

UNDERCOVER POLICING INQUIRY

PENAL NOTICE

IF ANY PERSON DISOBEYS THIS ORDER, THE MATTER MAY BE CERTIFIED TO THE HIGH COURT WHICH MAY HOLD THAT PERSON TO BE IN CONTEMPT OF THE INQUIRY AND THAT PERSON MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

ANY PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO BREACH THE TERMS OF THIS ORDER MAY ALSO AFTER CERTIFICATION TO THE HIGH COURT BE HELD TO BE IN CONTEMPT OF THE INQUIRY AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

RESTRICTION ORDER UNDER SECTION 19 OF THE INQUIRIES ACT 2005

UPON the Chairman having considered:

- an application dated 18 October 2017 for a restriction order in respect of a person here described as HN88, cover name 'Timothy Spence';
- and other closed documentation;

AND UPON the Chairman being satisfied, for the reasons given in his Minded To note dated 14 November 2017, that the application for a restriction order in respect of HN88's cover name should be refused;

AND UPON the Chairman having considered written submissions opposing the granting of a restriction order in respect of HN88's real name dated 20 July 2018;

AND UPON the Chairman being satisfied, for the reasons given in his Ruling dated 30 July 2018 and Minded To note dated 14 November 2017, that fairness and the weight of public interest including the interest in protecting rights under Article 8 of the European Convention on Human Rights fall in favour of an order restricting:

- the publication of HN88's real identity; and

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- the disclosure of HN88's real identity beyond that which is necessary to ensure the fulfilment of the Inquiry's terms of reference in accordance with paragraph 4 below;

AND UPON the Chairman considering his power to make a restriction order under section 19(2)(b) of the Inquiries Act 2005 read with section 19(3) thereof;

IT IS ORDERED THAT until further order

1. This order binds all persons and groups of persons (whether acting by themselves or by their servants or agents or in any other way) including bodies corporate and organisations (whether public or private), unincorporated associations, police forces and other law enforcement and government bodies and agencies and all companies (whether acting by their directors or officers, servants, agents, or in any other way).
2. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquiry which discloses HN88's real identity (including any description or image capable of identifying HN88).
3. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquiry which has the effect of disclosing HN88's real identity, or contributing to such disclosure, and which the person responsible for the disclosure or publication knows or suspects will have that effect.
4. This order does not prohibit:
 - a. Disclosure to members of HN88's approved legal team;
 - b. Disclosure to the Commissioner of Police of the Metropolis ('the Commissioner');
 - c. Disclosure to current employees of the Commissioner or of any other law enforcement agency or state body to whom disclosure of HN88's real identity is required during the course of their employment and in order to fulfil the terms of their employment;
 - d. Disclosure by or with the consent of the Inquiry to current or former employees of the Commissioner or of any other law enforcement agency or state body to whom disclosure of HN88's real identity is required for one of the following purposes:
 - i. To enable that person to provide evidence to the Inquiry about their contact with or knowledge of HN88 which arose out of their employment by that organisation (for example, a person who managed or supervised HN88); or
 - ii. To enable that person to provide evidence to the Inquiry pertaining to the contents of a document which reveals the real identity of HN88 (for example, a person who was or who is believed to have been the author or a recipient of such a document).
 - e. Disclosure to the legal advisers to any person described at (a), (b), (c) or (d) above, whose names will be notified in writing to the Inquiry in advance of any disclosure being made.

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5. For the avoidance of doubt, any person to whom disclosure of the real identity of HN88 is made in accordance with paragraph 4 above remains subject to the prohibitions at paragraphs 2 and 3 in relation to any onward disclosure or publication, save insofar as, and only to the extent that, such disclosure is made to another person or persons identified within paragraph 4 or to members of the Inquiry team.
6. Any person affected by any of the restrictions set out in paragraphs 2 and/or 3 above may apply to the Chairman to vary this order.
7. For the avoidance of doubt, this order does not bind the Inquiry team, which shall take its own measures to ensure that information the subject of this order is not disclosed in such a way as to undermine its intended effect.



Sir John Mitting

Chairman, Undercover Policing Inquiry

9 October 2018