

Costs of Legal Representation Awards Explanatory Note

1. In my first Costs of Legal Representation ruling of 16 December 2015, I announced the making of costs awards in favour of a number of core participants “for an award of the costs of legal representation during the preliminary stage of the Inquiry”. The term “preliminary stage” included, as explained in paragraph 1(ii) of the ruling, resolution of applications and submissions from core participants on “*The legal principles upon which the Inquiry should act in making decisions upon applications for restriction orders under section 19(1) of the Inquiries Act 2005*”.
2. However, at paragraph 41 of my ruling I accepted that non-police, non-state core participants should be permitted to make applications for anonymity before the Inquiry identified the legal principles that applied to their resolution. At paragraph 44 I set out a timetable that enabled “any core participant who wishes” (whether a police officer or not) to file an application for anonymity contemporaneously with the filing of written submissions as to legal principles. The timetable also provided for core participants to respond to applications for anonymity made by others.
3. On 27 January 2016 and 15 April 2016 I issued new timetables towards the hearing of anonymity applications. The chronological duration of the cost awards made in successive costs rulings has been extended from 31 March to 31 July 2016. From the earliest stage, therefore, the Inquiry has been requiring work to be done by publicly funded recognised legal representatives concerning core participant anonymity applications as an adjunct to the preliminary issue of identifying the legal principles applying to restriction orders sought under section 19 of the Inquiries Act 2005.
4. I have also said, repeatedly, that the Inquiry has been adopting an incremental approach towards the first restriction order decisions in order to provide core participants with the fullest possible opportunity to contribute to the identification of principles and their application to decisions whether to make restriction orders under section 19.¹
5. For the avoidance of doubt I shall now state that the costs awards made to date authorise work done by a recognised legal representative on behalf of a core participant at the request or direction of the Inquiry in preparing and making an application for anonymity or responding to an application for anonymity made by

¹ See for example Restriction Orders: Legal Principles and Approach Ruling, paragraph 3

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another. However, the conditions and qualifications of the Secretary of State's costs determination continue to apply. It remains the position that the non-police, non-state core participants who wish to respond to applications for anonymity made by police officers will be expected to act co-operatively. Subject to further application to the Chairman there will be a single joint response from the co-operating group.

8 June 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry