

Recognised Legal Representatives

Ruling 12

1. Applications have been received from the solicitors appointed to act for 'Lizzie', 'Jessica' and Lord Hain for designation as recognised legal representatives in the Inquiry. The Inquiry has also received an application from Azhar Khan for Bark & Co Solicitors to be substituted in place of Saunders Law.
2. The requirements of rules 6 and 7 of the Inquiry Rules 2006 and the principles to be applied are set out in the first Recognised Legal Representatives Ruling of 9 November 2015 at paragraphs 7 – 11.

'Lizzie' and 'Jessica'

3. 'Lizzie' and 'Jessica' were designated as core participants in **Category [H] Individuals in relationships with undercover officers** in rulings dated 10 May 2017 and 1 August 2017, respectively. They both apply for Harriet Wistrich of Birnberg Peirce Ltd to be designated as their recognised legal representative. Ms Wistrich is currently the recognised legal representative for eleven core participants in Category [H]. 'Lizzie' and 'Jessica' plainly have interests in the Inquiry that are the same as or similar to those of Ms Wistrich's present clients, and I accordingly make the designations sought.

Lord Hain

4. Lord Hain was designated as a core participant by the ruling dated 10 May 2017, in **Category [D] Political organisations and politicians** and **Category [K] Political activists**. He has requested that Mike Schwarz of Bindmans LLP be his recognised legal representative. Mr Schwarz is already the recognised legal representative for a number of core participants in Category [K], with whom Lord Hain shares a similar interest in the outcome of the Inquiry. I shall therefore grant the request.

Azhar Khan

5. In paragraph 3 of the eleventh Recognised Legal Representatives Ruling dated 4 January 2017, the Chairman designated Saunders Law as the recognised legal representative of Azhar Khan. The Inquiry has since received an application by Bark and Co, supported by a handwritten note signed by Mr Khan dated 8 August 2017, for them to be substituted for Saunders Law as his recognised legal representative. By an email sent on 24 July 2017 Saunders Law notified the Inquiry that Mr Khan

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had confirmed that he was still instructing them as his recognised legal representative. I am not in a position to determine what his settled wishes are.

6. Whatever they are, they are not determinative of his application. An application to change recognised legal representative is not governed by an express rule of the Inquiry Rules 2006. Accordingly, I am permitted by section 17(1) of the Inquiries Act 2005 to determine the application as I see fit. I refuse it, for the following reasons:
 - a. fairness does not require me to accede to it;
 - b. Mr Khan has not expressed any lack of confidence in Saunders Law;
 - c. Saunders Law are familiar with the Inquiry's procedures;
 - d. there is no conflict of interest between Mr Khan and the other lawyer core participant represented by them;
 - e. unnecessary cost is likely to be incurred if each is represented separately.

14 September 2017

Sir John Mitting
Chairman, Undercover Policing Inquiry