

Preliminary Issues: Deceased Children

Cost of Legal Representation Awards

Ruling 6

1. On 26 April 2016 RDCA and Gordon Peters applied for legal representation and funding in respect of the deceased children preliminary issue. In my sixth 'recognised legal representative ruling' (dated 28 April 2016) I set out the background to those applications and designated Jules Carey of Bindmans LLP as their recognised legal representative.
2. Under section 40(1)(b) of the Inquiries Act 2005 the chairman "*may award reasonable amounts ... in respect of expenses properly incurred, or to be incurred ... in relation to the inquiry*". By section 40(3) that power exists in respect of "*a person who in the opinion of the chairman has such a particular interest in the proceedings or outcome of the inquiry to justify such an award*" and, by section 40(2), the award may include the cost of legal representation. However, the power to make an award is, by section 40(4), subject to such conditions or qualifications as may be determined by the Minister. The Secretary of State for the Home Department has issued such a determination. The main relevant provision for present purposes is that any award must be "necessary, fair, reasonable and proportionate".
3. In considering the making of a costs award under section 40 of the Inquiries Act 2005 and rule 21 of the Inquiry Rules 2006 the chairman must take into account the financial resources of the applicant and whether making an award is in the public interest. I set out my general approach to applications made by non-police, non-state core participants at paragraphs 11 – 15 of my first Costs of Legal Representation Awards Ruling of 16 December 2015.
4. In the present cases the applicants have assets that would enable them to pay for their own legal representation were they pursuing a purely private interest. But they are not. They have been affected by the Inquiry in such a way that in my view it is in the public interest that they should receive an award of costs from public funds unless their assets are such that an award would be an affront to the public conscience. Like several other participants in the Inquiry these applicants do not fall anywhere near such a category.
5. I shall therefore make an award of costs in favour of RDCA and Gordon Peters limited, for the moment, to their participation in the deceased children preliminary issue. A costs award letter will be sent to Jules Carey of Bindmans LLP setting out

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the terms of the award. Since Mr Carey is already acting for Mrs Shaw I would not expect there to be duplication of effort.

28 April 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry