1 always intended to conclude module one. 1 2 (2.20 pm)MR CAPLAN: I understand. 3 Directions hearing for Module Two 3 LORD JUSTICE LEVESON: That's not to put you under undue pressure, but it is to put you under pressure. 4 LORD JUSTICE LEVESON: Right. 4 5 Mr Jay, before we start on module two, it's probably 5 MR CAPLAN: Thank you. 6 worthwhile to consider where we are in relation to LORD JUSTICE LEVESON: Right, thank you. Then there's 6 7 7 module one. There are a number of issues that remain to nothing more we can say about that except to underline that I will consider the application and such other 8 be resolved. 8 9 9 applications there are, but only when I know what the The first is a recognition of the fast-moving pace 10 10 of this Inquiry and the fact that, as is, I suppose, position is with clarity, either because an appeal is 11 11 not being pursued or because it's been pursued and has almost inevitable, allegations and facts have emerged 12 relevant to witnesses who have given evidence but only 12 failed. Obviously if it succeeds, different 13 after they have given evidence. 13 considerations arise. 14 Right. Is there anything else in relation to module 14 In some regards, therefore, it seems to me that it 15 15 is likely to be appropriate to recall a number of 16 witnesses so that what has been said or has otherwise 16 MR JAY: No. We're on track to finish by 5 pm on Thursday, 17 become available can be investigated. That needn't take 17 9 February. 18 a great deal of time with any one of them, but I think 18 LORD JUSTICE LEVESON: Yes. It's meant that we've had to 19 19 it's essential and we ought to make time to do it. add a day, because I know that some will be concerned 20 The second concerns the evidence that we were due to 20 that two consecutive weeks might make eight rather than 21 21 hear this day relating to witnesses who have come seven. 22 forward but wish to remain anonymous. I have read the 22 MR JAY: I'm sorry my arithmetic has been --23 23 LORD JUSTICE LEVESON: No, I -decision of the Divisional Court. 24 Mr Caplan, I am conscious that Lord Justice Toulson 24 MR JAY: It's absolutely right, I have smuggled in an extra 25 allowed Associated Newspapers time to consider whether 25 day. Page 1 Page 3 LORD JUSTICE LEVESON: It's inevitable, given what's 1 they wished to appeal to the Court of Appeal Civil 1 2 2 Division. I would be grateful if you would inform me happened. 3 3 where you are in that process, because there are certain MR JAY: And if necessary, we can overrun onto the Friday 4 consequences that flow from it. the 10th, but we're aiming not to. We're certainly not 5 MR CAPLAN: I quite understand. Sir, can I say I have given 5 overrunning into the following week under any 6 a private indication to Mr Jay this afternoon, which 6 circumstances. As you say, sir. 7 7 LORD JUSTICE LEVESON: Thank you. Right. That brings me I believe to be correct. I'm just waiting for final 8 instructions, and I undertake to confirm that position 8 now to module two. The first issue concerns applicants 9 9 for core participant status in relation to the tomorrow morning at the very latest. LORD JUSTICE LEVESON: That's very kind. The reason is 10 Metropolitan Police and the newspapers, and I also 10 11 this, that I have to deal with the application, and 11 believe the NUJ. I granted that status for all modules, 12 I hold the application, but I didn't feel it appropriate 12 I think. I did not grant the status at that stage to 13 13 to ask particularly you to deal with it while you were those for whom Mr Sherborne appears, because I was then 14 14 seeking to pursue an appeal against the decision of the unclear as to the precise role that they may feel it Divisional Court, because that would put you, in my 15 15 appropriate to take in other modules, and I will be 16 view, in a very difficult position. 16 pleased to hear Mr Sherborne on that subject in MR CAPLAN: May I say that I will speak to Mr Jay, at the 17 a moment. 17 18 18 I have also received a number of individual latest by 9.30 tomorrow morning. 19 19 applications, and each person who wishes to make an LORD JUSTICE LEVESON: All I need thereafter to do is to 20 say: if there is to be an appeal, I apprehend that it 20 application may do so. If they're by counsel, then they 21 21 will be brought on very quickly, and I will defer can do so from where they are, because they all have 22 22 deciding the substantive question until that has been microphones, but for those who are not by counsel, I'll 23 23 resolved, but I am very keen to maintain the momentum ask them to come to the witness box, not because I'm 24 and I would be extremely distressed if this evidence 24 treating them any differently, but simply because there 25 25 could not be resolved prior to the date upon which I've is a microphone there, and then their application can be Page 2 Page 4

recorded.

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But I'm very keen to make this clear: it is no part of my function, except in certain illustrative ways, to descend into the detail of specific incidents. That is not to show disrespect to those who believe they have been wrongly treated by the police or the press, or to suggest that their issues are unimportant. It is merely to underline the fact that, were I to do so, the time that I would require to examine each individual incident, many of which are exceedingly complex, would overwhelm the available time resource for this Inquiry.

I would be very grateful if those who wish to make applications bear that in mind.

There's one other general point that I would like to make, which is this: I have been assisted by a single team acting for those who allege they have been the subject of wrongful treatment by the press in the first module, but it is important to underline that I do not insist that anybody who complains about the conduct, in this case, of the press and the police and the way in which they interrelate, does so through that team.

The solicitor to the Inquiry is available to assist those who may be called to give evidence without having core participant status, and a number of people have given evidence without being core participants, who Page 5

MR SHERBORNE: Sir, I understand that and I'm grateful for

- 2 it, and although module one of the Inquiry still has
- 3 continued, we have had time to pause for thought, so to
- 4 speak, and I am instructed to ask on behalf of the core
- 5 participant victims for their role as the core
- 6 participants to continue into module two, for reasons
- 7 which, sir, you will have seen was set out in the rather
- 8 detailed letter --
- 9 LORD JUSTICE LEVESON: Yes, I am very grateful to you for
- the letter.
- 11 MR SHERBORNE: The letter of 24 January.
- 12 LORD JUSTICE LEVESON: 24th?
- 13 MR SHERBORNE: 24 January.
- 14 LORD JUSTICE LEVESON: My copy is dated the 25th.
- 15 MR SHERBORNE: There may be another letter on the 25th.
- I don't have a letter dated the 25th. Ah, I'm told
- there may be a printing error. Mine has the 24th, but
- 18 I think we're talking about the same letter.
- 19 MR JAY: It's a quirk of the printer.
- 20 LORD JUSTICE LEVESON: A quirk of the printer? That's
- 21 exciting.
- 22 MR SHERBORNE: Perhaps one of the more exciting things that
- have happened.
- 24 LORD JUSTICE LEVESON: Considering we've been looking at
- 25 changes to documents.

Page 7

speak of relevant matters to the Inquiry.

So if I decline an application -- of course, I'll hear each one on its merits -- that's not to say that I will necessarily rule out listening to evidence, receiving evidence, a statement, about which the solicitor can provide some assistance, and if necessary calling it if I believe it goes to the general picture that I am keen to create, rather following the pattern

I hope that's all sufficiently clear.

that I have been keen to create for module one.

Right. I think we'll start with you, Mr Sherborne. It wasn't my intention to put those for whom you appear in a disadvantaged position; it was to give your clients the opportunity to consider, to pause for thought whether they wanted to involve themselves in other aspects of this Inquiry, taking on the wider role of representing those who complain that they are the victims in this case of police/press issues, not least because, as I know you appreciate, funding decisions are inevitably based in part on ability to pay, and therefore decisions should be made by your clients at each stage. So it wasn't intended to suggest that your

position was any different to others, but merely to give

everybody the chance to think, after module one, where

Page 6

they wanted to go on module two.

- 1 MR SHERBORNE: I'm not going to point any fingers, certainly
- 2 not in open court.
- We say that for the reasons set out there, the core
- 4 participant victims do have a direct interest in
- 5 a number of the matters which we believe are going to be
- 6 the subject of investigation in module two of the
- 7 Inquiry, and for those reasons, I do ask on their
- 8 behalf, grateful as I am for an opportunity to consider
- 9 their ongoing role, but I do asks that that role does
- 10 continue into module two.
- 11 LORD JUSTICE LEVESON: And that is for each and every one o
- 12 your clients?
- 13 MR SHERBORNE: That is for each and every one of my clients,
- 14 sir
- 15 LORD JUSTICE LEVESON: I understand that in the case of
- module two, Mr Crossley, for whose assistance we've been
- 17 grateful throughout module one, is, as it were,
- subletting the responsibility to Ms Allen of Bindmans on
- 19 the basis that she's been heavily involved in the
- 20 judicial review and has knowledge which she has, and
- 21 which somebody won't have to pay for a second time.
- That may not be the reason that she gives, but it's the
- 23 reason that I'm prepared to think that it might be
- 24 sensible.
- 25 MR SHERBORNE: Sir, I'm grateful not only for the fresh face Page 8

but for the experience. 1 a core participant, but let me cut across this because LORD JUSTICE LEVESON: Oh? 2 I see great force in the argument, as I think I had 3 MR SHERBORNE: Not that I criticise Mr Crossley's appearance 3 identified last September. But I am just keen to know 4 at all, but also for the fact that Ms Allen does bring 4 one detail and to have your views about one aspect. 5 with her the experience, as you say, from the judicial 5 You are absolutely correct that the main focus of 6 review. 6 this Inquiry, but by no means the only focus, has been 7 LORD JUSTICE LEVESON: Subject to anything anybody may say, 7 the Metropolitan Police. To what extent will you feel 8 I don't think it's sensible for me formally to alter the 8 able to represent the views of other police authorities? 9 nature of the representation, not only because it's 9 I think I said in relation to one of the applications by 10 going to have to be consistent throughout, but to 10 one of the newspapers that I was perfectly content that 11 recognise that in this regard effectively it is Ms Allen 11 different types of title were represented by the same 12 who will be taking over from Mr Crossley. 12 counsel, even though their interests might be slightly 13 MR SHERBORNE: I'm very grateful, sir. Unless I can assist 13 different, and I take the same view in relation to 14 any further, that is the application. 14 police authorities. 15 LORD JUSTICE LEVESON: There's nobody that you wish to add 15 MR PHILLIPS: Yes. Can I deal with that in this way: the 16 to your list and there's nobody you wish to subtract; is 16 short answer, I'm afraid, is no. There is a national 17 that right? 17 body, on which there's representation from the 18 MR SHERBORNE: Not at this stage, sir, no. 18 Metropolitan area. It's called the Association of LORD JUSTICE LEVESON: I'm not sure what other stage is 19 19 Police Authorities, but I don't speak for them. It may 20 going to arise, but I have the point. All right. 20 be that we can liaise with them, and in that way seek to 21 MR SHERBORNE: Thank you. 21 address your concerns, but as I stand here now, I can't 22 LORD JUSTICE LEVESON: I think before I turn to those who 22 speak for them. 23 are appearing in person, it might be sensible to deal 23 Sir, there's another reason for that, which is the 24 with anybody else who wants to raise -- Mr Phillips 24 very particular position of the Metropolitan Police 25 I remember. 25 area. You will have seen in our submission, for Page 9 Page 11 MR PHILLIPS: Sir, we have set out our application on behalf example, that we now have a Mayor's office for policing 1 1 2 of the MPA and now the Mayor's office for policing crime 2 and crime under the new Act which came into force at the 3 in writing, we've done so as succinctly as we possibly 3 end of last year, and Mr Malthouse, under a delegation, 4 could in three and a half pages and said that if you 4 now occupies that office, as he was before the chair of 5 needed to hear further submissions or have some in 5 the police authority. 6 writing, you should just ask. 6 But for other police areas, this new and 7 We haven't had such a request, sir, so I'm tempted 7 significantly different regime does not come into effect 8 to, as it were, rest there. 8 until November, when the elections for the first 9 But in very brief outline, module two, as we see it, 9 policing and crime commissioners take place. 10 is concerned with precisely the areas of governance, 10 LORD JUSTICE LEVESON: All right, I understand. oversight, scrutiny and regulation of the police with 11 11 I would be grateful if your clients would 12 which the MPA and now the MOPC is concerned, and of 12 communicate with the association, to ensure that I was 13 course of all of the police forces, the one at the 13 given the advantage of any input that they felt 14 centre of your Inquiry is, if I can put it this way, our 14 appropriate. As I said, I am comparatively relaxed 15 police force, the MPS, and we therefore submit that not 15 about potential issues of conflict, for the reasons 16 only do we have a direct role to play both in the past 16 which I am sure you will understand, and they need not 17 and in terms of the future, when we're looking at 17 become core participants in the same way that I've been 18 recommendations, but for the same reasons we have 18 saying about individual victims that they need not 19 a significant interest. 19 become core participants, but I'd be grateful for some 20 In a sense, that's been borne out by the section 21 20 comfort that their interests were at least being thought 21 notice that the chairman of the authority, now the MOPC, 21 about, if only to alert me should some problem arise. 22 22 Mr Malthouse, received on Friday asking for evidence and MR PHILLIPS: Yes, we will certainly do that. 23 documentation in --23 LORD JUSTICE LEVESON: Thank you very much. 24 LORD JUSTICE LEVESON: The mere fact that you're asked for 24 Mr Garnham, you are already there, as it were, but 25 evidence doesn't necessarily mean that you ought to be 25 the same point that I make in relation to the Page 10 Page 12

1	authorities covers ACPO as well. I don't know whether	1	initial police investigation, and this is possibly from
2	you have any information about that, but if you don't,	2	my perspective going back to 2006.
3	I would be similarly assisted by an awareness of some	3	However, I don't feel my personal investigations or
4	sort of liaison.	4	interaction with the police is central to this Inquiry,
5	MR GARNHAM: Sir, we have been in touch with ACPO, as you'l	1 5	as you outlined, but it's more to do with you being
6	anticipate, but we haven't done it as formally as you	6	aware of the information I submitted to your secretary
7	now suggest and we will do so.	7	and taking it on board. It's just due to the fact that
8	LORD JUSTICE LEVESON: Yes. I'm not seeking to prescribe	8	Operation Weeting, which I understand is the latest
9	how this should happen. I just think that overall it is	9	version of the police the Metropolitan Police's
10	of value.	10	attempt to actually investigate or get to the bottom of
11	I see, for example, in relation to the inevitable	11	the phone hacking, is undergoing, I'm told, and my legal
12	questions that surround what I will describe as the	12	representatives are experiencing one or two issues with
13	intercepts of Milly Dowler's phone, that there is room	13	that, so while they're in the midst of the
14	for difference between the Metropolitan Police and the	14	Operation Weeting investigation, I'd rather focus on
15	Surrey Police. Again, I'm very conscious that	15	that at this point and leave my application for core
16	I declined Mr Beggs' application in September, and	16	participant with yourselves.
17	I don't know that they're here today. No? And I don't	17	LORD JUSTICE LEVESON: Yes. I am not sure that I entirely
18	think they need to be, because that's a very good	18	understand. You've provided some information.
19	example of where I have no doubt evidence will be	19	I haven't seen the material you've provided,
20	required, but I don't think it extends to the broad	20	deliberately.
21	question of requiring core participant status.	21	MR ADIGWE: I was told by your assistant
22	MR GARNHAM: Sir, we will certainly co-operate both with	22	LORD JUSTICE LEVESON: I have no doubt at all that it's been
23	ACPO and with other police forces, as we have with	23	seen by the solicitors to the Inquiry, but I have found
24	Surrey. It doesn't mean we'll necessarily have identity	24	myself over the last few weeks really quite busy keeping
25	of interest on particular points, but we will alert you	25	up with what I'm dealing with day by day.
	Page 13		Page 15
1	if a problem arises.	1	MR ADIGWE: I see.
1 2	if a problem arises. LORD JUSTICE LEVESON: Thank you very much indeed.	1 2	MR ADIGWE: I see. LORD JUSTICE LEVESON: So if you've provided information.
2	LORD JUSTICE LEVESON: Thank you very much indeed.	2	LORD JUSTICE LEVESON: So if you've provided information,
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2	called, in summary, who did what to whom, because of an	2	which was a gross libel of me by the Mirror back in
3	anxiety on my part not to impact adversely on the police	3	1997, which accused me of being a dangerous, crude
4	investigation and if there are to be any subsequent	4	racist. Completely false. They claimed they'd got
5	prosecutions. So I will not be trespassing on their	5	letters proving this, but then had to admit that they'd
6	territory.	6	never got they'd never had sight of any such letters,
7	There is a part 2 to this Inquiry, which would only	7	and I submitted all this to the PCC. They refused to
8	ever arise after all the prosecutions have finished,	8	act. I got Mike Jempson, who was director of PressWise,
9	which may or may not have to go into that sort of	9	as it was in those days, to write to them. Again I have
10	detail.	10	supplied the Inquiry with a series of letters between
11	MR ADIGWE: I see.	11	Mike Jempson and the PCC, which are an utter disgrace.
12	LORD JUSTICE LEVESON: Thank you very much indeed for	12	There is in the Articles of Association of the PCC
13	coming. Thank you.	13	clause 53.5, which actually says in effect they can just
14	MR ADIGWE: Thank you.	14	say they won't take a case without giving any reason.
15	LORD JUSTICE LEVESON: Strictly alphabetically,	15	It's as bad as that.
16	Mr Henderson.	16	In addition to that, and this is where it gets
17	MR HENDERSON: Good afternoon.	17	LORD JUSTICE LEVESON: Pausing there for a moment
18	LORD JUSTICE LEVESON: Good afternoon, Mr Henderson. You've	18	MR HENDERSON: Yes, go on.
19	heard what I've said	19	LORD JUSTICE LEVESON: Yes, I shall.
20	MR HENDERSON: Yes, I am taking that into account, do not	20	MR HENDERSON: Yes, sorry.
21	worry, but I may have to actually ask for a little bit	21	LORD JUSTICE LEVESON: That relates to your treatment by the
22	of guidance at some point because there is a question	22	press. That's really what I have been previously
23	which would possibly be the result have a consequence	23	considering.
24	of criminal prosecution, and as you've just pointed out,	24	MR HENDERSON: I know, I appreciate that, I do appreciate
25	you don't want to trespass on that, but on the other	25	that.
	Page 17		Page 19
I 1	hand, it is also entirely germane to this module two	1	LORD JUSTICE LEVESON: The module that I'm now
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	hand, it is also entirely germane to this module two investigation.	1 2	LORD JUSTICE LEVESON: The module that I'm now considering
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- 1 failed miserably, and the police took this case because 2 2 they couldn't avoid taking it, they desperately didn't 3 3 want to take it, but there it was, I had given them the 4 letter from the newspaper editor, who actually admitted 5 in his letter that he had in fact obtained information 6 about me from the police, which could have been 6 7 7 legitimate. 8 8 I won't identify the editor but I'll just read the 9 9 very brief passage in it, which -- yes, here we are: 10 "The police source of our article, whose identity we 11 have a moral obligation to protect [I won't laugh at 12 this point] gave us the details of the letters that we 12 13 then published. Nothing that Mr Henderson writes has 14 convinced me that the article is anything other than 15 accurate." 16 He also in the same letter admits he has never seen 17 17 the letters, so-called letters. 18
 - I submitted this to the Metropolitan Police and they agreed to conduct an investigation. It was sent to Scotland Yard, which again, if you know anything about the way the police operate, it's most unusual for them to suddenly send it to Scotland Yard. It was given to Detective Superintendent Jeff Curtis, who came along to
- my flat and took all the details, promised to go away
 and investigate it properly. A month later he rings me
 Page 21

- 1 LORD JUSTICE LEVESON: Mr King?
- 2 Mr King, thank you. You did make an application to
 - be a core participant victim member in relation to
- 4 module one. So I have read a lot of the material which
- 5 you have provided. I've read all the material that
 - I think you've provided.
 - Would it be fair to summarise to say that you feel
- strongly that you are the victim of a miscarriage of
 - justice and you put that very much down to the conduct
- both of the press and the police?
- 11 MR KING: Yes, I think so, sir, but if I could break it into
 - the two, on the witness level I think how I was
- prosecuted and everything is sort of a very interesting,
- 14 for you and for the Inquiry, examination of how the
- police and the media do often have a relationship which
- can be extremely useful, either positively or
- 7 negatively.
- 18 Secondly, the reason why I feel like a core
- 19 participant victim is yes, whilst I do believe --
 - I actually know that I'm a victim of a miscarriage of
- 21 justice --

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- 22 LORD JUSTICE LEVESON: Yes, of course. As I said it I was
 - conscious that I wasn't doing your argument justice, but
- the trouble is that the law has taken its course.
- 25 MR KING: Yes.

Page 23

- 1 up and says, "I've investigated it, there's nothing".
- 2 I said, "Who have you interviewed at the newspaper?" and
- 3 he said, "Nobody". So obviously it was just purely
- 4 a sham investigation, there was nothing done about that.
- 5 So again that falls clearly within module two of the
- 6 Inquiry.

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- 7 LORD JUSTICE LEVESON: And you've put all that into writing 7
- 8 in a --
- 9 MR HENDERSON: Yes, I submitted this on the 25th, the full
- 10 complaint with all my other complaints which I dealt
- 11 with, on 25 November to the Inquiry.
- 12 LORD JUSTICE LEVESON: Yes. In relation to that, it may be
- that this is an evidential issue, which we'll want to
- look at, but you haven't explained to me why it should
- 15 require core participant status as opposed to your being
- a potential witness for the Inquiry.
- 17 MR HENDERSON: Well, I was taking the core participant side
- of it from the fact that I have, in fact, covered
- 19 everything apart from the phone tapping comprehensively.
- 20 In other words, I am a -- you might say I was a sort of
- star exhibit in terms of media abuse and police
- 22 collusion with the media.
- 23 LORD JUSTICE LEVESON: All right, I understand. Okay.
- 24 Thank you.
- 25 MR HENDERSON: All right, thank you.

Page 22

- 1 LORD JUSTICE LEVESON: And there it is.
- 2 MR KING: Yes, exactly. That's why subjectively -- I don't
- 3 want to be subjective, I would prefer to be objective
- 4 about my evidence as a witness, but as a core
- 5 participant victim, whether or not the law was
- 6 completely correct, I feel I was a victim of that kind
- 7 of relationship.
- 8 LORD JUSTICE LEVESON: Yes. I see. Again, though, and
- 9 I hope you will understand the point that I was trying
- to make earlier about the difference between those who
- 11 have complaints and those who have a wider over-arching
- interest in the work of the Inquiry, which justifies
- 13 core participant status.
- 14 MR KING: Yes.
- 15 LORD JUSTICE LEVESON: All right. Is there anything else
- 16 you would like to say about that?
- 17 MR KING: No, just that I'm -- I'm perfectly happy, and
- obviously I feel it is necessary, as far as the Inquiry
- 19 is concerned, you are not going to say that I am
- 20 innocent. You have to assume that I'm guilty because
- 21 I was found guilty. But I would say that my
- 22 experiences, which go through a great deal more than
- just that, than just the prosecution and the first
- 24 trial, as you've seen from the submission, there was
- 25 a second trial in which I was considered not guilty, and Page 24

6 (Pages 21 to 24)

1 show were firstly and in a later to the	1	The 144 Heat and Conference of 1111 and 1
there were further experiences I had, such as at the	1	The detailed terms of reference are available on the
2 Court of Appeal and so on, which all, I think, would be	$\begin{vmatrix} 2 \\ 2 \end{vmatrix}$	Inquiry website, but the four modules constitute the
3 interesting to the Inquiry regarding the relationship	3	relationship between the press and the public, the
4 between the police and the media.	4	relationship between the press and the police, the
5 LORD JUSTICE LEVESON: Yes. It's the relationship between	5	relationship between the press and politicians, and
6 the police and the media that concerns me, and I have	6	finally the future.
7 a problem, which I'm sure you've appreciated from what	7	At the beginning of the Inquiry, I designated
8 I've said, about the extent to which it is possible,	8	a number of newspapers as core participant for each of
9 whether or not it's appropriate, to investigate what are	9	those modules on the basis that the press were
10 quite complex facts in order to reach over-arching	10	intricately involved in all.
11 conclusions but there it is.	11	I also designated the Metropolitan Police Service as
12 MR KING: I understand that and I do see it's a problem, but	12	a core participant, first because of the significance of
13 I think as far as the Inquiry is concerned there is	13	the conduct in particular of the Metropolitan Police in
enough general information that you might find very	14	connection with what has been described as phone
15 valuable.	15	hacking, and the progress of the investigations into
16 LORD JUSTICE LEVESON: But that general information is	16	phone hacking, but also obviously because the second
information you've given me in any event.	17	module intimately concerned their relationship with the
18 MR KING: Oh absolutely, yes.	18	press.
19 LORD JUSTICE LEVESON: All right. Thank you very much	19	As to those who complained of press misconduct,
20 indeed.	20	I received a number of applications and granted core
21 MR KING: Thank you.	21	participant status to a large group using the power or
22 LORD JUSTICE LEVESON: Is there anybody else here who see	ks22	intimating that I would use the power available to me
23 to make any application for core participant status,	23	under Rule 7 to ensure that they were represented by one
whose application I've not considered? (Pause)	24	legal team. It was and remains important that the
25 Right. Mr Jay, is there anything you want to say	25	public are represented in this Inquiry.
Page 25		Page 27
1 about these applications?	1	I did not decionate them as some norticinants
		I did not designate them as core participants
2 MR JAY: Sir, no. 3 RULING	2	throughout, because I was very conscious of the impact
4 LORD JUSTICE LEVESON: Rule 5(2) of the Inquiry rules 200	3	of such status over the entire length of the Inquiry,
5 identifies some of the considerations to which I must		and wanted to ensure that they had the opportunity to
6 have regard when determining whether or not to designate	5	withdraw after the primary concerns that many had addressed had been considered.
	6	
	7	In the event, Mr Sherborne applies for each of those
8 provides: 9 "In deciding whether to designate a person as a core	8	who have been designated core participants to continue
9 "In deciding whether to designate a person as a core 10 participant the chairman must in particular consider	9	in that capacity. As I understand it, he and his
	10	instructing solicitor, Collyer-Bristow, are content to
whether (a) the person played or may have played a direct and significant role in relation to the matters	11	do so, although Collyer-Bristow have asked that the
to which the Inquiry relates, (b) the person has	12	day-to-day conduct of this aspect of the Inquiry should
	13	be passed over from them to another firm of solicitors,
	14	Messrs Bindmans, on the basis that they have been
15 matters to which the Inquiry relates, or (c) the person	15	intimately involved in this aspect of the work. It
 may be subject to explicit or significant criticism during the Inquiry proceedings or in the report or in 	16	seems to me eminently sensible that that course is
	17	taken, and I am entirely content to designate them
	18	continued core participants for this aspect of the
1	19	Inquiry, for module two, in the same way as in module
20 designate such a person at any time during the course of	20	one. I do so on the basis that all wish to continue,
21 the Inquiry, providing that the person consents to being	21	none wish to withdraw, and at present there are no
22 so designated.	22	additional applications.
At the commencement of the Inquiry, which is into	23	Finally, I have received a number of further
 the conduct, practices and ethics of the press, I determined to split the terms of reference into four. 	24	applications for core participant status, which have
25 I determined to split the terms of reference into four.	25	
Page 26	25	been followed up in three cases by oral requests to me. Page 28

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The three gentlemen have explained in their way how their experiences have been affected, their life experiences have been affected, by aspects of the relationship between the press and the police, which they wish to bring to my attention. I understand the point that each wishes to make. Whether it can be said that their individual experiences are direct and significant, or whether their interest is significant in relation to this aspect of

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the matter, is another matter. That they are interested is, of course, obvious. But that is not the meaning I put to Rule 5(2)(b). In any event, there are wider considerations to bear in mind. It may be, and at present I make no ruling one way or the other, that each one of these applicants has an account to provide which will assist me in the overall discharge of my responsibilities to consider the conduct, practises and ethics of the press in the

context of their relationship with the police, but it does not seem in any one of these cases that their particular issues are so substantial in the context of

22 the overall picture as to require core participant 23 status.

What I do say to each is that statements provided will be considered. If it's appropriate, the statements Page 29

1 they are core participants for this part of the Inquiry,

- 2 and I grant that application.
- 3 MR PHILLIPS: Would you designate Eversheds as the legal
- 4 representative?
- 5 LORD JUSTICE LEVESON: I identify that I have asked both the
 - authority and Mr Garnham on behalf of the Metropolitan
- 7 Police to consider with their respective national bodies
- 8 the best way in which their interests might be affected.
- 9 I designate Eversheds as the recognised legal
- 10 representative of the authority.
 - Mr Garnham?
- 12 MR GARNHAM: Sir, in the course of your judgment just now,
- 13 where I think you were intending to refer to the
- 14 Metropolitan Police Service, you described it as the
- 15 Metropolitan Police Authority, and given that the
- 16 distinction matters for the purposes of your ruling,
- 17 I wonder if I could invite you to make that correction.
- 18 LORD JUSTICE LEVESON: Certainly.
- 19 Mr Jay, what else have I omitted to deal with?
 - Discussion re procedure
- 21 LORD JUSTICE LEVESON: Right. That brings us to a series of
- 22 issues which need to be considered, of a practical
- 23
- 24 Mr Jay, anticipated start and end dates?
- 25 MR JAY: Start date is 27 February. End date is probably Page 31

will be put into the record of the Inquiry, and if it's necessary, the particular applicants will be called to

3 elaborate upon any aspect of their concern.

> As I made clear prior to the applications, it will not be possible for me to descend into the detail of specific complaints that are individual to the applicants rather than of generic significance, and it is the absence of generic significance that causes me to conclude as I do.

> I have no doubt that consideration will be given to each one of the accounts that the three applicants have provided, and appropriate decisions made accordingly.

13 Thank you.

14 MR PHILLIPS: Sir, are you intending to rule on my 15 application?

16 LORD JUSTICE LEVESON: I am.

17 MR PHILLIPS: Thank you very much.

18 LORD JUSTICE LEVESON: I turn finally to the application

19 brought by Mr Phillips on behalf of the authority

20 responsible for the regulation of the Metropolitan

21 Police. I put it that way because over the recent past

22 the name of that authority and the legislative basis

upon which it operates has changed.

24 In my judgment, given the responsibilities that the 25 relevant authority has, it is entirely appropriate that

Page 30

- 1 mid-April. At the moment it's 19 April.
- 2 LORD JUSTICE LEVESON: Thank you. Will the Inquiry continue
- 3 to sit for seven days per fortnight?
- 4 Before I rule upon that, let me find out how people
- 5 have found sitting seven days a fortnight, and I'm
- 6 likely to err on the side of sitting more rather than
- 7 less, but I'll listen to anything. Seriously, it's
- 8 a serious question. Has anybody found -- I don't say
- 9 the pressure unremitting, because it has been, and none
- 10 more so than the team that is supporting me, but does
- 11 anybody have any submission to make about that question?
 - No calls for eight days a fortnight, Mr Jay. Right,
 - we'll carry on with seven days a fortnight.
- 14 In relation to the question of seminars, my
 - immediate reaction is that there is no need for seminars
- 16 in this area. The purpose of the seminars on the last
- 17 occasion, or before we started, was to introduce me and
- 18 others, not least to say the public, to the framework
- 19 within which we were operating, and I'm not sure that
- 20 that needs extra adumbration at this stage, unless
- 21 anybody wants to suggest to the contrary.
- 22 Will legal issues be dealt with by submission or
- 23 evidence? Legal issues will be dealt with by submission
- 24 rather than evidence. I'm still hoping for submissions
 - in relation to aspects of the approach to module one

Page 32

25

1	from those who haven't yet provided them. Right. Those	1	will become rather fractured as people are fitted in and
2	who I am addressing know about it.	2	people have to come back or have to deal with issues
3	Opening submissions, written or oral. Mr Jay?	3	which have arisen which perhaps weren't expected.
4	MR JAY: It will probably be helpful if I were to provide	4	MR JAY: Indeed.
5	a short opening submission, but it would be very much	5	LORD JUSTICE LEVESON: Right. All I can do is suggest that
6	shorter than the opening submission to module one, but	6	the team keep core participants appraised as and when it
7	we're aiming to start with evidence on the very first	7	is possible to do and ensure that the same co-operation
8	day.	8	that's been shown in connection with module one is
9	LORD JUSTICE LEVESON: Yes. I would have thought that's	9	followed in relation to module two. In particular, I'd
10	right. I think it's quite useful to, as it were, lay	10	encourage those who want matters to be put to witnesses
11	out the broad picture to provide context for me,	11	to do so, to inform the team as timeously as possible.
12	although I will have read the material, but also so that	12	I'm very conscious that sometimes this happened rather
13	anybody following the Inquiry will be able to see the	13	late. It may be because statements went up late or it
14	shape of the issues and the way in which we intend to	14	may be because of other pressure that I put on somebody.
15	address them.	15	If it's my fault, I apologise, but it won't stop me
16	Would anybody else wish to say anything by way of	16	keeping my foot very firmly on the accelerator.
17	opening for this aspect of the Inquiry?	17	MR JAY: Thank you.
18	MR GARNHAM: No, sir.	18	LORD JUSTICE LEVESON: I think that deals with types and
19	LORD JUSTICE LEVESON: I don't immediately see that it's	19	order.
20	necessary. It obviously was at the beginning, and	20	Finally, I'm asked to consider the approach to be
21	I appreciate that. Mr Phillips?	21	taken in respect of matters and persons subject to
22	MR PHILLIPS: May I reserve my position on that? You	22	current police investigation.
23	appreciate we came today not quite knowing whether we	23	In relation to those who are the subject of
24	would have core participant status.	24	investigation, I will rigorously follow the self-denying
25	LORD JUSTICE LEVESON: Oh, Mr Phillips. Lack of confidence	, 25	ordinance that I set for myself at the beginning of this
	Page 33		Page 35
1	Mr Phillips.	1	Inquiry, so as not to prejudice an investigation or any
_			1 3,
2	MR PHILLIPS: May I come back to you when I've had a chance	2	potential consequences of that investigation. So that
3	MR PHILLIPS: May I come back to you when I've had a chance to take some instructions on that? Because we are	2 3	
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3	to take some instructions on that? Because we are newcomers and this is a new area for the Inquiry. LORD JUSTICE LEVESON: Yes.	3	potential consequences of that investigation. So that will be the same as before. But my immediate reaction
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1	understanding of the criminal law is such that I do not	1	doubtless with some assistance from one of the
2	believe that that sort of inquiry could possibly cause	2	solicitor's teams, and put the material forward.
3	prejudice to an investigation which is, of course, being	3	I have said in terms that full consideration will be
4	conducted by very different police officers, or the	4	given to whether any statement that you make should
5	consequences of that investigation to the future.	5	either be put into the record or should lead to your
6	Anything else?	6	being called to give evidence.
7	MR GARNHAM: Sir, may I just raise one matter in relation to	7	MR HENDERSON: Yes.
8	what you've just said? I do so without having taken	8	LORD JUSTICE LEVESON: So you don't need to be concerned
9	instructions, and really simply for the purpose of	9	that you'll get lost in a mass of other material.
10	trying to isolate the effect of what, sir, you've just	10	I hope that we've not missed any witness whom we want to
11	said.	11	call in the material that we've received. Whether or
12	Given my understanding of what you've said, I doubt	12	not I have seen every single piece of paper.
13	if the police would argue with a word of it, but am	13	MR HENDERSON: Thank you.
14	I right to take your view to be that it won't be	14	LORD JUSTICE LEVESON: All right. Thank you very much. It
15	necessary to look at the elements of any particular	15	was a mistake. Thank you.
16	offence that is currently being investigated by looking	16	(3.28 pm)
17	at its history, and your concern is to look at the	17	(The hearing adjourned until 10 o'clock the following day)
18	history of the decisions to investigate rather than the	18	
19	facts of the investigation?	19	
20	LORD JUSTICE LEVESON: Correct.	20	
21	MR GARNHAM: Thank you, sir.	21	
22	LORD JUSTICE LEVESON: Mr Garnham, we've all seen or had	1 22	
23	a summary of the Mulcaire material. I don't anticipate	23	
24	that it would be necessary to go any further than that	24	
25	when considering what decisions were made, where and by	25	
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1	whom, in relation to whether to investigate.		
2	MR GARNHAM: Yes.		
3	LORD JUSTICE LEVESON: I think I've just entirely agreed		
4	with you.		
5	MR GARNHAM: Thank you, sir.		
6	LORD JUSTICE LEVESON: I'm just savouring the unusual moment		
7	of silence. Right.		
8	MR HENDERSON: Sorry, would it be possible just for me to		
9	ask one brief question?		
10	LORD JUSTICE LEVESON: Yes.		
11	MR HENDERSON: If core participant status isn't granted, is		
12	there any way one could put forward the case just being		
13	a witness rather than just leaving it amongst the mass		
14	of material which is there, I'm sure you're swamped with		
15	it. Can one press the case for being a witness as well		
16	as a core participant?		
17	LORD JUSTICE LEVESON: Nobody can press the case for being		
18	a witness. This is an inquisitorial procedure, in which		
19	I'm afraid there are some things that happen which		
20	people might not like, namely that I decide who gives		
21	evidence. But what I have made abundantly clear is that		
22	if you seek the assistance of a solicitor to the Inquiry		
23	as to what a statement, if you wanted to create a new		
1 -			
24	one, should deal with, then I'm sure that will be		
24 25	one, should deal with, then I'm sure that will be provided, and then you can prepare a statement,		

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