I am writing to alert you to a Statutory Instrument, the Coroners Allowances, Fees and Expenses (Amendment) Regulations 2018, which will amend a small but significant error in the Coroners Allowances, Fees and Expenses Regulations 2013 and which is being laid in Parliament today.

The error came to light during satellite litigation in the judicial review brought against the decision of the Inner North London Senior Coroner, Mary Hassell, not to prioritise deaths on religious grounds.

The issue here, however, is not about Ms Hassell’s decision – which you will recall the Administrative Court found unlawful – but rather about the need to correct the error in the Regulations which has the effect of leaving a coroner potentially liable for costs if a judicial review goes against them, rather than being indemnified by the relevant funding authority. It was never the intention that the Regulations should have this effect which has the potential to undermine judicial independence.

In the Mary Hassell case the lead local authority, Camden, accepted the costs but until they made that decision – which they were not bound in law to make – there was concern in the coroner service and among the senior judiciary that Ms Hassell stood to lose her home. This was an extraordinary position for a judicial office holder to find themselves in; there is, of course, no likelihood of such a predicament befalling judges in the criminal or other courts.

The new Statutory Instrument makes a narrow, technical change that corrects the error. It is strongly supported by the Chief Coroner and the Lord Chief Justice.