

**RESTRICTION ORDER:
RESTRICTED HEARINGS FOR OPERATIONALLY SENSITIVE CONTENT**

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

This Restriction Order is made pursuant to section 19(2)(b) of the Inquiries Act 2005 (“the Act”), read with section 19(3) of the Act.

Any breach of this Order, failure to comply with it or threat to do so, can be certified to the High Court or Court of Session under section 36 of the Act, and the Court will deal with it as though the breach had occurred in proceedings before that Court.

IT IS ORDERED THAT:

A. General

1. This Order is made on 6th October 2020 and remains in force indefinitely.
2. The Chairman may vary or revoke this Order by making a further order at any point.
3. Any breach of this Order, failure to comply or threat to do so, by any means whatsoever, shall be notified in writing to the Solicitor to the Inquiry (“STI”) immediately upon identification of the breach or other issue.
4. This Order applies to those parts of the Inquiry’s oral hearings where the Chairman indicates (whether orally, in writing, or otherwise) that the Inquiry is holding a restricted hearing to consider operationally sensitive content.
5. Restricted hearings to consider operationally sensitive content that have been held by the Inquiry are listed in Annex 1 to this Order.

B. Attendance at restricted hearings

6. In addition to the Chairman, only the following persons are permitted to attend a restricted hearing, whether in person or, subject to paragraphs 9 and 10, by video link:

- a. The Inquiry Legal Team (which expression includes solicitor and counsel to or instructed by the Inquiry, and is to be broadly construed).
 - b. Any member of staff of the Inquiry.
 - c. Core Participants.
 - d. Recognised legal representatives.
 - e. Witnesses required to give evidence in a restricted hearing.
 - f. Accredited journalists.
 - g. Legal representatives of the media.
7. A person not identified in paragraph 6 may seek the Chairman's permission to attend a restricted hearing. If granted such permission, that person shall be treated as falling within paragraph 6 for the purposes of this Order.
 8. The Chairman may decline to permit attendance to a restricted hearing to a person listed in paragraph 6, including on grounds of lack of venue capacity.
 9. The Chairman may permit a person listed in paragraph 6 to attend a restricted hearing by video link through a virtual platform (specified by the Inquiry) at an identified location other than the Manchester Magistrates' Court, the Court Annexes, the family conference centre and the media Annex.
 10. Where any person within the list of persons at paragraph 6 is permitted by the Chairman to attend a restricted hearing by video link through a virtual platform (specified by the Inquiry), the following conditions will apply:
 - a. That person must join using the BlueJeans app (downloaded to their PC or laptop) or using Google Chrome.

b. Only those persons listed in paragraph 6 who have been permitted by the Chairman to attend a restricted hearing on a virtual platform (specified by the Inquiry) may do so. It will be a breach of this Order for other persons to view the restricted hearing through the virtual platform.

11. Any person attending a restricted hearing must have returned a signed copy of the Inquiry's Confidentiality Undertaking to STI before they will be permitted to attend.

12. The following persons are not permitted to attend a restricted hearing:

a. Members of the public not falling within the list of persons at paragraph 6.

C. Arrangements for restricted hearings

13. There shall be no publicly available livestream (whether delayed or otherwise) of a restricted hearing.

14. A live feed of a restricted hearing will be provided to the Manchester Magistrates' Court Annexes, the family conference centre and, if necessary, the media Annex.

15. Evidence heard / given and documents considered / shown during a restricted hearing will not be made available on the Inquiry's website unless authorised by the Chairman.

16. The transcript of a restricted hearing will not be made available on the Inquiry's website unless authorised by the Chairman.

D. Reference to the operationally sensitive content within the SENSITIVE documents

17. Reference to the operationally sensitive content within the **SENSITIVE** documents is permitted for the purpose of making oral submissions on whether a restricted hearing should be held, subject to the following conditions:

- a. Oral submissions referring to the operationally sensitive content within the **SENSITIVE** documents, for the purpose of making submissions on whether a restricted hearing should be held, must only be made during a restricted hearing.
 - b. The operationally sensitive content within the **SENSITIVE** documents shall not be referred to in writing.
 - c. Nothing in the Inquiry's Type 1 or Type 2 Restriction Orders shall prevent reference to the operationally sensitive content within the **SENSITIVE** documents, for the purpose of making oral submissions on whether a restricted hearing should be held, in the manner provided for in paragraph 17 above.
18. Reference to the operationally sensitive content within the **SENSITIVE** documents during a restricted hearing shall not be restricted. For the avoidance of doubt, nothing in the Inquiry's Type 1 or Type 2 Restriction Orders shall impose a restriction on reference to operationally sensitive content within the **SENSITIVE** documents during a restricted hearing.
19. Reference to the operationally sensitive content within the **SENSITIVE** documents is permitted for the purpose of making oral submissions on whether the prohibition on reporting evidence heard during a restricted hearing (at paragraph 20 below) should be lifted, subject to the following conditions:
- a. Oral submissions referring to the operationally sensitive content within the **SENSITIVE** documents, for the purpose of making submissions on whether the prohibition on reporting evidence heard during a restricted hearing at paragraph 20 below should be lifted, must only be made during a restricted hearing.
 - b. The operationally sensitive content within the **SENSITIVE** documents shall not be referred to in writing.
 - c. Paragraph 19 above shall allow members of the media to discuss with other members of the media the operationally sensitive content within the **SENSITIVE** documents for the purpose of considering whether to make oral submissions on

whether the prohibition on publication of evidence heard during a restricted hearing at paragraph 20 below should be lifted.

- d. Nothing in the Inquiry's Type 1 or Type 2 Restriction Orders shall prevent reference to the operationally sensitive content within the **SENSITIVE** documents, for the purpose of making oral submissions on whether a restricted hearing should be held, in the manner provided for in paragraph 19 above.

E. Prohibition on reporting or publication of restricted hearings

20. There shall be no reporting or publication of the evidence heard / given during a restricted hearing unless authorised by the Chairman. This includes not publishing any details of the evidence on social media or providing information about the evidence heard / given during a restricted hearing to any third party or individual not present in the restricted hearing for the purposes of publication.

F. Interpretation

21. For the purposes of this Order:

- a. "Operationally sensitive content" means content the publication of which, whether taken alone or based on all the available disclosure (i.e. the mosaic effect), would be capable of assisting those who would wish to carry out future terror attacks, and which is contained within the documents included in the Inquiry's **SENSITIVE MATERIAL FILE** on Magnum or in documents within **ANNEX 2**.
- b. "Documents included in the Inquiry's **SENSITIVE MATERIAL FILE** on Magnum" has the meaning given by paragraph 4 of the Inquiry's Type 1 Restriction Order.
- c. "Documents within **ANNEX 2**" has the meaning given by paragraph 4 of the Inquiry's Type 2 Restriction Order.
- d. "Restricted hearing" means a part of the Inquiry's oral hearings where the Chairman indicates (whether orally, in writing, or otherwise) that the Inquiry is holding a restricted hearing to consider operationally sensitive content.

- e. “The operationally sensitive content within the **SENSITIVE** documents” has the meaning given by paragraph 4(b) of the Inquiry’s Type 1 Restriction Order and paragraph 4(b) of the Inquiry’s Type 2 Restriction Order.
- f. “Core Participant” means a Core Participant in the Inquiry’s published list of Core Participants.
- g. “Recognised legal representative” has the meaning given by Rule 6(1)(a) of the Inquiry Rules 2006.
- h. “The media” means accredited journalists, editors and legal representatives of the media.

PENAL NOTICE

- 22. The High Court and the Court of Session have the power to imprison or fine for any breach of this Order.

Sir John Saunders
Chairman, Manchester Arena Inquiry

6th October 2020