

Restriction Orders Protocol

Introduction

1. This protocol sets out the approach that will be taken by the Patrick Finucane Inquiry (the Inquiry) to restriction orders. It is to be read together with the [Inquiries Act 2005](#) (the Act), the [Inquiry Rules 2006](#) (the Rules) and the other protocols which have been published on the Inquiry's website.
2. The Inquiry is committed to being as open and transparent as it can be. In accordance with section 18 of the Act, the Chair will take reasonable steps to ensure that members of the public are able to view documents provided to the Inquiry and attend hearings, subject to the restrictions in the Act and as provided for below.
3. Should an individual or organisation seek to limit disclosure or publication of information, they may apply to the Chair for a restriction order preventing such disclosure or publication in accordance with section 19 of the Act. This protocol sets out the process for making such an application.
4. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this protocol. Further, this protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.

Making an application

5. An application for a restriction order should be made in writing to the Solicitor to the Inquiry via solicitors@finucane.independent-inquiry.uk.

Timing

6. Applications should be made before the deadline to make further submissions on redactions, following the Inquiry's rejection of a Material Provider's request for further redactions. (see paragraph 14 of the [Redaction Protocol](#))

Content of the application

7. The Application should include:
 - a. An open section that identifies the restriction sought and provides as much detail as about the application and the grounds on which it is made as is possible without defeating the purpose of the application;
 - b. A closed section, as far as is necessary, that provides all remaining information and the grounds on which it is made. Information provided in the closed section will amount to "potentially restricted evidence" within the meaning of Rule 12(1)(a) of the Rules; and
 - c. Supporting evidence, which, if necessary, may also be provided in open or closed form.

Review of the application

8. Upon receipt of an application, the Inquiry will follow the general process set out below:
 - a. The Inquiry's legal team may discuss with the applicant whether any more of the information contained in the closed section of the application (and any closed evidence) can be moved into the open section of the application;
 - b. The open sections of the application and any open evidence in support of the application will be served on core participants and representatives of the media subject to confidentiality undertakings. The application and supporting evidence may also be published on the Inquiry website. When circulating the application, the Chair may issue a "minded to" decision;
 - c. The closed sections of the application and any closed evidence in support may be served on core participants, representatives of the media and any other person the Chair considers it necessary for the determination of the application, subject to

confidentiality undertakings. The Inquiry Legal Team will consult with the applicant as to whether such disclosure should be permitted. The Chair will decide whether, and on whom, to serve this material in light of all of the circumstances, including any representations made by the applicant, the sensitivity of the material, the importance of the material to the issues in the application and any other representations that he has received. Consideration will be given as part of this process to the possibility of serving redacted versions and/or summaries of the closed sections of the application and supporting evidence; and

- d. The Chair will invite Core Participants, representatives of the media and any other person served with the application to file written submissions in response to the application (and the “minded to” decision, if applicable). These submissions may be published on the Inquiry’s website.
 - e. The Chair may:
 - i. Invite Counsel to the Inquiry to file written submissions in response to the application (and the “minded to” decision, if applicable), and/or
 - ii. Hear oral submissions on the application at a hearing, including, if necessary, in private session in the absence of the public and/or members of the press and/or some or all of the core participants.
 - f. The Chair will determine the application and give a written ruling, which will be published on the Inquiry’s website. The ruling may include a closed addendum, which will not be made public.
9. If a person applying for a restriction order wishes the application to be determined by a procedure other than that set out above, written representations to that effect should be included within the application.
10. Applications for Restriction Orders relating anonymity should be made in accordance with the Inquiry's [Anonymity Protocol](#). Any application for a Restriction Order that is not related to the matters set out in this protocol should be made in writing to the Inquiry as soon as possible. The application should broadly follow the steps set out at paragraphs 7 and 8 above.

11. If there are any questions about this protocol, the Inquiry can be contacted at solicitors@finucane.independent-inquiry.uk. Other ways to contact the Inquiry can be found on the Inquiry's website (see [Contact Us](#)).