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Applications for a restriction orders by “Bea” and “Jenny”

1. The individuals named below apply to be designated as a core participant under rule 5(1) of the Inquiry Rules 2006, for the designation of a recognised legal representative under rule 6(1), and for an award of costs in respect of legal representation under section 40(2) of the Inquiries Act 2005.
2. I designate Faith Mason, “Jenny” and “Bea” as core participants and make orders under rule 6(1) and section 40(2) in their cases.
3. I refuse to designate Jay Tiernan as a core participant in Category [L] or to make consequential orders in his case.
4. I make a restriction order in respect of the real name of “Jenny” under section 19(1) of the Inquiries Act 2005.

Jay Tiernan

5. Mr Tiernan is a long-standing and current animal rights activist. By an email dated 2 August 2019, sent by Adam Tear of Hodge Jones and Allen, to which an unsigned statement is attached, he asserts that he has played a very significant part in a number of groups known to have been infiltrated by different undercover policing organisations since 1997. The email states that he “feels passionate that his voice should be heard in respect to this matter, and that he should not be excluded due to the delay in applying”. He does not assert that he was unaware of the existence of the Inquiry. The email continues, “Mr Tiernan does not lead a conventional lifestyle, and as such was not aware that he could firstly apply to assist the Inquiry, and secondly that there could be funding to assist him to engage with the Inquiry.” I understand it to be asserted that, because of his unconventional lifestyle, limited means and lack of understanding of matters to do with the Inquiry, his application should be granted despite the elapse of nearly three years from the deadline originally set by my predecessor.
6. I do not accept that his lifestyle state of knowledge prevented him from applying earlier. He is no stranger to civil proceedings or the media. He was the subject of an injunction arising out of his activities opposing the badger cull in the West Country in 2013 – 2014 and on 21 January 2015 was found by Sir David Eady to have breached the order in nine respects. The sanction was a suspended

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sentence of six months imprisonment and an order for costs. He gave an interview to a television camera outside the front steps of the Royal Courts of Justice on the same day. He appealed against the finding and retained Mr Tear to represent him in the Court of Appeal. He appeared in a television programme broadcast on 3 October 2016 about the badger cull. He maintained a “Stop the cull” Facebook page in which he advertised it.

7. All of that leads me to believe that he has not been so out of touch or without access to advice that he was unaware of the existence of the Inquiry, its website and the fact that my predecessor required applications such as his to be made by a deadline which expired almost three years ago.
8. In the statement accompanying the email, he refers to only two specific circumstances in which groups with which he was associated were infiltrated by undercover police officers. The first concerns Stop Huntingdon Animal Cruelty, four of whose members are core participants in Category [I] (miscarriage of justice). He says nothing new about them. His statement simply repeats, word for word, paragraph 59 of my predecessor’s [first core participants ruling](#) of 21 October 2015. The second is the claimed discovery by him, in 1999, of an alleged undercover police officer who he names in the offices of London Animal Action. As he acknowledges, that group is a core participant, so that the issue can be investigated with its assistance.
9. In the circumstances, I can see no good reason why I should exercise the discretion which I have to designate Mr Tiernan as a core participant.
10. In an email dated 12 September 2019 from Adam Tear, it is asserted that Mr Tiernan is willing to give a detailed account of his activities in activist organisations. I welcome this statement and, when the Inquiry’s investigations reach the stage to which his evidence is relevant, will consider approaching him to provide it. In that event, a request for an award in respect of the costs of legal representation to assist him to do so under section 40(2) of the Inquiries Act 2005 is likely to be favourably considered.

Faith Mason

11. Ms Mason is the mother of Neil Robin Martin, who was born on 5 September 1963 and died on 15 October 1969. The Inquiry discovered that his first and middle names and date of birth were probably used to create the undercover identity of HN122 (“Neil Robin Richardson”). It notified Ms Mason about that discovery on 8 January 2019. I will not in this note set out the detail of her response to that discovery, save to say that it caused her shock and anguish.

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12. She applied on 7 August 2019 to be designated a core participant in Category [F]. She has a significant interest in an important matter to be addressed by the Inquiry - the use of the names and dates of birth of deceased children to create cover identities. She applied reasonably promptly to be designated a core participant once the facts were disclosed to her.
13. She cannot reasonably be expected to participate in the Inquiry without the assistance of a legal representative. I have been provided with information about her means, which I accept. It would not be reasonable to expect her to participate in the Inquiry at her own cost. I designate Jules Carey of Bindmans as her recognised legal representative on the same terms as to costs as those which apply to his other clients in this category.

“Jenny”

14. “Jenny” has applied to be designated as a core participant in Category [H]. She has not yet provided a full statement, but for present purposes, I am content to accept the summary set out by her solicitor in an email to the Inquiry dated 6 August 2019. She states that she was involved in the Socialist Workers Party and the Anti-Nazi League in the late 1980s and early 1990s. She met HN78 (“Bobby Lewis”) in 1992 or 1993 and they became close friends. In the late summer or early autumn of 1995 he told her that he was leaving London to attempt a reconciliation with his ex-wife in Spain. This led to them spending the evening together at his home and to their only sexual encounter.
15. This account of events has not yet been put to HN78 and I do not know if he accepts or disputes it. On the basis of her account, she may have a significant interest in an important aspect of the matters to which the Inquiry relates.
16. The basis of the application for a restriction order in respect of “Jenny’s” real name is set out in the email referred to. I do not propose to set it out in this note, but I am satisfied that it provides a sound basis for the making of such an order, founded upon her right to respect for private and family life under Article 8 of the European Convention on Human Rights.
17. I have been provided with information about her means, which I accept. They are not such that she could reasonably be required to pay for the cost of legal representation in the Inquiry. Her evidence is potentially important and she will require skilled legal assistance to provide it and to participate fully in the Inquiry. At her request, I designate Harriet Wistrich of Birnberg Peirce as her recognised legal representative on the same terms as to costs as those which apply to their other clients in Category [H].

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“Bea”

18. “Bea” had a sexual relationship with HN78, whom she knew as Bobby Lewis for about a year, beginning in March 1992, during his deployment as an undercover officer. They met at the first meeting of the Socialist Workers Party which she attended. The fact of the relationship was volunteered by HN78. She has a significant interest in an important aspect of the matters to which the Inquiry relates and is likely to be able to provide valuable evidence about his deployment.
19. I have been provided with information about her means, which I accept. I am satisfied that she could not reasonably be required to pay for the cost of legal representation in the Inquiry. She will require skilled legal assistance to provide her evidence and participate fully in the Inquiry. At her request, I designate Matt Foot of Birnberg Peirce as her recognised legal representative on the same terms as to costs as those which apply to their other clients in Category [H].
20. I request a short statement of the reasons for applying for a restriction order in respect of her real name.

17 September 2019

Sir John Mitting
Chairman, Undercover Policing Inquiry