

# 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:

- a summary of grounds of application dated 7 July 2017 for a restriction order in respect of a person herein described as '**EN38**';
- a witness statement by EN38 dated 26 June 2017;
- a risk assessment in relation to EN38 dated 18 January 2018; and
- other closed documentation.

AND UPON the Chairman being satisfied, for the reasons given in his 'Minded to' note dated 2 May 2018, Closed Note dated 6 February 2018 and Ruling dated 30 October 2018 that the interest in protecting rights under Article 8 of the European Convention on Human Rights falls in favour of an order restricting:

- the publication of EN38's real and cover identity; and
- the disclosure of EN38's real and cover 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;

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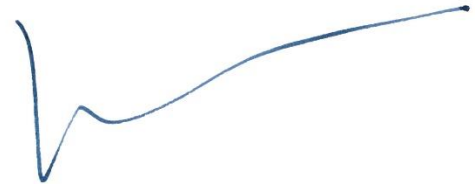
IT IS ORDERED THAT until further order

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), 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 EN38's real or cover identity (including any description or image capable of identifying EN38).
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 EN38's real or cover 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 EN38's legal representatives;
  - b. Disclosure to current officers, employees of, or workers for any law enforcement agency or state body to whom disclosure of EN38's real and/or cover identity is required during the course of their work and in order to fulfil the terms of their duties;
  - c. Disclosure by or with the consent of the Inquiry to current or former officers, employees of, or workers for any law enforcement agency or state body to whom disclosure of EN38's real and/or cover 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 EN38 which arose out of their employment by that organisation (for example, a person who managed or supervised EN38); or
    - ii. To enable that person to provide evidence to the Inquiry pertaining to the contents of a document which reveals the real and/or cover identity

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of EN38 (for example, a person who was or who is believed to have been the author or a recipient of such a document).

- d. Disclosure to the legal advisers to any person described at (b) or (c) above, whose names will be notified in writing to the Inquiry in advance of any disclosure being made.
5. For the avoidance of doubt, any person to whom disclosure of the real and/or cover identity of EN38 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. 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, for the avoidance of doubt other than as the Chairman may direct.



Sir John Mitting  
Chairman, Undercover Policing Inquiry  
30 March 2021