

MUCKAMORE ABBEY HOSPITAL INQUIRY

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

Restriction Order No. 9 (“P27”)

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 an additional restriction order under section 19 of the Inquiries Act 2005 in relation to the evidence of ‘P27’. There are already general restriction orders in relation to the naming of patients and members of staff but I am asked to make this order to add a further level of protection. The purpose of this order is to protect any possible future criminal prosecution in relation to the evidence about to be given. I also have to have regard to the undertaking given by the Inquiry under the Memorandum of Understanding signed between the Inquiry, the PSNI and the PPS.

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

1. There may be no reporting of any sort whatever of the evidence to be heard this morning (11 October 2022) from the witness P27 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 this afternoon whether by verbal, social media or any other form of communication.
3. The only people allowed to be present to hear 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. 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 Furthermore, the transcript of this witness's evidence will not be published while this restriction order is in place.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.
8. This Order shall not restrict any solicitor, acting on behalf of the Inquiry, from putting parts of the statement or oral evidence of P27 to another witness (for the purposes of this Order referred to as "Witness B") in pursuance of a request by the Inquiry to do so.
9. The restrictions imposed by this Order will, however, apply to Witness B and any legal representative, or other representative of Witness B, present at any meeting between the solicitors acting on behalf of the Inquiry and Witness B, in respect of the evidence to which this Order applies.
10. There is therefore to be no communication in any form whatever to disclose to any other third party any of the evidence of P27 put to Witness B, whether by verbal, electronic, social media or any other form of communication.
11. Should any part of the evidence of P27 appear in any form in the statement or evidence of Witness B, this Restriction Order shall apply to that evidence and to any response to it.
12. For the avoidance of doubt, the revealing of the identity of P27 to Witness B for the purpose of putting parts of the statement or oral evidence of this witness to Witness B shall not constitute waiver of Restriction Order No. 2 (Patient Anonymity) for any other purpose.

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 11 October 2022.

Varied by the Chair on 15 March 2024.



Tom Kark KC
Chair