

**Inquiries Act 2005  
Restriction Order Pursuant to Section 19(2)(b)**

**Background**

1. The Inquiry's terms of reference require it to consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with recommendations.
2. As part of its public hearings the Inquiry is hearing evidence on thematic and institution-specific failures to protect children from sexual abuse. Pursuant to section 18 of the Inquiries Act 2005 the Chair must take reasonable steps to secure public access to inquiry proceedings and information, subject to any restrictions imposed under section 19 of the Inquiries Act 2005.
3. Written and oral evidence received by the Inquiry will include testimony from core participants who allege that they are the victim and survivor of sexual offences ("complainant CPs"). Many such individuals are entitled to protection of their identity under section 1 of the Sexual Offences (Amendment) Act 1992 ("the 1992 Act"). Where an allegation has been made that an offence to which the 1992 Act applies has been committed against a person, subject to any waiver of those rights, neither the name or address, and no still or moving picture, of that person shall during that person's lifetime—
  - a. be published in England and Wales in a written publication available to the public; or
  - b. be included in a relevant programme for reception in England and Wales,

if it is likely to lead members of the public to identify that person as the person against whom the offence is alleged to have been committed.

4. Complainant CPs have submitted to the Chair that they would not feel able to give written evidence or, oral evidence to the Inquiry in public, unless they are able to do so anonymously. Having regard to section 19(3)(a) of the Inquiries Act 2005 those who allege they are the victim and survivor of an offence specified in the 1992 Act are entitled, by that statute, to protection of their identity as set out in paragraph 3 above.
5. For some complainant CPs it will not always be apparent that they are entitled to protection for an offence specified in the 1992 Act. Having regard to section 19(3)(b) and 19(4) of the Inquiries Act 2005, those individuals should nonetheless have the same anonymity protections as those who are entitled to protection of their identity pursuant to the 1992 Act. Protecting the identity of all complainant CPs is conducive to the Inquiry fulfilling its terms of reference and is in the public interest. If a Restriction Order were not imposed for all complainant CPs, it may impair the effectiveness of the Inquiry and discourage the participation of complainant CPs in assisting the Inquiry.

### **Restriction Order**

6. Having regard to paragraph 9 of the Inquiry's terms of reference, the requirements of the 1992 Act and sections 19(1) and 19(3)(a) and (b) of the Inquiries Act 2005, a restriction order is imposed pursuant to section 19(2)(b) of the Inquiries Act 2005 to protect the identity of any individual designated as a complainant CP in the Inquiry's investigations.
7. The Restriction Order prohibits, except in the circumstances set out in paragraphs 8 and 9 below, the:

- a. disclosure or publication of any information that identifies or tends to identify any complainant CP as a complainant CP.
  - b. disclosure or publication of any information with the name or address of a complainant CP if such disclosure or publication would tend to identify him or her as a complainant CP.
  - c. disclosure or publication of any still or moving image of any complainant CP if such disclosure or publication would tend to identify him or her as a complainant CP.
8. The Restriction Order does not prohibit *disclosure only* of the matters falling within 7a to 7c in the following circumstances:
- a. where a complainant CP is disclosing his or her own CP status for the purposes of obtaining medical services or emotional support (whether personal or professional) provided that the person to whom they are making the disclosure is informed that he or she is bound by the terms of this restriction order;
  - b. where a complainant CP is disclosing his or her own CP status to law enforcement agencies or prosecution authorities in connection with a criminal investigation or prosecution provided that the person to whom they are making the disclosure is informed that he or she is bound by the terms of this restriction order;
  - c. Where the person making the disclosure is a complainant CP who is disclosing his or her own CP status in confidence to their legal adviser, or a legal adviser making such a disclosure to another legal adviser on their instruction, in connection with other legal proceedings in which their CP status is relevant.

This exception is limited to disclosure to a legal adviser in confidence and subject to legal professional privilege only and does not permit wider

disclosure to the Court or any party in the proceedings without further reference to the Inquiry.

9. The prohibition set out in paragraph 7 above does not apply in respect of those named persons referred to in paragraph 15 and Annex A.
10. Insofar as it necessary to identify a complainant CP in public it shall be by a cipher unique to each complainant CP.
11. The Inquiry's legal team may, on behalf of the Chair, provide on terms of confidence the identity of a complainant CP to other core participants or third parties, such as the police and statutory agencies, as is necessary to assist with the work of the Inquiry.
12. This Restriction Order amends and replaces the previous Restriction Order for complainant CPs dated 15 August 2016.
13. Pursuant to section 20(4) of the Inquiries Act 2005 the Chair may vary or revoke this Restriction Order by making a further order during the course of the Inquiry.
14. Any person affected by the Restriction Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.
15. The Restriction Order does not apply to the named persons in Annex A. Each of those named persons has waived their anonymity and does not seek to prohibit publication or disclosure of any information that identifies or tends to identify them.
16. The Restriction Order continues in force indefinitely, or unless the order is varied or revoked pursuant to section 20 of the Inquiries Act 2005.

**Professor Alexis Jay OBE**

**23 March 2018**

## **Annex A**

1. Hamish Baillie
2. John Gater
3. Alan Hodges
4. Tracey Taylor
5. Timothy Betteridge
6. Anthony Hyde
7. Philip Johnson
8. Julie Macfarlane
9. Graham Sawyer
10. Cliff James
11. Andrew Kershaw
12. Paul Sinclair
13. Karen Gray
14. Mark Gray
15. Colin Watson
16. Peter Smith
17. Paul Connolly
18. Brian Hennessy
19. Bede Mullen
20. Mark Murray
21. Thomas Kirby
22. Frank McGinnis
23. Gerard McLaughlin
24. Peter Robson
25. Christopher Carrie
26. Peter Paul Hartnett
27. Prosper Keating
28. Jeremy Harvey
29. Eammon Flanagan
30. Daniel Mackle
31. Graham Wilmer
32. Sue Cox
33. Robert Hastings
34. David Hill
35. Oliver Cosgrove
36. Esther Baker
37. Mickey Summers