

No 2. of 2021

THE INDEPENDENT NEUROLOGY INQUIRY

RESTRICTION ORDER

Made pursuant to Section 19(3)(b) of the Inquiries Act 2005

WARNING

If you contravene this Restriction Order, or threaten to do so, the Chairman of the Independent Neurology Inquiry may, by virtue of Section 36 of the Inquiries Act 2005 certify the matter to the High Court of Justice in Northern Ireland. The High Court may hold you in contempt of court, and may imprison you, fine you or seize any assets you may hold.

INFORMATION ABOUT THIS ORDER

- (1) This Order supplements the contents of Restriction Order 1 of 2021. Nothing in this order should be read so as to revoke or vary any aspect of Order 1.

- (2) The Chairman considers that this Order is necessary in order to ensure that the Inquiry facilitates a fair, effective and confidential warning letter process.

- (3) This Order has been made in furtherance of the Chairman's duty to act with fairness and having regard to the need to avoid unnecessary cost pursuant to Section 17(3) of the Inquiries Act 2005 (the Act') and having regards to the matters mentioned in Section 19(4).

- (4) This Order binds all persons (whether acting on their own behalf or through their servants and/ or agents or in any other way) and all organisations and companies (whether acting by their directors, officers, servants, agents or in any other way).

- (5) This order is made to ensure that any warning letter, together with draft sections of the Inquiry report (and other documents disclosed as part of the warning letter process) are utilised solely and strictly for the purpose of facilitating reasonable representations to be made in respect of any criticisms contained in the draft report.

THE ORDER

IT IS ORDERED that until further Order:

- (1) Draft sections of the Inquiry report attached to a warning letter will be shared with the legal representatives of individual witnesses and/or organisations for the purpose of onward sharing with their client. The contents of all correspondence disclosed to any such individual or organisation (including their legal representative) are to be used for no other purpose beyond the consideration of same together with the preparation of any representations.

- (2) Where, in respect of paragraph 1 above, an individual witness does not have a legal representative the warning letter and draft sections of the Inquiry report will be sent directly to the individual witness. Should any such individual witness wish to share the contents of the correspondence with anyone else or instruct a legal representative to act on their behalf, then prior notice in writing should be provided to the Inquiry Chairman indicating the name, address, contact details and role of any such person. The Chairman will then give prompt consideration to any such application. Unless and until the Chairman grants the application and thereby provides his consent to the involvement of any such person then no sharing of the contents is permissible.

- (3) Where, in respect of paragraph 1 above, the warning letter and draft sections of the report are disclosed to the legal representatives of an organisation then upon receipt of the warning letter the said legal representative shall provide the name, address, contact details and role of all such persons within the organisation with whom the contents are to be shared. The Chairman has the legitimate expectation that the content will only be shared with those individuals

within an organisation whose role necessitates involvement in the warning letter process. Further, when providing the names and other details the legal representative is required to undertake to the Inquiry that the content will not be shared by the legal representative beyond the identified persons without prior written notice to the Chairman. Further, the legal representative is also required to undertake to the Inquiry that when providing the content to a named person the legal representative will draw the named person's attention to the terms of the Restriction Order and that any content received is not to be shared further without prior written notice to the Chairman.

(4) Every aspect of the warning letter process is to be treated as confidential. The content of any warning letter, the draft sections of the report, or any other document disclosed as part of the warning letter process is not to be published, disclosed or discussed outwith the permitted purposes of this Order.

(5) This Order shall remain in force until further order of the Chairman.

(6) Anyone affected by this Order may apply to the Chairman of the Independent Neurology Inquiry to vary or revoke it.

Dated this 3rd day of November 2021

SIGNED

A handwritten signature in black ink, appearing to read 'Brett Lockhart', with a horizontal line underneath.

Brett Lockhart QC
Chairman to the Independent Neurology Inquiry