

FOR IMMEDIATE RELEASE

2 August 2017

## PRESS NOTICE

### **The Rehabilitation of Offenders Act 1974 and its impact on the Inquiry's work**

#### **Chairman's 'Minded to' note**

The Chairman of the Undercover Policing Inquiry, Sir John Mitting, is today publishing his ['Minded to' note](#) on the Rehabilitation of Offenders Act 1974. In his note, the Chairman explains that he proposes to admit evidence relating to a person's spent convictions when considering applications for restriction orders under section 19(2)(b) of the Inquiries Act 2005 where he considers that justice cannot be done otherwise.

[The core participants' views were sought](#) as to whether or not the Inquiry needed to request exceptions from the normal operation of the Rehabilitation of Offenders Act 1974. In reaching his decisions, the Chairman is required by section 17(3) of the Inquiries Act 2005 to have regard to the need to avoid unnecessary cost and to act with fairness. For this reason the Chairman is minded to hear submissions and receive evidence about spent convictions during the substantive evidence phase of the Inquiry, rather than at the stage when a restriction order application is being considered.

The Chairman also proposes to invite the Secretary of State for Justice to exempt the Inquiry from the effect of section 4(1) of the Rehabilitation of Offenders Act 1974. This would mean that the Chairman would be free to request evidence from (and ask questions of) a person about their spent convictions and the surrounding circumstances, without having to consider in each individual case whether 'justice cannot be done' without requiring that evidence. The Inquiry's progress may be hindered if it is required to apply this test in every instance of a spent conviction.

In any case, the Inquiry will only ask people about their spent convictions and the surrounding circumstances if the spent convictions are relevant to the Inquiry's subject matter and the questioning is necessary to fulfil the Inquiry's terms of reference.

The Chairman's 'Minded to' note is accompanied by a [supplementary note](#) by Counsel to the Inquiry, which summarises the core participants' submissions.

The core participants have until 4pm on Thursday, 14 September 2017 to let the Inquiry know whether they wish to be heard orally upon any of the proposed directions.

### **Background**

The purpose of the Undercover Policing Inquiry is to investigate and report on undercover police operations conducted by English and Welsh police forces in England and Wales since

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1968. The Inquiry will examine the contribution undercover policing has made to tackling crime, how it was and is supervised and regulated, and its effect on individuals involved, both police officers and others who came into contact with them.

The work of the Inquiry ranges across the full scope of undercover policing work and will look at the work of the Special Demonstration Squad, the National Public Order Intelligence Unit and police forces in England and Wales. The Inquiry will also examine whether people may have been wrongly convicted in cases involving undercover police officers, and refer any such cases to a separate panel for consideration.

The work of the Inquiry will fall into three modules:

1. Module One will look at what happened in the deployment of undercover officers in the past, their conduct, and the impact of their activities on themselves and others.
2. Module Two will look at the management and oversight of undercover officers, including their selection, training, supervision and care after the end of an undercover deployment. This section will also look at the law and other rules covering undercover policing.
3. Module Three will make recommendations about how undercover policing should be conducted in future.

**ENDS**

# UNDERCOVER POLICING INQUIRY

## NOTES TO EDITORS

1. This press notice does not form part of the Chairman's 'Minded to' note and does not form part of its reasoning. The full note is the only authoritative document and is available [here](#).
2. Copies of all of the background documents, including the core participants' submissions, can be found on the Inquiry's website, [here](#).
3. A copy of the [Rehabilitation of Offenders Act 1974](#) can be found on [www.legislation.gov.uk](http://www.legislation.gov.uk)
4. The Undercover Policing Inquiry is constituted under the [Inquiries Act 2005](#).
5. The Inquiry's [terms of reference](#) were announced by the Home Secretary on 16 July 2015.
6. The Inquiry's ['frequently asked questions'](#) provides more information on the Inquiry more generally, as do [five published update notes](#).
7. The Inquiry's website is [www.ucpi.org.uk](http://www.ucpi.org.uk) and the Inquiry can be found on Twitter @ucpinquiry

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