

Cost of Legal Representation Awards Ruling 5

1. In a Ruling dated 11 February 2016 (Costs Ruling 3) I made an interim costs award in favour of Mark Kennedy having satisfied myself of the relevant statutory criteria and the conditions of the Secretary of State's Costs Determination. It was an interim award pending resolution of Mr Kennedy's application to the Police Federation for funding. As a result Mr Kennedy was represented for the purpose of making representations as to the terms of any undertaking in respect of evidence given to the Inquiry that the Inquiry might seek from the Attorney General.
2. Mr Kennedy's application to the Police Federation has been granted subject to Mr Kennedy consenting to representation by a firm of solicitors whose name appears on the Police Federation's panel. Mr Robert Roscoe of Victor Lissack, Roscoe and Coleman is Mr Kennedy's recognised legal representative. Mr Roscoe's firm is not a member of the panel. Mr Roscoe has agreed to work at the panel's rates. That offer has not been accepted. In any event, Mr Kennedy perceives a conflict of interest between himself and other police officers represented by panel solicitors. He does not wish to lose the services of his present representatives and has declined to accept the condition attached to the grant.
3. In my view, it would be unreasonable to expect Mr Kennedy at this stage to change his recognised legal representative purely for the purpose of meeting the Police Federation's condition. It is not for the Inquiry to make public pronouncements about the reasonableness of the Police Federation's position. The Inquiry's task is to assess the merits of the present application in the changed circumstances. Mr Kennedy is likely to be at the heart of the subject matter of the Inquiry and it is essential that he should be represented. I conclude that it is in the public interest that I should make an award of costs of legal representation in Mr Kennedy's favour. His current interim award will expire on 31 May 2016. Thereafter a costs award letter will be issued as the circumstances require.

15 April 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry