

Bradley, Andrew

From: Stuart Knowles Code A
Sent: 15 January 2009 15:32
To: Bradley, Andrew
Cc: Jill Mason; Mellor Peter - Company Secretary
Subject: Gosport inquests
Importance: High

Dear Sir

Following on from recent correspondence I am grateful to you for your confirmation that these Inquests will proceed on the basis outlined in the "Jameson" case rather than a full enquiry and Article 2 as per "Middleton".

Of course we are both aware of the case of "*Commissioner of Police for the Metropolis v Christine Hurst* [2007] UKHL13". This case is available in the Inquest law reports. I am grateful to you for indicating your acceptance of this authority.

I am keen that this issue is clear to all parties at the Hearing on Monday since they appear (up until now) to be proceeding on the mistaken basis that this is a full Article 2 enquiry surrounding the circumstances of the death.

Perhaps I could just ask you to let me know whether or not you would like submissions on this point. It is my view that the case is a clear authority for the proposition that Article 2 does not apply but if we need to engage into a discussion on Monday then clearly it maybe appropriate that I submit written submissions.

It would also be my contention that the State's obligation to investigate would have been satisfied by:

- (1) Internal investigations
- (2) External investigation by the Commission for Healthcare Improvement.
- (3) Police investigations.
- (4) Possibility of civil proceedings
- (5) GMC and NMC investigations.

I cannot see how an Inquest could add further to an investigation surrounding the deaths of these people.

I will bring a copy of the authority on Monday in case others require sight of it.

If you would like me to provide you with written submissions before Monday if you could let me know today (Thursday) then I will have them drafted tomorrow and forwarded to your office for consideration prior to the hearing on Monday morning.

As always if I can help in any other way the please don't hesitate to call.

Yours faithfully,

15/01/2009