

**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 complainant CPs who gives written or oral evidence to the Inquiry during the public hearings.
7. The Restriction Order prohibits, save for those named persons referred to in paragraph 12 and Annex A:

- a. The disclosure or publication of any information that identifies or tends to identify any complainant CP.
  - b. The disclosure or publication of any information with the name or address of a complainant CP.
  - c. The disclosure or publication of any still or moving image of any complainant CP.
8. Insofar as it necessary to identify a complainant CP in public it shall be by a cipher unique to each complainant CP.
  9. 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.
  10. 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.
  11. Any person affected by the Restriction Order may apply in accordance with section 20 of the Inquiries Act 2005 to vary its terms.
  12. 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.
  13. 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**

**15 August 2016**

**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. Ralph Smith
16. Colin Watson
17. Peter Smith
18. Paul Connolly
19. Brian Hennessy
20. Bede Mullen
21. Mark Murray
22. Thomas Kirby
23. Frank McGinnis
24. Gerard McLaughlin
25. Peter Robson
26. Christopher Carrie
27. Peter Paul Hartnett
28. Prosper Keating
29. Jeremy Harvey
30. Eammon Flanagan
31. Daniel Mackle
32. Graham Wilmer
33. Sue Cox
34. Robert Hastings
35. David Hill
36. Oliver Cosgrove