

Protocol for protecting existing restriction orders during hearings

Preamble

1. In paragraph 8 of my [statement](#) of 23 July 2020 I indicated that a protocol would be established for dealing with actions, evidence given or statements made in breach of an existing restriction order during the course of hearings, including the “virtual” hearings in tranche 1. The following is a draft of that protocol on which written representations are invited by 4 pm on Friday, 25 September 2020.

Protocol

2. Any person attending a hearing may carry with them a handheld communication device.
3. If that device has the capacity to transmit or record voices or images it must not be used for either purpose.
4. That device may be used for transmitting to any other person, silently, the content of any evidence given or statement made not less than 10 minutes after it was given or made. A restriction order will be made under section 19 prohibiting earlier transmission.
5. In the event that any statement is made or evidence given which may be in breach of an existing restriction order the following steps will be taken. (1) I will, and any member of the Inquiry team or recognised legal representative may, immediately state that such a breach may have occurred (2) the hearing of statements or evidence will forthwith be suspended (3) if satisfied that such a breach may have occurred, I will forthwith make a fresh restriction order under section 19 prohibiting further dissemination of the statement or evidence until further notice (4) if, after hearing representations (if necessary in private) from relevant recognised legal representatives, I am satisfied that further dissemination of the statement or evidence would breach an existing restriction order, I will make a fresh restriction order under section 19 prohibiting further dissemination.
6. In the event of a possible breach by an identified person of any of the restriction orders specified above, the matter may be referred to the High Court under section 36 Inquiries Act 2005. The High Court will have the power to deal with an established breach as if it had been a breach of an order made by the High Court.

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7. Further, and in any event, if a breach of any of the prohibitions specified in paragraphs 2 or 3 above is established to my satisfaction, whether or not the person responsible for the breach can be identified, I will make a restriction order prohibiting any person from bringing into a hearing room any handheld communication or recording device.

04 September 2020

Sir John Mitting
Chairman, Undercover Policing Inquiry