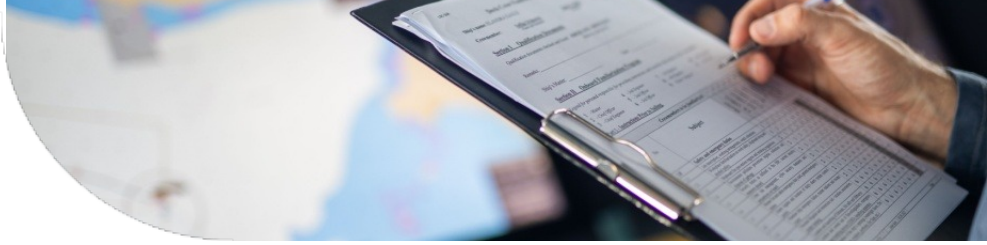

Inquests into Deaths at Sea and Abroad: Jurisdictional Challenges and the Coroners' Power

Deaths at sea and abroad remain an enduring and troubling feature of global maritime operations and establishing the circumstances surrounding such deaths can be more complex than death on territorial land. Between 2014 to 2023, more than 650 fatalities were recorded across 444 marine casualties globally. Unfortunately, 89.7% of those fatalities involved crew members. The most prominent causes of those deaths were slips, trips and falls (including into the ship's hold or water) and collision between ships.

These figures remain concerning, given the maritime industry's ongoing efforts to enhance maritime safety.

If a British citizen dies outside UK waters, a coroner's inquest may still be required domestically to determine the cause of the death. Such inquest would typically seek to establish the deceased's identity, when, where and the cause of the deceased's death.

Coroners' Jurisdiction over Death at Sea and Overseas

Senior Coroners in England and Wales have the power to investigate deaths that occur overseas, upon repatriation of the deceased's body to their district, if the cause of death is unknown or suspected to be violent or unnatural. Article 2 of the Commencement Order No.11, Order 2013 grants coroners' power to conduct inquest into deaths which occurred outside their district.

Even where the body has been destroyed or is irrecoverable, a coroner may still conduct an inquest, but only with the approval of the Secretary of State. The inquest will be treated as an inquest where body is not within the coroner's district.

Woolf LJ in Healy, clarified that a UK coroner's jurisdiction is 'normally land-based', but where the event had sufficient nexus with the land over which the coroner had jurisdiction, the coroner had jurisdiction. However in some countries, the coroner's jurisdiction extends beyond land.

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Deaths overseas often prompt the local authorities of the country where the death occured to carry out postmortem examinations before the body is repatriated to the UK. Upon repatriation, a Senior Coroner may order a further UK post-mortem examination - but an inquest cannot be conducted where the deceased has been cremated or buried overseas.

Request to Foreign Authorities

To obtain relevant evidence for an inquest into a death abroad, coroners may issue formal requests to overseas authorities, through the Foreign, Commonwealth & Development Office (FCDO)'s Consular Directorate's Coroners' Liaison Officer or the CPS prosecutors. The FCDO does not investigate deaths abroad and cannot provide legal or medical advice. Its role is to facilitate communications between coroners and foreign jurisdictions.

Coroners may also admit voluntary evidence from foreign witnesses or organisations. Where necessary, such evidence can be given through a video link, provided the foreign state grants permission. If attendance by such overseas witness is impracticable either in person or remotely, evidence may be tendered through written witness statements, where every reasonable effort has been taken to secure the witness attendance and the evidence is unlikely to be contested.

Coroners have statutory powers to compel persons within England and Wales to give evidence at an inquest or to produce any relevant document or evidence in their custody or under their control, but not abroad.

Standard of Proof and Findings of Unlawful Killing

In Maughan v Her Majesty's Senior Coroner for Oxfordshire, the UK Supreme Court confirmed that for findings of both suicide and unlawful killing in inquests the standard of proof is the civil standard of the balance of probabilities and not proof beyond reasonable doubt.

Narrative conclusions

Coroners or a jury may also deliver a 'narrative' conclusion, offering a detailed factual account of the circumstances leading to a death. The coroner is not to assign fault or civil or criminal liability.

Death on board UK – Registered Vessels

Any death occurring on board a UK-registered vessel must be formally recorded with the Registry of Shipping and Seamen, supervised by the Maritime and Coastguard Agency.

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Conclusion

Deaths at sea present complex legal and evidential challenges. Unlike deaths on land, these cases often involve multiple jurisdictions, foreign authorities, and barriers to evidence gathering and repatriation. The coroner's role is therefore crucial in ensuring transparency, accountability, and a clear understanding of how a death occurred, even when the circumstances are uncertain, or the body is irrecoverable.

LA Marine has enormous experience in regulatory, personal injury and other marine investigation matters.

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