

MANCHESTER ARENA INQUIRY

RESTRICTION ORDER PURSUANT TO s.19 OF THE INQUIRIES ACT 2005 IN RELATION TO THE CLOSED WITNESS STATEMENTS OF THE SECURITY SERVICE AND GMP AND ASSOCIATED MATERIAL

This Order is made by the Chairman pursuant to section 19(1) of the Inquiries Act 2005. It remains in force indefinitely.

The Chairman of the Inquiry may vary or revoke this Order by making a further Order at any stage during the course of the Inquiry.

Any breach of this Order by any means whatsoever shall be notified in writing to the Inquiry immediately upon identification of the breach.

IT IS ORDERED THAT:

1. Any oral evidence given by Witness J in respect of the matters contained in his CLOSED witness statements is to be given entirely in CLOSED session.
2. Any oral evidence given by DCS Dominic Scally in respect of the matters contained in his CLOSED witness statements is to be given entirely in CLOSED session.
3. Any oral evidence given by DS James Coles in respect of matters contained in his CLOSED witness statement is to be given entirely in CLOSED session.
4. Any oral evidence given by former DI Frank Morris or by DS Paul Costello in respect of matters contained in their CLOSED witness statements is to be given in CLOSED session to the extent that these matters ('the relevant evidence') are not referred to in their OPEN witness statements dated respectively 15th September 2021 and 14th October 2021. The relevant evidence is identified in the CLOSED Schedule to this Order.
5. Any oral evidence given by the additional GMP witnesses (identified in the CLOSED Schedule to this Order) is to be given entirely in CLOSED session.

6. Any oral evidence given by the additional MI5 witnesses (identified in the CLOSED Schedule to this Order) is to be given entirely in CLOSED session.
7. For the purposes of this Restriction Order, 'CLOSED session' is defined as follows:
 - a. A hearing conducted at premises accredited to handle the CLOSED evidence.
 - b. A hearing attendance at which is restricted to:
 - i. the Chairman;
 - ii. Counsel to the Inquiry, who hold Developed Vetted ('DV') security clearance;
 - iii. Solicitor(s) to the Inquiry, who hold DV security clearance;
 - iv. Inquiry personnel and court staff who hold DV security clearance and whose attendance is necessary for the administration of the hearing;
 - v. GMP legal representatives and personnel who hold DV security clearance and whose attendance is necessary;
 - vi. HMG legal representatives and personnel who hold DV security clearance, have a direct interest in the evidence to be given at the hearing, and whose attendance is necessary.
 - c. A hearing in respect of which any recording of the proceedings (whether by way of transcription or otherwise) is to be subject to the restrictions set out at paragraph 9 of this Order.
8. The material identified in the CLOSED Schedule to this Order ('the Restricted Material') and the CLOSED witness statements of Witness J, DCS Dominic Scally, T/ACC Russell Jackson, DS James Coles and the additional GMP and MI5 witnesses, and any exhibits thereto ('the Witness Statements'), shall be subject to the following restrictions:

- a. There shall be no disclosure of any part of the Restricted Material or Witness Statements by the Inquiry to the Core Participants, the media, or the public.
 - b. The Restricted Material and Witness Statements shall be held securely and access to the Witness Statements shall be restricted only to those Inquiry personnel who hold DV security clearance.
 - c. Any documents created by the Inquiry which contain any reference to the contents or substance of the Restricted Material or Witness Statements, or otherwise contain information deriving from the Restricted Material or Witness Statements, shall be subject to appropriate security marking and shall be subject to the same restrictions as the Restricted Material or Witness Statements.
9. The CLOSED witness statements of former DI Frank Morris and DS Paul Costello are to be restricted in the same way as the Witness Statements referred to in paragraph 9 of this Order, but only to the extent that they relate to the relevant evidence identified in the CLOSED Schedule to this Order.
10. The Secretary of State for the Home Department and GMP will be notified in advance, and with sufficient notice to make representations, of any intention on the part of the Inquiry to modify or vary the terms of this Order.

PENAL NOTICE:

1. If any person fails to comply with, or acts in breach of, the terms of this Restriction Order, the Chairman will certify the matter to the appropriate court, pursuant to s.36 of the Inquiries Act 2005.
2. The High Court and Court of Session have power to imprison or fine for any breach of this Order.

25 October 2021