

Costs of Legal Representation Awards

Ruling 10

1. In rulings of today's date I have designated 'Jane' a core participant in the Inquiry and I have designated Mike Schwarz of Bindmans LLP and Harriet Wistrich of Birnberg Peirce and Partners her recognised legal representative in the Inquiry.
2. Mr Schwarz and Ms Wistrich have made applications on Jane's behalf for an award of costs of legal representation under section 40 of the Inquiries Act 2005.
3. I set out the principles and my approach to applications for costs awards to core participants in my first Costs Awards ruling of 16 December 2015, in particular at paragraphs 3 – 16. This ruling should be read together with those paragraphs.
4. Jane is eligible for an award under section 40 (3) of the 2005 Act because, in my view, she has such a particular interest in the proceedings or in the outcome of the Inquiry that an award of costs is justifiable.
5. I have received information as to Jane's personal financial affairs and I conclude, for the purpose of rule 21 of the Inquiry Rules 2006, that she does not have the resources with which to fund her own representation at the Inquiry and the making of the award is in the public interest.
6. The Secretary of State for the Home Department issued a Costs Determination under section 40 (4) of the 2005 Act that, at paragraph 2.a, requires me to make an award only when I consider it necessary, fair, reasonable and proportionate to do so. I have no doubt that the application meets the Secretary of State's criteria because the applicant has an important contribution to make to the Inquiry and there is no other means by which her participation can be funded.
7. It is essential that duplication of work is avoided. The determination of preliminary issues has largely been completed. New costs awards will be made in respect of preparations for evidential hearings. Ms Wistrich should prepare an application for a restriction order on behalf of Jane whose effect would be to grant her anonymity. The application should be submitted by 4 pm on 7 October 2016.
8. The costs award in favour of Mr Schwarz will be limited to work done in connection with Jane's participation in the protest at the Department of Transport in December 2007, her arrest and the subsequent prosecution. The costs award in favour of Ms

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Wistrich will be limited to work done in connection with Jane's relationship with Mark Kennedy. Any work conducted outside these parameters should be the subject of agreement between Mr Schwarz and Ms Wistrich and the prior approval of the Solicitor to the Inquiry, or, failing agreement or approval, the decision of the Chairman.

9. I approve Mr Schwarz's and Ms Wistrich's proposals for the composition of their respective legal teams under paragraph 2.d of the Costs Determination. Costs award letters will be issued accordingly.

6 September 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry