EVIDENCE**

**Background**

1. A Schedule 5 Notice was issued and served upon Mr Paterson requiring him to provide a witness statement on generic issues and to attend court to provide oral evidence in each of the 62 opened Inquests. I have given permission for him to appear remotely from the prison where he is serving his sentence, and arrangements have been made with the prison authorities for this.
2. Since the resumption of these Inquests on 7<sup>th</sup> October 2024 Mr Paterson has made two applications regarding his participation in these Inquests. First, it was submitted on his behalf that I have power to grant him legal funding and that I should exercise that power, and in the meantime adjourn the Inquests. I refused these applications. Secondly, he applied to revoke the Schedule 5 Notice. I refused this application. I would refer to my detailed rulings in connection with both these sets of applications which are on the investigation website.
3. He was due to provide evidence on 10<sup>th</sup> October 2024 but his application to revoke the Schedule 5 Notice was received the day before. I delivered my ruling refusing that application on 20<sup>th</sup> October 2024 making it clear that I expected him to attend remotely to give evidence in the first Inquest touching the death of Chloe Nikitas on 22<sup>nd</sup> October 2024. Arrangements were made with the prison for him to do so remotely. However, he refused to attend, I having heard

evidence to this effect from his Offender Manager at the prison who had spoken to him at the request of my legal team.

4. Now, by email from his solicitors dated 25<sup>th</sup> October 2024, I am informed that he does wish to provide evidence to the Inquests. In summary, he wishes to only attend court remotely once a week so as to minimise disruption to his prison regime, and on some Inquests to provide written evidence only. He wishes now to provide evidence in the Nikitas Inquest.
5. That email has been circulated to all Interested Persons, and I directed that any submissions be received by 4pm yesterday. In the event I have received submissions on behalf of University Hospitals Birmingham NHS Trust and Dr Stockdale. I am grateful for these.

### Discussion

6. As I have previously made clear and repeat now it is obvious that my investigations would be enhanced by Mr Paterson providing evidence. I also repeat that I am prepared to make all reasonable adjustments to assist Mr Paterson to do so upon the basis that he is suffering from the anxiety and depression which formed the basis of his application to revoke the Schedule 5 Notice, although I make no findings regarding these matters.
7. All witnesses have had to sacrifice aspects of their daily lives in order to give evidence, no doubt to considerable inconvenience to themselves and their families. Many witnesses are long since retired. In the same way it is not unreasonable to expect Mr Paterson to sacrifice aspects of his settled prison regime in order to provide evidence.
8. He asks to give evidence in the Inquest touching the death of Chloe Nikitas. The hearing of this Inquest has been adjourned part heard and so there will be an opportunity for Mr Paterson to provide evidence.
9. He requests that he only gives oral evidence on one day each week so as to minimise disruption to his prison regime. Experience to date is that Inquests are taking longer than anticipated and so in many cases there will be no more than one Inquest each week. I will bear in mind Mr Paterson's request in the same way as I will bear in mind the requests of all other witnesses regarding their availability and

convenience. Nevertheless, I must make due progress with the Module 1 individual Inquests so there will be weeks when more than one Inquest takes place.

10. He also requests that he is able to provide a statement rather than giving oral evidence in some Inquests. Although I do have a discretion to accept written evidence this is not appropriate when evidence is contentious. In most cases Mr Paterson's evidence will go to the heart of my investigations and is likely to be contentious and in such circumstances he will need to be questioned under oath. However, I will keep this request under review on a case by case basis, but I make it clear that if I do permit written evidence from Mr Paterson it will be on the basis that he must appear to give oral evidence if, as anticipated, Counsel to the Inquests as well as Interested Persons need to ask questions.

#### Conclusion and directions

11. Although I expect Mr Paterson to comply with the Schedule 5 Notice I will make every reasonable adaptation and allowance, taking into account his anxiety and depression as well as the other matters which formed the basis of his application to revoke the Schedule 5 Notice.
12. I will also take into account, subject to my observations set out above, the contents of the email from his solicitors dated 25<sup>th</sup> October 2024.
13. I now expect him to give evidence remotely on Thursday 31<sup>st</sup> October 2024 in the Inquest touching the death of Elaine Turbill, and upon subsequent occasions as notified to him.

HH RICHARD FOSTER  
30<sup>th</sup> October 2024