

Neutral Citation Number: [2017] EWHC 2557 (Admin)

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

THE ADMINISTRATIVE COURT

Royal Courts of Justice

Wednesday, 4<sup>th</sup> October 2017

Before:

LORD JUSTICE TREACY

MR JUSTICE DINGEMANS

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HER MAJESTY'S SENIOR CORONER FOR NORTH WEST WALES

Claimant

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This transcript has been approved by the Judge

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MR A.JONES (instructed by Gwynedd Council) appeared on behalf of the Claimant.

**J U D G M E N T**

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LORD JUSTICE TREACY:

- 1 This is a sad story. It is to be hoped that the matter will develop so as to give a degree of closure to the family concerned. Her Majesty's Senior Coroner for North West Wales makes a claim pursuant to s.13 of the Coroner's Act 1988 seeking (a) an order quashing the inquisition on the inquest held in respect of identified human remains on 30th March 1995 by Her Majesty's then Coroner for Anglesey and (b) an order that the claimant holds a fresh investigation under part 1 of the Coroners and Justice Act 2009.
- 2 In October 1994 certain unidentified human remains were found on a beach on the west coast of Anglesey which now falls within the claimant's area. On 30<sup>th</sup> March 1995 the then coroner held an inquest as part of the investigation into those remains. No formal inquisition nor any return to the register of births, marriages and deaths appears in the coroner's papers from the Anglesey county archives but the then coroner's notes confirm the fact that an inquest was held and the findings of that inquest are recorded.
- 3 The identity of the deceased was shown as "unidentified human remains". The cause of death was "unascertained" and an open verdict was recorded. A tissue sample was obtained from the remains prior to their burial in Anglesey, and an attempt to create a DNA profile at that time was unsuccessful.
- 4 However, in 2011 a further sample was taken from the remains and a DNA profile created. In 2015 recent developments in DNA analysis enabled the further examination of the sample. In early 2016, after contact with the Irish police, a sample was taken in Ireland from a Mr Joseph Hanlon, the brother of a woman named Pauline Finlay, who had disappeared from a beach in County Wicklow in March 1994. The DNA analysis in Ireland has provided very strong support for the proposition that the unidentified body is a sister of Joseph Hanlon. The DNA

evidence is approximately one million times more likely to have come from a sample from a sister of Mr Hanlon than from an unknown unrelated female. Mr Hanlon and his family wish, if the remains are identified as those of Mrs Finlay, for the remains to be returned to Ireland.

5 Once an inquest has been held into a death by a coroner the coroner is rendered functus officio. The mechanism for quashing the previous inquest and ordering a fresh investigation is set out in s.13 of the Coroners Act 1988. The process requires an application to the court after the authority of the Attorney General has been obtained. Such authority has been obtained and the necessary formalities for an application of this type have been complied with.

6 Under s.13(1)(b) this court may quash a previous inquisition and order a fresh investigation under Part 1 of the Coroners and Justice Act 2009 if there are new facts or evidence and if the interests of justice make a further inquest desirable or necessary. I am satisfied that the new DNA evidence and the additional circumstantial evidence about Mrs Finlay's disappearance strongly support the contention that the unidentified remains are hers.

7 This evidence was not available at the time of the original inquest. It is credible and relevant and would have been admissible had it been available. In my judgment the evidence goes to the fundamental question of the identity of the deceased and amounts to new facts or evidence within the meaning of s.13. I consider that the interests of justice require a fresh investigation where an individual's identity is apparently established for the first time. Accordingly, I am satisfied that this claim should be allowed and that the inquisition of 30<sup>th</sup> March 1995 should be quashed.

8 Moreover, I would order that the present claimant should hold a fresh investigation under Part 1 of the Coroner's and Justice Act 2009. I record that in the event of such an order the Coroner intends to bring about the exhumation and identification of the remains and then, if appropriate, their transfer to Ireland without delay. I further understand that the Dublin City coroner has been informed of the proposal and is in agreement with it. Accordingly I will

grant the orders sought.

MR JUSTICE DINGEMANS: I agree.