

- (1) The Rehabilitation of Offenders Act 1974 and its impact on the Inquiry's work**
- (2) Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and the Special Demonstrations Squad**

Directions

Hearings

1. The hearing due to be held on 1 November 2017 will be vacated.
2. On 20-22 November 2017 there will be a hearing to deal with (i) the Rehabilitation of Offenders Act 1974 and (ii) the restriction order applications in respect of which 'Minded to' notes were issued on 3 August 2017 and 23 October 2017.
3. Before the hearing proper starts, I will make a statement about the future conduct of the Inquiry, the text of which will be circulated to the participants and the media immediately before I make it.

Rehabilitation of Offenders Act 1974

4. The directions given on 4 October 2017 stand. My note of preliminary observations about the issue are circulated with this direction.

Restriction order applications

5. The written submissions made on behalf of Duwayne Brooks CBE and Michael Mansfield QC on 20 September 2017 and on behalf of Guardian News and Media Ltd and Peter Francis on 4 October 2017 and on behalf of the non-police non-state core participants on 5 October 2017 will stand as skeleton arguments which there is no need to supplement. Further short skeleton arguments may be submitted by 4pm on Monday 6 November 2017 on the supplementary 'Minded to' note issued on 23 October 2017. If other legally represented core participants and the legal representatives of officers who are not core participants wish to make submissions at the hearing, they should file skeleton arguments by 4pm on Monday 6 November 2017. If any core participant who is not legally represented wishes to make oral submissions, they must file a written document by the same deadline. I may need to hold one or more closed hearings after the open hearing.

Future tranching direction for 31 October 2017

6. Further to paragraph 73 of the explanatory note dated 3 August 2017, the Inquiry legal team have discussed and continue to discuss with the Metropolitan Police

Service timetabling for the receipt of Special Demonstration Squad anonymity applications and I will make observations about progress in my opening remarks at the hearing on 20 November 2017. This is a further interim order to make provision for the supply by the Metropolitan Police Service Commissioner's Legal Team, the Metropolitan Police Service Designated Lawyer Team and Slater and Gordon of a number of applications for restriction orders in respect of the names of Special Demonstration Squad officers for consideration by me as soon as reasonably practicable.

7. Applications for anonymity and any supporting evidence should be provided to the Inquiry in open and closed versions as set out in the process map referred to at paragraph 131 of the [2 May 2017 Ruling](#). The only exception to this is that the Metropolitan Police Service Commissioner's Legal Team is now not required to supply an open version of the application or supporting evidence if it is applying to restrict only the individual's real name until the Inquiry has indicated whether the full breadth of the restriction being sought by Metropolitan Police Service Designated Lawyer Team and Slater and Gordon is known. This is for the reasons set out in the explanatory note (paragraph 21) published on 3 August 2017.
8. In setting this direction, I expect that where an officer is represented by the Metropolitan Police Service Designated Lawyer Team or Slater and Gordon, the officer and those representatives will work with the Metropolitan Police Service Commissioner's Legal Team to ensure that they meet the specified date below.
9. It is so directed that:
 - a. As soon as reasonably practicable but by no later than 31 October 2017, the Metropolitan Police Service Commissioner's Legal Team, the Metropolitan Police Service Designated Lawyer Team and Slater and Gordon are to provide to the Inquiry in respect of HN2, HN17, HN34, HN56, HN64, HN88, HN99, HN127, HN244, HN301, HN331, HN332, HN341, HN344, HN345, HN353, HN356, HN1668, HN2152:
 - i. closed versions of applications for restriction orders and supporting evidence; or
 - ii. written confirmation that no restrictions are sought;
 - iii. where it is known that neither the Commissioner nor the officer's legal representative seeks to restrict publication of a cover name the written confirmation supplied by the Metropolitan Police Service Commissioner's Legal Team should include the details which can safely

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be published at this stage about that officer's years of deployment and groups deployed into; and

- iv. where the Metropolitan Police Service Commissioner's Legal Team is applying for publication of both real and cover names to be restricted; or where it is known that a legally represented officer will be applying to restrict publication of both real and cover names then open and closed versions of the Metropolitan Police Service Commissioner's Legal Team application and supporting evidence shall be supplied.
- b. Further directions will be given in early November affording the opportunity for the Metropolitan Police Service Commissioner's Legal Team and the Metropolitan Police Service Designated Lawyer Team to make restriction order applications in respect of the identity of a further tranche of former Special Demonstration Squad personnel. The Inquiry intends to repeat this process on a monthly basis until such time as the Metropolitan Police Service Commissioner's Legal Team and former Special Demonstration Squad personnel have all been afforded the opportunity to make an application to restrict real or cover name.

23 October 2017

Sir John Mitting
Chairman, Undercover Policing Inquiry