

RULING – REPORTING RESTRICTION ORDER HEARING

HEARD ON 12 APRIL 2024

1. On 12 April 2024 I heard submissions on behalf of six non-state core participants concerning the making of a reporting restriction order over evidence in which they are named. In the course of submissions, it became clear that applications for redactions to the Hearing Bundle were also being made in some cases.

2. The only aspect of the decisions notified separately to each applicant which can be made public concerns the practical operation of reporting restriction orders. I accept the submission made on behalf of the BBC that they and the media companies who have hitherto been provided with hearing bundles by the Inquiry should, at the start of the Tranche 2 hearings on 1 July 2024, be provided with a copy of the hearing bundle. This will enable reporters better to understand and report upon the evidence given and referred to in the hearings and will fulfil my duty under section 18(1)(b) of the Inquiries Act 2005. The media organisations identified have hitherto complied with restriction orders made by the Inquiry and I have no reason to believe that they will not comply with reporting restriction orders in the future.

3. The effect of my decisions is that there will be a Hearing Bundle which will be used when the majority of evidence is given in Tranche 2. It will contain private information. Core participants and the media will have sight of the bundle subject to a restriction order. Any core participant or member of the public will be able to attend the inquiry's proceedings and see and hear the evidence. Where I make a reporting restriction order, the information covered by the order will not be put onto the inquiry's website and the information cannot be repeated or otherwise communicated outside the hearing until those affected have had the opportunity to make representations about what may be published or made the subject of a gist. The exercise will be similar to that undertaken in Tranche 1 in respect of evidence given in closed hearings.

UNDERCOVER POLICING INQUIRY

4. In a small number of exceptional cases I have decided that some evidence is so private that it cannot be included in the Hearing Bundle. In such cases, the relevant evidence will be redacted from the Hearing Bundle. Where it is necessary to question witnesses on such evidence, that will have to be done in private hearings from which the public and all but those who must see and hear the evidence will be excluded. I will make further orders in due course which will determine precisely who may attend which private hearing. I intend to keep the number of such hearings to the minimum necessary to ensure that privacy rights are respected, and witnesses can give me their best evidence about very personal matters.

5. Copies of the reporting restriction orders that I have decided to make will be circulated to core participants in advance of the start of the Tranche 2 hearings so that advocates know what can and cannot be said in live streamed opening statements. Media organisations will receive reporting restriction orders when they get their copies of the bundle. Members of the public, core participants and any other journalists attending the inquiry's open hearings will only be admitted on condition that they are bound by any reporting restriction order relevant to the evidence that they attend to see and hear.

17 April 2024

Sir John Mitting
Chairman, Undercover Policing Inquiry