

MUCKAMORE ABBEY HOSPITAL INQUIRY

**RESTRICTION ORDER
PURSUANT TO SECTION 19 OF THE INQUIRIES ACT 2005**

**Restriction Order No. 44
(John McCart)**

I have power under section 19(1)(b) of the Inquiries Act 2005 to make orders restricting disclosure or publication of evidence or documents given, produced or provided to an Inquiry.

I have been asked by the Public Prosecution Service (PPS) and the Police Service of Northern Ireland (PSNI) to make a restriction order under section 19 of the Inquiries Act 2005 in relation to part of the statement of evidence and also part of the oral evidence of John McCart, heard on 16 November 2023. The application relates solely to a part of the witnesses' evidence that may touch upon the ongoing criminal investigation and prosecutions. I am satisfied that this part of the witness's evidence can be held in a discrete restricted session following on from the main part of the witness's evidence, in respect of which restriction is not necessary.

In considering this application, I have had particular regard to the Memorandum of Understanding between the Inquiry, the PSNI and the PPS, in which I have undertaken to make every effort to ensure that the procedure and conduct of the Inquiry respects the integrity of the PSNI investigation and prosecutions. The purpose of this order is to protect against any adverse impact on the criminal justice process in relation to the evidence about to be given.

Therefore, having considered the application and in exercise of the statutory power, IT IS ORDERED THAT:

1. There may be no reporting of any sort whatever of the restricted part of the evidence of the witness John McCart, commencing at the conclusion of the open part of the evidence on 16 November 2023, until this restriction order is lifted.
2. To make that clear to Core Participants (CPs) that means that there is to be no communication in any form whatever to disclose to any third party the evidence they hear during that restricted part of the evidence, whether by verbal, social media or any other form of communication.

3. The only people allowed to be present to hear the restricted part of the evidence will be lawyers representing CPs and the Inquiry counsel, solicitor and staff accredited members of the press, who understand well enough what this order means, and any CP who has signed a confidentiality agreement.
4. During the restricted part of the evidence, the feed to Hearing Room B is to be cut and no member of the public outside of those just listed will be allowed in this room.
5. Furthermore, the transcript of the restricted part of this witnesses' evidence will not be published while this restriction order is in place.
6. This Order remains in force for the duration of the Inquiry and at all times thereafter, unless otherwise ordered.
7. I may vary or revoke this Order by making a further Order during the course of the Inquiry.

Any threat to break this Order, or any breach of it, can be certified to the High Court under section 36 of the Inquiries Act, which will deal with it as though the breach had occurred in proceedings before that Court.

Made by the Chair on 16 November 2023

A handwritten signature in blue ink, appearing to read 'Tom Kark', with a horizontal line underneath.

Tom Kark KC
Chair