



JUDICIARY OF
ENGLAND AND WALES

23rd October 2020

SUMMARY

R (oao Peter Skelton and Elizabeth Skelton) v Senior Coroner for West Sussex and others

[2020] EWHC 2813 (Admin)

Divisional Court (Lord Justice Popplewell and Mr Justice Jay)

1. The Court is today handing down its judgment following a remote hearing of the Claimants' application for judicial review between 6th and 8th October. The application for judicial review is allowed and the Court orders that there be an article 2 compliant inquest before another Coroner.
2. The Claimants are the parents of Susan Nicholson who was murdered on 17th April 2011 by her then partner, Robert Trigg. Her death was investigated by Sussex Police who initially considered it to be non-suspicious. Following a lengthy campaign by the Claimants, a re-investigation commenced in 2016 which ultimately led to Trigg's conviction for Susan's murder on 5th April 2017 at a trial at Lewes Crown Court presided over by Simler J (as she then was).
3. The original inquest verdict of accidental death was then set aside. The Claimants maintained before the Coroner that there should be an inquest into the circumstances surrounding Susan's death and in particular an investigation into whether these circumstances involved breaches by Sussex Police of duties imposed by article 2 of the European Convention on Human Rights ("the Convention"). The Claimants contended that this inquest should cover Sussex Police's investigation into the death of another of Trigg's partners, Caroline Devlin, where the conclusion was formed that she had not died in suspicious circumstances, as well as operational failings which it is said meant that reasonable steps were not taken to protect Susan in the months before her death against a real and immediate risk to life posed by him.
4. For their part, Trigg's family contended that the inquest should examine whether Susan Nicholson had been unlawfully killed.
5. In two rulings given last year the Coroner decided that (1) the inquest should not consider the correctness of the jury's verdict in the criminal trial ("the first issue"), and (2) article 2 of the Convention did not require an investigation into the circumstances of Susan's death ("the second issue"). This was because the Claimants' case in the two respects in which it was being advanced was not arguable.
6. In these proceedings for judicial review, the Claimants have supported the Coroner on the first issue but have contended that she was wrong to hold that they had failed to

advance even an arguable case for the purposes of article 2 of the Convention. Sussex Police have supported the Coroner on both issues. Ms Lee, Robert Trigg's sister-in-law, maintained on his behalf that the Coroner was wrong on the first issue but right about the second.

7. The Coroner advanced submissions through Counsel on the first issue but took a neutral stance in relation to the second.
8. In our judgment, the Coroner was right about the first issue but wrong about the second. In short, she was right to hold that it would be an abuse of the coronial process if Robert Trigg were permitted to invite the new inquest in effect to revisit the question of his guilt in the criminal proceedings. The correct avenue for his doing so is by way of an appeal in the normal way.
9. In upholding the Claimants' arguments on the second issue and quashing the Coroner's ruling that the scope of the inquest should be limited, we have concluded that the Coroner erred in law in holding that no arguable violation of article 2 of the Convention had occurred. Our reasons for coming to that conclusion are set out in full in our judgment. In paragraph 106 we emphasise that we are not finding that the police were in fact guilty of any failings, or in breach of the any operational duties. What we have found is that the incomplete material currently available could, if taken at its highest, credibly suggest that such failings occurred, so that an inquest should look into whether that is so. It follows that these issues must now be explored before a fresh inquest which will have the benefit of all the evidence available to it, and which is the proper forum to reach a conclusion.

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment is the only authoritative document. Judgments are public documents and are available at: [HTTP://www.bailii.org/](http://www.bailii.org/).