

Core participants Ruling 32
Recognised Legal Representatives Ruling 26
Costs of Legal Representation Awards Ruling 25

Ernest Rodker

1. On 19 December 2016 Ernest Rodker applied, with Prof Jonathan Rosenhead, to be designated as a core participant and for Mike Schwarz to be designated as his recognised legal representative. The application was not then determined. By letter dated 20 March 2018, the solicitor to the Inquiry drew to the attention of Mike Schwarz that HN298 was arrested at a demonstration against the British Lions rugby tour to South Africa on 12 May 1972 and prosecuted and convicted in his cover name. Prof Rosenhead was also prosecuted and convicted. He was designated as a core participant in ruling 27 because of the possibility that a miscarriage of justice occurred in his case.
2. It is the intention of the Inquiry to seek evidence from Mr Rodker. He has recently instructed Mike Schwarz who has, on his behalf, on 7 November 2019 revived his application to be designated as a core participant. The basis is twofold: he, like Prof Rosenhead, may have been the victim of a miscarriage of justice, arising out of the incident on 12 May 1972; and he believes that he can provide evidence about a group in which he was involved, the “Pavement Collective” and an undercover officer who reported on it, HN300, “Jim Pickford”.
3. Mr Rodker is in his eighties and may not be in the best of health. Hence, it is asserted, the delay in renewing his application. Nevertheless, he wishes to assist the Inquiry, if he can. I will designate him as a core participant, in Categories [I] and [K], notwithstanding that delay, for two principal reasons: first, the Inquiry has already decided to seek evidence from him, if he is willing to provide it; secondly, the possibility that a miscarriage of justice may have occurred in his case can better be investigated if he is an active participant, rather than a passive witness.
4. He cannot be expected to participate in the Inquiry without legal assistance. I will designate Mike Schwarz as his recognised legal representative. I have been provided with evidence about his means, which are not such as to require that he pays for that representation out of his own resources. I will make an award of costs in his favour on the same basis as that of Mike Schwarz’s other Inquiry clients.

UNDERCOVER POLICING INQUIRY

Ernest Tate

5. Ernest Tate was a political activist in the United Kingdom in the late 1960s and was a leading member of both the Vietnam Solidarity Campaign and the International Marxist Group. Both were the subject of reporting and infiltration by Special Operations Squad undercover officers. It is likely that he played a direct and significant role in the matters which the Inquiry is investigating. It is also likely that the two groups will be subject to explicit criticism during the inquiry proceedings and possible that he may be. He therefore fulfils the requirements of rule 5 (2) of the Inquiry Rules 2006. The Inquiry would, in any event, wish to obtain evidence from him, if he is willing to provide it.
6. By letter dated 1 November 2019, Saunders Solicitors Limited applied, on his behalf, for him to be designated as a core participant. The application is, self-evidently, long delayed. He has lived in Toronto, Canada, since 1970. His solicitors stated that he did not know about the Inquiry until July 2019 when contact was eventually made with him. He has since confirmed that he did not know of the Inquiry until 9 July 2019. On that footing, he could not reasonably be expected to have applied to be made a core participant in good time and has not delayed significantly once learning that he could apply. I shall designate him as a core participant in Category [K].
7. He will require legal assistance to participate effectively in the Inquiry. I shall designate Saunders Solicitors Limited as his recognised legal representative. They have provided me with information about his means, which I accept. They are not such as to require that he pays for that representation out of his own resources. I shall make an award of costs in his favour on the same basis as that of Saunders Solicitors Limited's other Inquiry clients.

Designated Lawyer Officers

8. I will designate Anna Peacock as the recognised legal representative of the clients of the Designated Lawyers from 9 October 2019, in place of Mark Spanton, on his appointment as a District Judge.

Michael Dooley

9. Mr Dooley will no longer be designated as a core participant, having expressed his wish no longer to be so designated.

28 November 2019

Sir John Mitting
Chairman, Undercover Policing Inquiry