

# 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**

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## RESTRICTION ORDER UNDER SECTION 19 OF THE INQUIRIES ACT 2005

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UPON the Chairman having considered an application dated 19 February 2016 by Bindmans LLP for a restriction order in respect of a core participant here described as **'MSS'**

AND UPON the Chairman being satisfied, for the reasons given in his 'Minded to' note dated 10 August 2016, that there would be a disproportionate interference with MSS's private life in the event of:

- a. the publication of MSS's real identity; or
- b. the disclosure of MSS'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 s.19(2)(b) of the Inquiries Act 2005 read with s.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 but not limited to bodies corporate and organisations (whether public or private), unincorporated associations, police forces, and other law enforcement and government bodies and agencies and

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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 MSS's true identity (including any description or image capable of identifying MSS).
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 MSS's true 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 MSS's approved legal team;
  - b. disclosure to any medical or healthcare professional consulted by MSS;
  - c. disclosure to current employees of a police force or any other law enforcement agency or state body to whom disclosure of MSS's true 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 a police force or any other law enforcement agency or state body to whom disclosure of MSS's true 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 MSS which arose out of their employment by that organisation; 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 MSS (for example, a person who was or who is believed to have been the author or a recipient of such a document).
  - e. disclosure by or with the consent of the Inquiry to a non-state core participant or civilian witness in receipt of a request for evidence issued by the Inquiry under rule 9 of the Inquiry Rules 2006, to whom the Inquiry considers it necessary to

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make disclosure in order to enable that person to respond to the request and/or to ensure that person's effective participation in the Inquiry's proceedings.

- f. disclosure to the legal advisers to any person described at (c), (d), or (e) above, whose names will be notified in writing to the Inquiry in advance of any disclosure being made.
5. For the avoidance of doubt:
    - a. any person to whom disclosure of the true identity of MSS 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.
    - b. any disclosure in accordance with paragraph 4(e) will also be subject to a separate order which will also restrict further disclosure or publication.
  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  
29 January 2020