

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

RESTRICTION ORDER PURSUANT TO SECTION 19 OF THE INQUIRIES ACT 2005

PRELIMINARY HEARINGS RELATING TO APPLICATIONS BY THE
METROPOLITAN POLICE SERVICE, THE NATIONAL CRIME AGENCY,
W80 AND SERCO FOR RESTRICTION ORDERS ON 15 -16 MARCH 2021

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 threat to break such an order, or any breach of it, 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:

1. This Order applies to the Inquiry’s preliminary hearing concerning applications made by a police firearms officer known as 'W80', Serco, the Metropolitan Police Service ('MPS') and the National Crime Agency ('NCA') for restriction orders. The applications will be heard on 15 March 2021 in Court 73 of the Royal Courts of Justice from 10am and on 16 March 2021.

A- General

2. This Order is made on 11 March 2021 and remains in force indefinitely.
3. The Chairman may vary or revoke this Order by making a further order at any point.
4. Any breach of this Order by any means whatsoever shall be notified in writing to the Solicitor to the Inquiry (STI) immediately upon identification of the breach.

B- Open hearings

5. The preliminary hearings will begin with the open applications for Restriction Orders on 15 March 2021.
6. As a result of a limited safe capacity within the venue, attendance in person at the open hearings will be limited to:
 - a. The Chairman;
 - b. Four members of the Inquiry Legal Team (including Counsel to the Inquiry and Solicitors to the Inquiry);
 - c. Four representatives for the family (this will be broadly construed to include recognised legal representatives and members of the family);
 - d. Two representatives for W80;
 - e. Two representatives from the Metropolitan Police Service (this will be broadly construed to include recognised legal representatives and those within the MPS required to give instructions and/or assistance in these applications);
 - f. Two representatives from the National Crime Agency (this will be broadly construed to include recognised legal representatives and those within the NCA required to give instructions and/or assistance in these applications);
 - g. Two representatives from the Independent Office for Police Conduct (this will be broadly construed to include recognised legal representatives and those within the IOPC required to give instructions and/or assistance in these applications);
 - h. One representative from Serco.
7. There shall be no contemporaneous reporting of the hearings from the hearing room. Any Core Participant, media or member of the public, wishing to Tweet, live-blog or otherwise publish reports on the open applications must wait until the lunch adjournment and/or the end of the day. Such reporting will be subject to paragraph 8 below.

8. At the lunch adjournment and/or the conclusion of the open hearings Core Participants will be asked to confirm whether they believe any sensitive information or closed content has been inadvertently referred to during the course of the open hearings and which should not be the subject of reporting and should be redacted from the transcript.
9. There shall be no publicly available livestream (whether delayed or otherwise) of the open preliminary hearing.
10. A transcript of the open preliminary hearing shall be published on the Inquiry's website, subject to any redactions that may be required to remove sensitive information or closed content subject to this restriction order.

C- Closed preliminary hearing

11. Submissions relating to closed applications, or referring to closed content, will be heard at a closed preliminary hearing on 16 March 2021, at the conclusion of the open applications.
12. Only the following persons are permitted to attend the closed applications made by the MPS and the NCA:
 - a. The Inquiry Legal Team (including Counsel to the Inquiry and Solicitors to the Inquiry);
 - b. Representative for the MPS and representatives from their team (this will be broadly construed to include those within the MPS required to give instructions and/or assistance in these applications);
 - c. Representatives for the NCA and representatives from their team (this will be broadly construed to include those within the NCA required to give instructions and/or assistance in these applications);
 - d. Any witness required to give evidence in the closed preliminary hearing.
13. If it is necessary for any aspect of Serco's applications to be heard in closed session this will be heard on 16 March 2021. Only the following persons will be permitted to attend that closed application:

- a. The Inquiry Legal Team (including Counsel to the Inquiry and Solicitors to the Inquiry);
 - b. Recognised legal representatives for Serco and representatives from their team (this will be broadly construed to include those within the Serco required to give instructions and/or assistance in these applications);
 - c. Recognised legal representatives for the MPS and representatives for their team (this will be broadly construed to include those within the MPS required to give instructions and/or assistance in these applications);
 - d. Any witness required to give evidence in the closed preliminary hearing.
14. There shall be no publicly available livestream (whether delayed or otherwise) of the closed preliminary hearing.
15. A transcript of the closed preliminary hearing will not be made available on the Inquiry's website unless authorised by the Chairman.
16. There shall be no reporting or publication of the submissions or evidence heard/referred to during the closed preliminary hearing unless authorised by the Chairman. This includes not publishing any details on social media or providing information about the submissions or evidence heard/referred to during the closed preliminary hearing to any third party or individual not present in the restricted hearing for the purposes of publication.

PENAL NOTICE

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

HH Clement Goldstone QC
Chairman, Jermaine Baker Inquiry
12 March 2021