



Case No: AC-2024-LON-002287

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**DIVISIONAL COURT**  
**[2024] EWHC 2332 (Admin)**

The Royal Courts of Justice  
Strand  
London WC2A 2LL

Tuesday, 30 July 2024

BEFORE:

**LADY JUSTICE ANDREWS**  
**MRS JUSTICE HILL**

BETWEEN:

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**HM SENIOR CORONER SARAH ORMOND-WALSHE**

Claimant

- and -

**MARIANN SHERREN**

Defendant

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**MR R CLAPP** (instructed by Bevan Brittan) for the Claimant

**THE DEFENDANT** did not appear and was not represented.

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**JUDGMENT**  
(Approved)

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1. MRS JUSTICE HILL: Jack Sherren died on 21 February 2020 having hanged himself in Shortland's Wood in Bromley. He was 32 years old at the time. He had a history of drug use and mental health difficulties, including self-harm, and had previously been detained under the Mental Health Act 1983.
2. The Claimant, His Majesty's Senior Coroner for South London, opened an investigation into Mr Sherren's death and conducted an inquest on 16 July 2021. His mother, Marriann Sherren, provided a statement setting out the background and circumstances leading up to his death and attended the inquest.
3. Having considered all the evidence at the inquest, the Claimant gave her findings and determinations and completed a Record of Inquest (or "ROI") as required. She recorded at Box 2 of the ROI her finding that the medical cause of Mr Sherren's death was "suspension". She gave the conclusion in Box 4 that Mr Sherren had died a "drug and alcohol related death".
4. Page 17 of the transcript of the inquest makes clear that the Coroner had considered the standard of proof and the elements of a suicide conclusion, including that the deceased intended to die. Page 19 explains that she decided not to return such a conclusion, observing that Mr Sherren had taken alcohol, heroin, cocaine, methadone and cannabis before he died.
5. Since the inquest, two items of further evidence have come to light. The Claimant has been provided with a handwritten note from Mr Sherren to his mother. It refers in terms to his state of mind, saying how much pain he was in, and that he wanted the pain to stop. Mr Sherren described the note itself as a "suicide note". The Coroner has also received a copy of a text message Mr Sherren sent to his sister shortly before he died, again referring to the pain he was in and asking her to look after their mother.
6. The Claimant now applies under the Coroners Act 1988, section 13 for an order quashing the conclusion as to Mr Sherren's death reached on 16 July 2021 and requiring her to conduct a fresh investigation.
7. Section 13(1)(b) is the relevant provision, where a Coroner has conducted an investigation or inquest (as opposed to section 13(1)(a) which applies where a Coroner has declined to do so).
8. Section 13(1)(b) applies, insofar as is relevant to this case, where the High Court is satisfied "...whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or otherwise" that "it is necessary or desirable in the interests of justice that another investigation should be held".
9. If the High Court is so satisfied, under section 13(2)(a), the High Court may order another investigation to be held into the death either by the same coroner; or by the coroner for another district in the same administrative area. Under section 13(2)(c), the High Court may quash any "inquisition on, or determination or finding made at the earlier inquest". The "Inquisition" document has now been replaced with the ROI: see the Chief Coroner's Guidance No. 17, Conclusions: Short-Form and Narrative, paragraph 5.

10. The Claimant obtained the Attorney General's fiat for the section 13 application, as required, on 30 May 2024.
11. The correct approach to applications under section 13(1)(b) was set out in *HM Attorney General v HM Coroner of South Yorkshire (West) and another* [2012] EWHC 3783 (Admin); [2012] Inquest LR at [10] as follows:

“The interests of justice, as they arise in the coronial process, are undefined, but, dealing with it broadly, it seems to us elementary that the emergence of fresh evidence which may reasonably lead to the conclusion that the substantial truth about how an individual met his death was not revealed at the first inquest, will normally make it both desirable and necessary in the interests of justice for a fresh inquest to be ordered”.

Resuming the paragraph, the court said this:

“The decision is not based on problems with process, unless the process adopted at the original inquest has caused justice to be diverted or for the inquiry to be insufficient. What is more, it is not a pre-condition to an order for a further inquest that this court should anticipate that a different verdict to the one already reached will be returned. If a different verdict is likely, then the interests of justice will make it necessary for a fresh inquest to be ordered, but even when significant fresh evidence may serve to confirm the correctness of the earlier verdict, it may sometimes nevertheless be desirable for the full extent of the evidence which tends to confirm the correctness of the verdict to be publicly revealed” [our emphasis].

12. Mr Sherren's mother consents to the application and indeed we are told that if appropriate she would welcome a conclusion of suicide. In this regard, we note that in *HM Senior Coroner for Gwent re the Inquest into the Death of Vaughan* [2020] EWHC 36703 (Admin) at [18], it was held that it was desirable for a fresh inquest to be held because that was what the deceased's brother wanted; and because there was the possibility of a different conclusion.
13. The Claimant and Mrs Sherren have signed a consent order, in draft, agreeing that the original inquest should be quashed and a fresh inquest held.
14. As required by the CPR PD 54A, paragraph 16.1, a short agreed statement of the matters relied on as justifying the order has been provided, in the preamble to the draft order. The task of the court in these circumstances is set out at CPR PD 54A paragraph 16.2. It is to review the documentation and make the order if satisfied that the order should be made.
15. We are entirely satisfied this order should be made, quashing the original record of inquest and ordering a fresh investigation to take place. It is clear that the new evidence may bear directly on Mr Sherren's state of mind and thus might lead to a conclusion of suicide, which is different to the conclusion already reached.

16. Before this hearing, we raised with the parties whether it was appropriate to describe Mr Sherren's note to his mother as a "suicide note" as the draft order initially provided. We were concerned that this might be seen to pre-judge the conclusion of any fresh inquest. By agreement, these words have now been removed from the draft consent order and the preamble simply refers to the production of a handwritten note prepared by the deceased and a text message.
17. We also observed that the draft order originally provided only sought to quash the conclusion of the previous inquest, which we were concerned might be taken to mean solely Box 4. On reflection, the Claimant agrees that it would be procedurally more straightforward and appropriate on the facts of this case to quash the entire record of inquest and we agree. We make that order while ordering a fresh coronial investigation, so, for completeness, the order we make will read as follows:
  - “1. The Record of Inquest relating to the death of the Deceased dated 16 July 2021 is quashed;
  2. The Claimant shall hold a further investigation into the death of the Deceased”.
18. We conclude this short judgment by reiterating our condolences to Mrs Sherren for the loss of her son.
19. LADY JUSTICE ANDREWS: I agree.

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