

Coroner's Inquests into the London Bombings of 7 July 2005

Pre-Inquest Proceedings - 23 July 2010 - Morning session

Subject to corrections

1 Friday, 23 July 2010

2 (10.30 am)

3 LADY JUSTICE HALLETT: Yes, Mr Keith?

4 MR KEITH: Good morning, madam.

5 Madam, dealing first, if I may, with representation,

6 the representation broadly appears as before, although

7 Mr Saunders holds the brief on behalf of Mr Patterson

8 and Mr Coltart, neither of whom can, unfortunately, be

9 here today. Both have taken the courtesy of informing

10 Mr Smith of that and asking for indulgence.

11 LADY JUSTICE HALLETT: Thank you.

12 Submissions by MR KEITH

13 Submissions re Secretary of State

14 MR KEITH: Madam, I hope that all the parties have received

15 a copy of the agenda prepared by Mr Smith for this

16 morning. I know, madam, you have a copy.

17 The first matter on that agenda is the Secretary of

18 State.

19 You will recall that on the last occasion, on

20 23 June, Mr Hall addressed you in relation to the issue

21 of whether or not his client would seek judicial review,

22 and the additional question of whether or not the

23 government would invoke section 17A of the Coroners Act

24 1988, and he invited you to set 18 July, at the latest,

25 as the date by which his client would commit itself to

1 indicating whether or not it would be seeking permission  
2 to challenge your decision by way of judicial review.  
3 Regrettably, the date came and went, but I'm happy  
4 to say that Mr Hall has kindly informed me, just a few  
5 moments ago, that there have been developments. Perhaps  
6 rather than going into the background of the matter or  
7 the history, I simply invite him to address you as to  
8 what those developments are.

9 LADY JUSTICE HALLETT: Thank you. Mr Hall?

10 MR HALL: Madam, may I take an opportunity to say in public  
11 what the decision is and an opportunity to apologise?

12 The decision is not to seek to challenge your  
13 decision on scope and, so far as public inquiry is  
14 concerned, the Secretary of State does not propose to  
15 initiate a public inquiry, although that cannot be ruled  
16 out as a possibility.

17 So far as apology is concerned, on the last occasion  
18 I gave you, on instructions, an assurance that  
19 a decision would be taken by 18 July. That was what was  
20 considered to be the outside limits of the time that we  
21 would require, and all I can say is we were wrong about  
22 it. We simply underestimated how much time would be  
23 required, bearing in mind the number of different  
24 interests, government departments, involved in the  
25 decision-making process and I'm sorry for it.

1 LADY JUSTICE HALLETT: Mr Hall, we need to speak in plain  
2 English, because there are still people who are  
3 unrepresented. The question of a public inquiry arises  
4 if the government seeks to invoke the power under  
5 section 17A of the Coroners Act. Yes?

6 MR HALL: Yes.

7 LADY JUSTICE HALLETT: Section 17A could be invoked,  
8 provided I was satisfied that a judicial public inquiry  
9 was to be held, is that right?

10 MR HALL: Yes. There are, I think, two routes. If it were  
11 the case that, as she doesn't envisage, the coronial  
12 process could not protect the national security  
13 sufficiently, either the Secretary of State could seek  
14 to invoke section 17A, or, not using section 17A, could  
15 initiate a public inquiry which would deal with  
16 preventability in a suitable manner, and then we could  
17 invite you, madam, to review your decision on scope, so  
18 continue in relation to the non-preventability inquests  
19 and the preventability matters could be hived off.  
20 I say that because one is keenly aware that, if you  
21 have done three months' worth of evidence from,  
22 say, October to December, people have given evidence,  
23 one wouldn't want that to be wasted, for witnesses to  
24 have to give evidence twice, once to you and then once  
25 to a completely new separate body.

1 So there are, strictly speaking, two possible  
2 routes.

3 LADY JUSTICE HALLETT: Obviously, Mr Hall, it's not my task,  
4 and I wouldn't wish to interfere with any proper  
5 exercise of a power available to the government, but  
6 I do think it right to say this: on the basis of  
7 assurances I received when my appointment was suggested,  
8 assurances received from previous ministers, as you  
9 know, I have already committed many thousands of pounds  
10 of public money and other resources upon this task.  
11 I have made promises to the families and to survivors  
12 and, indeed, to the wider public, and I'm sure those who  
13 instruct you will understand that I am anxious not to  
14 waste those resources or break those promises, and,  
15 therefore, I would ask this of those who instruct you:  
16 could I elicit from you an assurance that, if the  
17 question of turning this process into an inquiry is  
18 revisited, that the ministers who have to take the  
19 decision are given the fullest possible information on  
20 the impact of that decision and that means, in my view,  
21 that they seek from Mrs Anckorn, Secretary to the  
22 Inquest, an up-to-date impact assessment and that I get  
23 an assurance from you that such an up-to-date impact  
24 assessment is put before the various ministers involved  
25 in the taking of the decision?

1 I don't think that's too much to ask, Mr Hall, when  
2 I'm asking so many people to commit so much time, effort  
3 and, in some cases, considerable emotion to the task  
4 that faces us.

5 MR HALL: Of course. I cannot give an assurance on my feet  
6 without taking instructions. May I ask for those  
7 instructions to be taken now and I'll revert to you, if  
8 I may?

9 LADY JUSTICE HALLETT: As I say, the simple assurance I seek  
10 is that, before any decision is taken, Mrs Anckorn is  
11 asked to provide an up-to-date impact assessment and  
12 that impact assessment is put before ministers. That's  
13 all I ask.

14 MR HALL: I'll revert, if I may.

15 LADY JUSTICE HALLETT: Thank you.

16 Mr Keith?

17 MR KEITH: Madam, may I add this one point to that  
18 discussion? From what my learned friend has said, it  
19 may be that the government has proceeded on the  
20 assumption that section 17A may be invoked in such a way  
21 as to permit you to continue with an existing inquest  
22 and simply to divorce from it the single issue of  
23 preventability.

24 The section itself makes no express reference to  
25 that possibility, although it is possible to construe it

1 in a way that would allow that to happen, but it would  
2 ultimately be a matter for your discretion because,  
3 although section 17A works on the presumption that  
4 a public judicial inquiry is being or is to be held, it  
5 is your decision, of course, as to whether the existing  
6 inquest is adjourned.

7 For my part, I would be cautious in presuming, as  
8 the government might appear to be doing, to assume that  
9 necessarily the inquests either will be continued with  
10 that single issue of preventability divorced into  
11 a separate public inquiry, or that it will not be  
12 continued. It is by no means clear what your exercise  
13 of your discretion will be, and nor could it be presumed  
14 at this stage.

15 LADY JUSTICE HALLETT: Isn't there another possible  
16 complication too, which I'd hope that the ministers  
17 would be advised about, which is, for me to adjourn any  
18 part of the proceedings, or the inquests themselves,  
19 under section 17A, I would have to be satisfied  
20 a judicial inquiry was to be held, a judicial public  
21 inquiry, and, therefore, it may well that be this matter  
22 would have to go, for example, to the Lord Chief Justice  
23 who may or may not agree to a judicial public inquiry  
24 being held?

25 MR KEITH: Indeed. One might be very loath to adjourn on

1 the basis that an inquiry would be held rather than one  
2 already being set up.

3 LADY JUSTICE HALLETT: Exactly. I think Mr Hall has noted  
4 those observations.

5 MR KEITH: Indeed.

6 Madam, that being so, perhaps we can turn to the  
7 second matter on your agenda.

8 Submissions re forensics report

9 It concerns your coroners' officer's report on  
10 forensics. The Metropolitan Police have completed that  
11 report. The report covers matters such as the remains  
12 of the devices found at the four scenes, forensic  
13 evidence from Alexandra Grove and Chapeltown Road, the  
14 relevant cars, and the construction of the bombs.

15 The report was made available on Lextranet on  
16 Tuesday. The report refers, of course, to a mass of  
17 underlying material, statements and exhibits, and that  
18 will be uploaded on to Lextranet for the interested  
19 persons to view from next week.

20 You will recall from the last occasion that there  
21 were reports, of course, also prepared into the  
22 backgrounds of the four men and the issue of travel to  
23 London, and those were made available to the interested  
24 persons before the last hearing on 23 June.

25 The underlying material, some 300 documents, has now

1 also been made available, as has also the CCTV material  
2 to which the travel to London report refers, and, as  
3 ever, we are extremely grateful to the coroner's  
4 officers within the Metropolitan Police Service who have  
5 prepared and made available those reports.

6 Submissions re background evidence  
7 Background evidence in relation to the 52 deceased.  
8 You will recall, madam, that through Mr Smith you  
9 indicated that you were minded to adduce evidence  
10 dealing with the personal background of each of the 52  
11 deceased, and you asked, in writing, the bereaved  
12 families to provide, if they wished to do so,  
13 information about the life history and the personal  
14 qualities and so on of the deceased, and you invited  
15 them to respond by the end of July.

16 May I take a moment just to emphasise what is being  
17 sought? Because a number of bereaved have written to  
18 Mr Smith in relation to this exercise, and it may help  
19 if I provide a little more detail.

20 What is being sought is evidence about the deceased  
21 themselves as opposed to evidence of the experiences of  
22 the bereaved in the wake of 7 July and the effect upon  
23 them of the death of their loved ones.

24 We are aware, of course, that many of the families  
25 have already provided victim impact statements to the

1 police and, of course, whilst that evidence is germane  
2 to the issues, it's not really of central relevancy to  
3 the issues which you are to decide in due course.  
4 So I simply ask the bereaved families to concentrate  
5 when they reply upon the issue of the deceased rather  
6 than, of course, on the effect upon them, however awful  
7 the deaths have been.  
8 You asked for this evidence to be provided by the  
9 end of July. Each of the firms who are representing the  
10 families have undertaken to prepare statements from  
11 their clients. May I suggest that, in due course, you  
12 invite them to give you an indication as to what  
13 progress they are making towards that target date?  
14 There have been a number of responses, as I have  
15 said, from unrepresented families, for which we are  
16 grateful, and Mr Smith and his team have been liaising  
17 with the families and they will continue to do so.  
18 Any families who have not yet made contact or who  
19 have any queries in this regard should naturally not  
20 hesitate to contact Mr Smith, if they wish to do so, for  
21 the purposes of gaining assistance from him.  
22 May I then turn to legal aid which is about  
23 two-thirds of the way down the list? I'm sorry, the  
24 agenda doesn't reflect in fact in which I propose to  
25 address these issues.

1 Submissions re legal aid

2 Legal aid I can deal with very briefly. Legal aid  
3 was granted to the families last week to cover the  
4 reading by their lawyers of the disclosed statements and  
5 exhibits and, of course, today's hearing, and we now  
6 believe that all the outstanding issues have also now  
7 been resolved in relation to the provision of legal aid  
8 going forward to the hearing in the autumn. So I don't  
9 propose to say any more about legal aid. It seems that  
10 all the issues have been resolved.

11 LADY JUSTICE HALLETT: I am very grateful to everyone for  
12 ensuring that that has happened before this hearing.

13 Submissions re disclosure

14 MR KEITH: May I then turn to disclosure, which is the  
15 pre-penultimate issue on the agenda?

16 On the last occasion, you ordered those parties  
17 undertaking disclosure to use their best endeavours to  
18 disclose by 4.00 pm today relevant documents in their  
19 possession and to file the names and contact details of  
20 any potentially relevant witnesses.

21 Mr Smith and his team have received responses from  
22 all those interested persons and we are very grateful to  
23 them for responding in the way that they have. He has  
24 not, as you know, copied round all the other interested  
25 persons, the responses from those organisations, because

1 it did not seem to us that there was any profit in so  
2 doing.

3 May I therefore instead summarise the essence of  
4 those responses so that everybody is aware of the broad  
5 position?

6 City of London Police have provided a list of about  
7 120 documents that they consider to be relevant. We  
8 will review this material as we will review all the  
9 material that's been provided by the organisation  
10 interested persons once we have had a response from the  
11 majority of organisations. It plainly makes sense to  
12 review the disclosed material once we can assess it in  
13 its proper context and, necessarily, that requires us to  
14 wait until we have received the majority of the  
15 responses.

16 City of London Police have raised a single claim for  
17 public interest immunity and Mr Smith has, at your  
18 direction, written to the other interested persons about  
19 this and requested any written representations to be  
20 received by him by 27 July. Two or three of the other  
21 parties have already responded observing that they have  
22 no representations to make as to whether or not that PII  
23 claim should be granted.

24 Barts and the London NHS Trust have provided  
25 a handful of documents, I think 21 documents in total,

1 mainly reports produced by emergency responders, and  
2 they've provided a list of 27 witnesses, some of whom  
3 are already on the provisional witness lists.

4 Great Ormond Street Hospital, to whom I will return,  
5 or to which I will return in a moment, have provided  
6 a list of six witnesses and confirmed that it holds no  
7 potentially relevant documents.

8 The London Fire Brigade has provided a disclosure of  
9 disclosable documents. It's not yet been able to  
10 provide names of potential additional witnesses, but it  
11 has indicated that it has started to collate contact  
12 details of those officers from the London Fire Brigade  
13 who are indicated as "call" or "read" on the provisional  
14 witness list for Aldgate, Edgware and Tavistock Square.  
15 They have also indicated that they would wish to  
16 make available a senior officer to deal with some of the  
17 generic issues which have obviously been raised.

18 May I raise a wider point, because it's been raised  
19 by them?

20 The order of 23 June enjoins the interested persons  
21 to provide details not just of witnesses who work for  
22 those particular organisations whose names have been  
23 revealed on our lists, but also the names and details of  
24 any witness revealed by their own examination of their  
25 own files and, where a witness name is provided by an

1 organisation, may I simply invite them to give full  
2 details? It's not sufficient simply to say that the  
3 witness works for that organisation, because that  
4 doesn't provide Mr Smith with the actual contact  
5 details, either the address or the telephone number.  
6 The witnesses, of course, will be called by you, and  
7 they are your witnesses, and it's very important that  
8 Mr Smith has the contact details for the particular  
9 witness himself or herself and not just a generic  
10 address of the organisation for whom he or she works.  
11 The Secretary of State, of course, on behalf of the  
12 Security Service, falls into a somewhat different  
13 category.  
14 Members of your team -- and you know of course  
15 yourself -- have read a mostly unredacted version of the  
16 Intelligence and Security Committee reports as well as  
17 speaking notes prepared for that process in line with  
18 the assurances given publicly by Mr Hall on the last  
19 occasion.  
20 We are awaiting further news of that redaction  
21 process because some redactions have not yet been made  
22 to those reports, or rather have been released in  
23 relation to those reports, and we will be engaging with  
24 the Secretary of State over the summer in relation to  
25 the disclosure process generally.

1 May I simply say at this stage that the disclosure  
2 process in relation to the Security Service,  
3 West Yorkshire Police and the Metropolitan Police raises  
4 intensely difficult issues, both in terms of scope,  
5 scale and public interest immunity.

6 We have a very considerable task on our hands in  
7 relation to reviewing that material. Indeed, the  
8 organisations themselves have a hugely difficult task in  
9 collating and assembling all the potentially relevant  
10 material in relation to the direction that you provided  
11 in May to the effect that they must make available all  
12 documents touching upon the issues which arise in these  
13 proceedings.

14 In due course, it will be necessary to raise  
15 publicly, or provide publicly, some indication of where  
16 we've got to in relation to that process, but unless you  
17 wish me to, I don't propose to go further into detail  
18 today.

19 LADY JUSTICE HALLETT: Will we be going into any further  
20 detail about the timetabling of the process this  
21 morning?

22 MR KEITH: Madam, yes, I will be inviting you to call on  
23 Mr Hall and Mr Beggs from West Yorkshire Police in  
24 particular, because they have raised with us the nature,  
25 or broad nature, of their concerns in relation to the

1 time that the collation process will demand of them.

2 LADY JUSTICE HALLETT: But you'd rather we reverted to that?

3 MR KEITH: Maybe we will revert to that under the heading of

4 "Other Matters".

5 LADY JUSTICE HALLETT: Certainly.

6 MR KEITH: Mr Beggs, as I say, will be addressing you in due

7 course in relation to the difficulties encountered by

8 West Yorkshire Police. We've received a helpful letter

9 from their deputy force solicitor, Ms Harvey, which has

10 set out, really, in essence, the broad outline of the

11 difficulties that they face. They've taken on a number

12 of additional staff to address the disclosure exercise.

13 They have made hundreds of documents, all of which

14 attract public interest immunity potentially to

15 a greater or lesser extent, and they anticipate that

16 they will have to both go through their own documents

17 and then seek to engage with other organisations who are

18 affected by the public interest immunity issues that

19 those documents give rise to.

20 He will address you in a moment as to how long he

21 thinks that process will take.

22 British Transport Police have indicated that they

23 will provide today a list of potentially relevant

24 witnesses and they've confirmed their understanding that

25 all the documents that they have were handed over to the

1 Metropolitan Police and were placed on the HOLMES system  
2 and they have committed themselves to providing copies  
3 within seven days.

4 The London Ambulance Service have completed the task  
5 of putting together all their disclosable documents and  
6 a list of those documents, and we will, I am told, have  
7 them this afternoon in compliance with your order.

8 Transport for London and Tube Lines wrote to  
9 Mr Smith last night. Tube Lines have provided a list of  
10 22 documents and they've advanced helpfully some  
11 comments in relation to one or two of the witnesses, and  
12 Transport for London have provided an index of  
13 88 documents and a schedule of potentially relevant  
14 witnesses and they hope to provide you with their  
15 documents by Monday, 26 July.

16 In relation to the Metropolitan Police Service, the  
17 dual nature of their role is highly relevant to this  
18 issue because, although they are an interested person  
19 and, like all interested persons, under your duty to  
20 provide relevant documentation, they are also of course  
21 your coroner's officers.

22 In that latter role, they have provided us access to  
23 the HOLMES database whenever we have sought it, and they  
24 have undertaken to provide an overall list of all the  
25 documents that they think are potentially relevant.

1 They hope to do so in the form of an MG6C, which is  
2 the form used in criminal proceedings to list all  
3 documents which are potentially relevant, which are also  
4 nonsensitive.

5 That process, because of the tens of thousands of  
6 documents in their system, will I think take the whole  
7 of the summer and, therefore, we are unlikely to have,  
8 before September, even the list of potentially relevant  
9 documents.

10 At the same time, they have, of course, responded to  
11 all the individual, specific evidential requests that  
12 Mr Smith, his team and your counsel have made of them.  
13 Mr Davis is here today to assist you -- in fact, Mr Hill  
14 is here today as well now, I see -- to assist you in  
15 relation to the progress that they are making with that  
16 task.

17 Madam, as you've already observed, the issue of  
18 disclosure impacts directly upon the timetable.

19 I cannot emphasise enough that, of course, if the  
20 process of disclosure is delayed, so will be the start  
21 of the inquests.

22 There will simply be too much to do in the short  
23 time available if the majority of the disclosure  
24 exercise is not completed over the summer and  
25 in September.

1 One or two of the organisations -- in fact, the ones  
2 I have mentioned, West Yorkshire Police, the  
3 Metropolitan Police and the Security Service --  
4 obviously face particular concerns because of the impact  
5 of public interest immunity, and they have already  
6 communicated to us what they believe to be the very real  
7 difficulties that they face. You will hear from them no  
8 doubt in a moment on that point.

9 If, however, full rein is given to the difficulties  
10 that I suspect they will draw to your attention in  
11 a moment, there will be no practical way of commencing  
12 the hearing in the autumn because, although certain  
13 issues may be addressed at the end of the hearing  
14 process, I am obliged to open the facts to you as best  
15 I can when the inquest hearing starts, and we must,  
16 therefore, have a good appreciation of the issues that  
17 that disclosure process will throw up. It simply will  
18 not do to start the process in the hope that the  
19 disclosure process will subsequently be concluded  
20 because we may start off on the wrong evidential  
21 footing.

22 In that regard, might I say that Mr Smith, in his  
23 letter of 27 May, did alert all the interested persons,  
24 and in particular the organisations, to the fact that  
25 the process of collating and listing documents had to

1 start then in advance of any formal direction from you,  
2 and, of course, you gave a direction subsequently on  
3 23 June. So a certain amount of time has already  
4 elapsed and we would exhort all the organisations to use  
5 their very best endeavours to get on with this task.  
6 May I raise or address the question of public  
7 interest immunity in particular?  
8 The three organisations have very real difficulties  
9 of course in reviewing the documentation and assessing  
10 what public interest immunity claims can properly be  
11 made in respect of individual documents.  
12 I think it's safe to assume that many documents that  
13 they may think are relevant in accordance with the  
14 direction that you gave in May -- namely, that they  
15 should collate documents which touch upon the issues  
16 which have arisen or which are assessed to have arisen  
17 in these proceedings -- that, in fact, on further  
18 review, many documents may not in fact prove to be  
19 particularly relevant.  
20 That being so, it may not be necessary to have to  
21 assess and review every single document for the purposes  
22 of making public interest immunity claims. Plainly,  
23 there is no point making such a claim or assessing the  
24 document for such a claim if the document itself proves  
25 not to be relevant, and in relation to the very first

1 claim for PII that we've received, that document itself  
2 bordered upon what was really, truly relevant.  
3 In Mr Smith's letter, those organisations that face  
4 real difficulties in terms of scope of documentation, in  
5 terms of the quantity, or public interest immunity, were  
6 invited to consider allowing Mr Smith and your team to  
7 inspect the documentation rather than having to go  
8 through the rigmarole of making PII applications for  
9 every single document before allowing us access by way  
10 of hard provision of the documents.  
11 Could we invite those three organisations,  
12 therefore, to give the closest consideration to allowing  
13 us full inspection in advance of them completing the PII  
14 process, or rather the claim for public interest  
15 immunity, so that they can avoid the position whereby  
16 they make claims for PII that turn out not in truth to  
17 be necessary?  
18 In addition in relation to PII, rather than  
19 dripfeeding Mr Smith with any applications, it would  
20 greatly assist him if there are organisations which  
21 intend to make claims of PII who could consider  
22 submitting applications for PII together or, if that's  
23 likely to lead to significant delay, to providing them  
24 to Mr Smith in batches so that time can be found and put  
25 aside for dealing with those issues systematically.

1 Madam, I'll return to the issue of disclosure, if  
2 I may, once you've heard from counsel on behalf of those  
3 organisations.  
4 Submissions re provisional lists of scene witnesses  
5 The next issue concerns the provisional lists of the  
6 scene witnesses.  
7 Significant progress has been made in the task of  
8 going through all the witnesses to whom reference is  
9 made in the four scene reports in order to identify  
10 provisionally those witnesses whom you may wish to call  
11 in due course to give oral evidence, as well as those  
12 witnesses whose evidence you may require to be read.  
13 The lists for Aldgate, Edgware and Tavistock Square  
14 scenes were sent to the interested persons on 15 July,  
15 and the list for Kings Cross, travel to London and  
16 background, will be sent out next week.  
17 Madam, it's been a very substantial and  
18 time-consuming exercise. So far, your team have read in  
19 detail some 1,300 witness statements relating to the  
20 scenes out of a total of 2,000-odd witness statements  
21 available to us currently on Lextranet, and out of some  
22 5,000 witness statements held by the Metropolitan Police  
23 Service that were initially reviewed for relevance.  
24 Those who have received the lists will see that that  
25 very large sum has been reduced to around about 160

1 witnesses whom we consider you may, in due course, wish  
2 to call to give oral evidence for the purposes of those  
3 three scenes, depending, of course, on the  
4 representations that you have receive in due course from  
5 the interested persons.

6 We expect there will be about another 60 or so oral  
7 witnesses for Kings Cross.

8 Can I assure the interested persons that some  
9 considerable care has gone into this process?

10 Throughout, we have sought to ensure that those able  
11 to give direct evidence about the deceased and how they  
12 died should do so orally. We have also sought to ensure  
13 that those able to give significant evidence about the  
14 other provisional factual issues should do so orally  
15 and, also, that there is as little duplication as  
16 possible.

17 Anybody who has started to read the available  
18 witness statements on Lextranet will see that there are  
19 a very large number of witnesses, understandably, the  
20 many survivors from the carriages and from the bus, who  
21 give evidence about the same events, about the same  
22 people, and the same issues, and deciding between those  
23 witnesses has given rise to some invidious choices.

24 We've endeavoured to do our best to ensure that the  
25 oral evidence will come from those witnesses who are

1 best placed to assist you in relation to the factual  
2 issues that you've identified. It clearly would not be  
3 proportionate or helpful to call a very large number of  
4 witnesses who will go over the same ground again and  
5 again to little factual end.

6 May I say that we acknowledge that there is a strong  
7 imperative to call as many people as possible who were  
8 caught up in the terrible events of 7 July. On the  
9 other hand, as Mr Smith said in his letter of 15 July,  
10 the hearing must be proportionate and kept within  
11 reasonable bounds. It's simply not possible to call  
12 everybody and, although there are many witnesses who  
13 could give evidence about what they saw, such evidence  
14 may simply not be directly relevant or controversial.

15 May I therefore ask the IPs, through you, to  
16 exercise real care, as I'm sure they will, when  
17 assessing whether witnesses currently marked as "read"  
18 or "to be read" or "no" or not currently mentioned at  
19 all, should in fact be called as live witnesses or read  
20 by your counsel at the hearing?

21 LADY JUSTICE HALLETT: Pausing there, Mr Keith, I think  
22 I need to say at some stage in relation both to lists of  
23 witnesses and to the disclosure process that, as I'm  
24 sure everybody will appreciate, I have limited resources  
25 available to me. I announced at the very beginning of

1 this process a very tight timetable. That was really  
2 for two reasons. One is because the families and  
3 survivors had to wait so long for possible answers to  
4 their questions, but also because I do have limited  
5 resources. Therefore, I have had to bear very much in  
6 mind that every week the inquest is delayed, every week  
7 the inquest takes longer than the timetable allows for,  
8 incurs considerable public money and obviously prolongs  
9 the anguish of those who have been affected by the  
10 bombings.

11 I still intend to start these inquests, if at all  
12 possible, in October, as I have previously indicated,  
13 but what the parties need to know is that I currently  
14 only have resources to take us up to the end of this  
15 financial year. I don't have limitless resources.

16 I don't know, if I ask for more resources, whether  
17 they could be made available, and, therefore, everyone  
18 must bear that in mind, given the present climate of  
19 cost-cutting, when they consider what witnesses they  
20 would like to be called and when they embark upon the  
21 disclosure process.

22 I just don't have an open-ended budget.

23 MR KEITH: Madam, yes. On a more -- a further practical  
24 consideration is this, it seems to me, that a great deal  
25 of care has gone into making the best judgment as to

1     which witnesses will assist in determining the factual  
2     issues that the parties are agreed should be resolved.  
3     The practical benefits of that exercise will be  
4     hugely reduced if a large number of additional witnesses  
5     are requested by the interested persons, many of whom  
6     then turn out, in due course, not to add greatly to the  
7     sum of the facts, but because we will have to spend time  
8     considering those representations, considering whether  
9     or not, contrary to our initial view, additional  
10    witnesses are in fact required, and if the process turns  
11    out not to assist, we will have spent that time  
12    unnecessarily.

13    LADY JUSTICE HALLETT: May I say this for the benefit of the  
14    survivors: I hope they understand that, if we don't put  
15    them on the list of witnesses to be called or read, we  
16    don't in any way underestimate their suffering and we  
17    have very much borne in mind what they have said in  
18    their statements to the police but, for the reasons you  
19    have given, we can't call everybody.

20    MR KEITH: Madam, yes. Indeed, of course, many of the  
21    survivors in the immediate carriages, of course, are  
22    witnesses who will be called or read.

23    It's also to be expected that when Mr Smith and his  
24    team finish the process of contacting those identified  
25    witnesses, that they will discover that some of them, or

1 indeed a substantial number, may not be willing to  
2 attend or may not be able to attend for good reason, and  
3 in this way the list might be reduced further; or  
4 alternatively, of course, where witnesses are unable for  
5 good reason to attend, that he will then have to turn  
6 his attention to other witnesses who are currently  
7 marked as "read", or as "no" and then indicate that they  
8 may after all be called to give evidence.

9 So if a survivor sees that he or she is not  
10 currently anticipated to be a witness, that may change  
11 in due course. But I do very much hope that there isn't  
12 a great deal of change as we go along.

13 Mr Smith has requested that the parties, interested  
14 persons, respond with their suggested additions and  
15 variations by 4.00 pm on 11 August, and I think one  
16 interested person has already given its response.  
17 We appreciate that it's a very tight timetable,  
18 particularly as legal aid for reading the statements was  
19 only granted to the families' lawyers last week, but  
20 unless we receive a substantial response by that date,  
21 there will simply not be enough time for us to review  
22 the responses, to assess the relevancy of other  
23 witnesses thrown up by that process, and for you to take  
24 the final decision as to which witnesses you intend to  
25 be called in time for them to be contacted in September

1 and informed of their likely attendance dates  
2 from October onwards.  
3 The starkness of that position might, however, be  
4 ameliorated in two ways. First, they don't have to  
5 respond in detail to the witnesses whom you are already  
6 proposing provisionally should be called to give  
7 evidence, because such witnesses are likely to be called  
8 to give evidence in any event, and that will shorten  
9 their task somewhat, and Mr Smith made that plain in his  
10 letter.  
11 Secondly, because of the sequential way in which the  
12 lists have been served and because of the very  
13 substantial task that was involved, they have not  
14 received yet the list for Kings Cross or those for  
15 travel to London, background and the forensic areas,  
16 and, therefore, they're not obliged to respond by  
17 11 August in relation to those areas.  
18 Might I invite you instead to give them until the  
19 middle of September to respond in relation to the  
20 balance of the provisional witness lists?  
21 LADY JUSTICE HALLETT: Do you have a date, please?  
22 MR KEITH: Could I invite you perhaps to order that the  
23 balance be responded to by Friday, 10 September?  
24 LADY JUSTICE HALLETT: 4.00 pm on 10 September.  
25 MR KEITH: Yes, please.

1 The unrepresented interested persons are, of course,  
2 also welcome to contribute their views, but I hope that  
3 they will have a degree of confidence in the process  
4 that I have outlined, and, therefore, will not feel any  
5 overwhelming urge to participate in the exercise of  
6 reviewing all the witnesses to see whether or not there  
7 are other witnesses they would wish you to call.  
8 Not unnaturally, a few glitches have crept into the  
9 lists, especially where witnesses, for example, go under  
10 more than one first name and there have been a couple of  
11 typographical errors. Of course, we apologise for  
12 those. The lawyers for the families have been kind  
13 enough to respond with some corrections and we are very  
14 grateful to them for having done so.  
15 The next issue is that of contacting witnesses,  
16 which is the fifth issue on your agenda.  
17 Submissions re contacting witnesses  
18 I indicated on the last occasion that the  
19 Metropolitan Police Service has already written to  
20 a large proportion of the witnesses mentioned in the  
21 scene reports. Mr Smith and the Secretariat have now  
22 commenced a process of communicating to the witnesses  
23 the fact that they may be required to attend to give  
24 evidence and asking them for their availability. It's  
25 a very substantial task indeed and it will continue

1 throughout the summer.  
2 Great Ormond Street Hospital was a matter that  
3 I addressed you upon on the last occasion in relation to  
4 their application under Rule 20(2)(h) for properly  
5 interested person status and you will recall that you  
6 adjourned their application to allow them to submit  
7 further detail as to why the application was necessary,  
8 given that none of the 52 deceased were taken to Great  
9 Ormond Street Hospital and, indeed, given that we are  
10 not aware of any public criticism of the valuable role  
11 that it played by way of the provision of care, medical  
12 supplies and, indeed, the admission of patients.  
13 Great Ormond Street has responded by reiterating its  
14 concern that it might in due course be criticised for  
15 having received casualties, because that was apparently  
16 contrary to the processes envisaged under the Pan-London  
17 Major Incident Plan which was invoked on 7 July.  
18 Therefore, it's indicated it would wish to reserve  
19 its position and only pursue the application under  
20 Rule 20(2)(h) if criticism were to surface in the course  
21 of the hearing or as part of the prehearing disclosure  
22 process, so may I simply invite you to adjourn their  
23 application further on that basis?  
24 LADY JUSTICE HALLETT: I adjourn it.  
25 MR KEITH: Madam, may I then turn perhaps to the heart of

1 the matter which is the question of timetabling?  
2 Submissions re timetabling  
3 On the last occasion, Mr Hill invited you to confirm  
4 the start date. You declined his invitation for good  
5 reason: namely, that it was simply too early to tell.  
6 May I indicate publicly that which you have already  
7 directed the Inquest team: namely, that you propose to  
8 commence the hearing on Monday, 11 October. This has  
9 not been an easy issue, as you know, above all else, and  
10 it's perhaps appropriate that I say something about it.  
11 From the beginning, you've made plain your desire to  
12 start and conclude these proceedings expeditiously and  
13 efficiently.  
14 The interested persons and the wider public have  
15 certainly understood that the hearing would commence in  
16 the autumn, and it's plainly desirable in principle that  
17 we start as soon as we can after the commencement of the  
18 legal term.  
19 That is, however, subject to the overriding need in  
20 relation to the scene evidence, at least, to have  
21 finished the disclosure process, to have decided which  
22 witnesses are to be called, subject to your approval,  
23 and to give the interested persons sufficient time to  
24 prepare.  
25 We also need, of course, to give each witness

1 sufficient time, as much notice rather, of their  
2 intended appearance date as possible.

3 We consider -- and I can indicate publicly that this  
4 is your view -- that 11 October is the very earliest  
5 date that we could realistically start, bearing in mind  
6 these considerations.

7 The first week is likely to be taken up with  
8 administrative matters on the first day, the opening and  
9 the calling of evidence relating to the issue of the  
10 travel of the four men to London.

11 We then propose that we call the evidence relating  
12 to the four scenes in turn and commencing each scene  
13 with the calling of the personal evidence relating to  
14 the background of the deceased who died at each of those  
15 scenes.

16 With the number of oral witnesses dealing with each  
17 scene currently around the 60 mark, it will simply not  
18 be possible to deal with each scene in less than two to  
19 three weeks. Indeed, any less time devoted to the  
20 scenes, which of course form the heart of this inquest  
21 process, may be seen, rightly or wrongly, as being  
22 unacceptably brisk.

23 It will still require some five to ten witnesses to  
24 be called per day, and it is, to be frank, a sad matter  
25 of fact that we are addressing in these proceedings, in

1 effect, four separate, multi-fatality inquests, and that  
2 will take time.

3 On account of the demands of the legal aid  
4 provisions and, of course, the need to make arrangements  
5 for the background evidence to be called, because that  
6 evidence will come from the bereaved families, as well  
7 as the need to accommodate the understandable desire of  
8 bereaved families and survivors to make arrangements to  
9 attend during the particular scene that affects them,  
10 may I suggest that, in September, when the list of oral  
11 witnesses has been finalised and scheduled, Mr Smith  
12 posts on Lextranet details of the start and end date of  
13 each scene so that everybody will know what those dates  
14 are, and then appropriate arrangements can be made.

15 It will also allow certain of the interested persons  
16 the opportunity of considering whether they need to  
17 attend at all. It may be that certain of the  
18 organisations will simply not wish to be present during  
19 the evidence in relation to the four scenes. They will  
20 then be able to decide that question for themselves.

21 Provisionally, we hope to finish three of the four  
22 scenes by Christmas. We will then commence again, on  
23 Monday, 12 January, with probably Tavistock Square  
24 before turning, in February, to the background of the  
25 four men, forensics, pathology evidence and evidence

1 from the blast experts, command and control and the  
2 issue of the generic emergency response, and finally  
3 preventability.

4 The hearing on preventability last -- and it is of  
5 course that issue which primarily engages the security  
6 service, the West Yorkshire Police and the Met Police in  
7 relation to the PII issues -- will allow those  
8 particularly difficult issues to be resolved in the  
9 course of the autumn. But for the reasons I have  
10 already outlined, we must have a proper sight of where  
11 we stand in relation to those issues, not least for the  
12 purposes of opening, and, therefore, that process must  
13 be commenced before we start, even if it is not  
14 concluded.

15 Madam, may I say that you do not know, and nor do  
16 we, precisely at what stage the evidence is likely to be  
17 concluded. On any view, the hearing will last somewhere  
18 around 17 or 18 weeks. It may seem, at first blush,  
19 a generous timetable, but it is not when one considers  
20 the actual scale of these horrendous events, compared  
21 perhaps to the time that many other inquests usually  
22 require and the issues that have been raised.

23 May I also take the liberty of mentioning the  
24 proposed weekly timetable and your sitting dates?  
25 You have indicated to us and we now raise it

1 publicly, that a four-day week is probably the best way  
2 to accommodate the fact that a great deal of preparation  
3 and legal argument will have to be done outside court  
4 hours.

5 It is likely to prove impossible to address such  
6 matters at the end of each working day, given the need  
7 to call a large number of oral witnesses and account of  
8 the nature and effect of the evidence that we will be  
9 hearing. They will be demanding days.

10 Fridays are therefore to be left available for  
11 preparation and argument, if necessary.

12 Also, on occasions, may I say publicly that your own  
13 commitments as a member of the Judicial Executive Board  
14 will prevent you from sitting on Thursdays. That's not  
15 every week; it's on some weeks, and on those particular  
16 weeks your intention is that we will sit instead on  
17 Fridays. The details of those particular days, as well  
18 as with all timetabling matters, will be posted on  
19 Lextranet.

20 Madam, that concludes, I think, all the issues on  
21 your agenda subject to any other matters at the bottom.  
22 Can I address under that rubric three further  
23 matters.

24 Submissions re any other matters

25 Mr Patterson, who's not here today, has raised two

1 further matters on behalf of Lovells.  
2 First, he queried whether the Inquest team had  
3 sought disclosure from the London Assembly. Our  
4 understanding is that the London Assembly has published  
5 all the material that it received, including records of  
6 the evidence that it heard. That material is on  
7 Lextranet and is thus available for inspection.  
8 I should say, however, that, as with all the  
9 organisations who have provided or will be providing  
10 additional material, we will be reviewing this material  
11 to ensure that any properly relevant witnesses are  
12 identified and their evidence adduced, assuming that  
13 those witnesses have not already been swept up with our  
14 provisional witness lists.  
15 He also raised the issue of exhibits, madam, and  
16 queried whether all the exhibits that are referred to in  
17 the witness statements are yet available on Lextranet.  
18 Madam, this is an important point. It is correct to  
19 say that a substantial number of exhibits to which  
20 reference is made on the face of the scene reports, and  
21 in the witness statements, have not yet been uploaded.  
22 This is because they have not yet been made available by  
23 the Metropolitan Police Service.  
24 It's clearly not sensible, in terms of resources and  
25 time, to make available in advance the tens of thousands

1 of exhibits that the Metropolitan Police Service  
2 currently hold until we have assessed the broad areas of  
3 evidence that are likely to be the focus of the hearing.  
4 Now, however, that the provisional lists have been  
5 drawn up, Mr Smith and his team have started to go  
6 through all the provisionally relevant witness  
7 statements in order to draw up a list of all the  
8 exhibits to which reference is made in those statements,  
9 but which have not yet been made available.  
10 That task itself, seemingly a straightforward one,  
11 in fact will take around about two or three further  
12 weeks.  
13 When that task is complete, we will then have to  
14 turn to the even more difficult task of carrying out  
15 a similar exercise in relation to the many thousands of  
16 additional exhibits revealed by the disclosure process,  
17 and that process will not be complete until the middle  
18 of September at the very earliest.  
19 The interested persons do, however, have access  
20 already to all the statements, a substantial number of  
21 the exhibits as well as, of course, the reports. The  
22 forensic report was made available this week, as I have  
23 said, and the underlying material will mostly be made  
24 available next week. They will also have next week any  
25 additional statements to which reference has been made

1 on the witness list, but to which no reference is made  
2 in the scene reports, simply because, when drawing up  
3 the lists, we cast our net more widely than the scene  
4 reports themselves, so more and more exhibits will be  
5 added as we go along.

6 At some point in September, when we've been through  
7 the relevant exhibits, the exhibits disclosed by the  
8 other IPs, we'll then be able to draw up a comprehensive  
9 list of exhibits to which reference will be made in the  
10 course of the hearing as well as a core bundle.

11 It simply can't be done, however, before the end  
12 of September, but this is unlikely to have an impact  
13 upon the IPs' preparation because the vast majority of  
14 the evidence in the autumn will be concerned with  
15 adducing from oral witnesses their recollection of the  
16 events at the four scenes, and those accounts are drawn,  
17 in almost all cases, from their pre-existing witness  
18 statements. There will not be a great deal of reliance  
19 upon exhibits in the first few weeks of the hearing.

20 I suspect, in any event, that the lawyers for the  
21 families will have their hands full over the summer  
22 getting to grips with the primary witness statements,  
23 taking instructions and may, therefore, have little time  
24 for the underlying exhibits. There is plenty for them  
25 to do.

1 Madam, I have referred to Lextranet. Can I say  
2 a few words about that particular subject? Mr Smith has  
3 received a number of calls from the lawyers querying  
4 certain functions on Lextranet and, in particular,  
5 asking questions about how the material which is  
6 retained on it can be printed off for their use.  
7 Madam, may I say that a great deal of care has gone  
8 into choosing and refining this system. It is also not  
9 cheap. It is, however, designed to allow large numbers  
10 of documents to be collated, examined, commented upon  
11 and to be assembled in a way that will meet the needs of  
12 all the interested persons. I can say, as someone who  
13 is not naturally technologically adept, that it really  
14 does work, and, indeed, without it, it would be  
15 impossible to review all the many, many documents which  
16 the parties will have to get to grips with.  
17 I indeed started by wishing to print out documents,  
18 but I soon discovered that it is far quicker to work on  
19 screen, and I am sure that I speak for Mr Smith if I say  
20 that, with familiarity, we believe, there will come ease  
21 of use.  
22 Moreover, more practically, this system is  
23 the system that will be used in the course of the  
24 hearing in the autumn, and the teams will be able to  
25 access their own Lextranet accounts in court.

1 Finally, in any event, there will simply not be the  
2 room in court for parties to bring hard copy documents  
3 with them other than a handful perhaps or small handful  
4 of files, because space is limited and we are blessed  
5 with a very large number of interested persons.  
6 Finally, survivability. Madam, this issue has been  
7 raised in correspondence with Mr Smith. Footnote 44 of  
8 our main written submissions for the April hearing  
9 contained a list of those persons amongst the  
10 52 deceased who, in our view, the evidence appeared to  
11 suggest had survived for at least a period of time after  
12 the respective blasts.  
13 On the last occasion, you ordered that those parties  
14 who wished to raise the issue of survivability should  
15 notify Mr Smith by 30 June of the names of any deceased  
16 in respect of whom the issue is to be raised.  
17 The relevant parties responded and we're grateful to  
18 them for doing so.  
19 We are, however, continuing to assess whether, on  
20 the basis of the evidence, as well as the  
21 representations from the parties, as to which cases do  
22 raise genuine issues as to survivability. That process  
23 is not yet at an end and we are, in fact, seeking  
24 further evidence in relation to one or two individuals.  
25 We are conscious that the responses that we have

1 received from the lawyers to which I have referred  
2 a moment ago, may have been driven predominantly by  
3 instructions, rather than by minute examination of the  
4 evidence, not least because the lawyers have not yet  
5 reached the stage of having a full opportunity of  
6 assessing their underlying evidence.

7 But now that the legal aid position has been  
8 resolved and the process of reading the evidence has  
9 commenced in earnest, we do need to liaise with the  
10 legal teams representing the bereaved families, and  
11 where families are not represented with the families  
12 themselves, in order to identify those cases on which it  
13 really is proper to pursue that issue.

14 Time is of the essence, however, because we need to  
15 arrange for relevant evidence in such survivability  
16 cases to be given in part to the use of body mapping and  
17 because further medical evidence may become necessary.

18 So we will need to liaise with the legal teams in order  
19 to ensure that we have correctly identified the proper  
20 cases for survivability to be addressed.

21 Could I simply, through you, invite the lawyers for  
22 the families to be ready to address those issues and to  
23 invite them, therefore, to concentrate their initial  
24 review of the evidence upon survivability so that they  
25 will be ready to deal with our queries when we get in

1 touch.

2 Madam, those are all the issues that I propose to  
3 raise by way of opening. As I have indicated, some of  
4 the counsel for the interested persons have already been  
5 in touch to say that they wish to address you in  
6 relation to the disclosure exercise in particular and  
7 there may be some other issues that they wish to raise  
8 as well.

9 LADY JUSTICE HALLETT: Right, what is the suggested order of  
10 submissions? Are we starting with you, Mr Hall?

11 I believe you have certain comments on the question of  
12 disclosure dealing.

13 Submissions by MR HALL

14 MR HALL: Can I first of all say I am instructed to give you  
15 the assurance on behalf of the Secretary of State --

16 LADY JUSTICE HALLETT: Thank you very much.

17 MR HALL: -- that before any decision is taken by the  
18 ministers on a public inquiry, they will first seek from  
19 Mrs Anckorn an up-to-date impact assessment on what the  
20 effect of having a public inquiry might be and they will  
21 consider it before making any such decision?

22 LADY JUSTICE HALLETT: I am very grateful.

23 MR HALL: Secondly, can I apply on behalf of the Secretary  
24 of State to be recognised as a properly interested  
25 person under Rule 20?

1 LADY JUSTICE HALLETT: I don't think we have any  
2 reservations about that, Mr Keith, do we?

3 MR KEITH: I recall that Mr Hall cannily reserved his  
4 position before. I think his position is now very  
5 plain.

6 LADY JUSTICE HALLETT: Your application is granted.

7 MR HALL: I am grateful. So far as disclosure is concerned,  
8 I know that you know, and I know that Mr Keith knows,  
9 but to avoid there being any false hopes that this is  
10 a quick and easy task, can I just give you some  
11 indication, publicly, of what's involved?  
12 The process of redacting all sensitive material has  
13 four stages.

14 First of all, one has to identify sensitive  
15 information. So that could be in Security Service  
16 documents, West Yorkshire documents or Met documents.  
17 It will not always be apparent, when one is looking at  
18 police documents, that there is Security Service  
19 material in it, because, for good reasons, the source of  
20 material is often masked even from police forces. So  
21 that's the first task.

22 The second task is to identify the source of the  
23 information, which is likely to be, again, a very  
24 difficult task, because sometimes it is deliberately  
25 masked. Take, for example, RIPA material.

1 Then one has to establish the current sensitivities  
2 of the information. So we are, as was observed  
3 previously, five years on. That means reverting to each  
4 separate intelligence provider to see if the material is  
5 still sensitive.

6 Fourthly -- and this is obviously a very important  
7 task, as recent government cases have shown -- one has  
8 to see if it's in the public domain.

9 So those are the four stages that are required for  
10 each redaction.

11 Now, I can give you an example. An Executive  
12 Liaison Group minute has been considered by two members  
13 of staff at the Security Service. They started on  
14 Tuesday and they still hadn't finished, just on this one  
15 minute, by late yesterday afternoon, and they identified  
16 over 20 different pieces of sensitive information with  
17 more than one sensitive source.

18 So that's the sort of process.

19 I'll give you the timescale, if I may. It's not to  
20 try to frighten anybody, because, after that, I'll  
21 hopefully suggest a pragmatic way forward. But in terms  
22 of the scale, it is the provisional view of the  
23 Security Service, who went to the Met and West Yorkshire  
24 this week to look at the scale of material obviously and  
25 consider their own material, that it would take a team

1 of 6 to 7 Security Service officers five months to do  
2 the redaction of documents held by the Security Service,  
3 West Yorkshire Police and the Met, if one was looking at  
4 the list of provisional issues and the immediate  
5 context.

6 Now, there will also be other documents which maybe  
7 wouldn't be identified as being immediately relevant,  
8 but the Security Service might want to look at, to  
9 explain the way in which they acted at the time.

10 If one was to do that, it would take a very long  
11 time indeed.

12 Now, we have spoken to Mr Keith and we appreciate  
13 that the best way forward is for you and your team to  
14 come and inspect, before that very lengthy redaction  
15 process starts, rather in the same way as happened  
16 previously.

17 Can I say, obviously, you, of course, understand  
18 there will still have to be some redaction, if there  
19 were to be any RIPA material, because even you, as it  
20 happens, cannot see that. Also, if there is material  
21 which is not Security Service material -- although one  
22 is trying to make arrangements for that, and we've  
23 discussed that separately with Mr Smith.

24 So we estimate that the total time taken to prepare  
25 the material for you and your team to inspect it could

1 be as long as three months. That's even for to you  
2 inspect it, and then to come back to us and say what you  
3 think is relevant.

4 Now, obviously it can be a rolling process, so as  
5 soon as material is redacted, you can come in and see  
6 it, with the -- I think one would have to understand the  
7 proviso that, until we've done the PII exercise, it  
8 would be inspection only and not to be shared even on  
9 the basis of recollection by you and your team.

10 LADY JUSTICE HALLETT: Can we just rewind? Three months  
11 before material ready for inspection. Is that, as it  
12 were, three months for all the material?

13 MR HALL: For all the material.

14 LADY JUSTICE HALLETT: So your rolling process could start  
15 as it were a week or two weeks into that three months.

16 MR HALL: Of course.

17 LADY JUSTICE HALLETT: I follow.

18 MR HALL: So what we I think envisage is getting into the  
19 inspection in the autumn, and then, depending on how  
20 things progress, PII applications thereafter.

21 So, madam, that's the --

22 LADY JUSTICE HALLETT: Sorry, again rewinding there, you say  
23 the inspection process to start in the autumn, but if,  
24 as you say, the minute documents have been approved for  
25 inspection, the process can start as a rolling process,

1 why does that not mean it couldn't start in August? Why  
2 would it have to wait until the autumn, if they happen  
3 to be ready by August?

4 MR HALL: Indeed, indeed.

5 LADY JUSTICE HALLETT: So your use of the word "autumn" was  
6 liberal?

7 MR HALL: Broad, liberal.

8 LADY JUSTICE HALLETT: I don't think I would usually  
9 count August as the autumn.

10 MR HALL: Sorry.

11 I appreciate that you and your team will identify  
12 certain documents as being relevant, and if they are  
13 identified as relevant, then the redaction process can  
14 begin and the process of applying for PII can start.

15 Can I just say that's not a complete solution  
16 because, obviously, firstly, there will be those  
17 documents which, even if you don't think are relevant,  
18 the Security Service may think are relevant to explain  
19 what did or did not happen.

20 Secondly, during cross-examination of witnesses,  
21 there will inevitably be calls for further disclosure  
22 and it is only right that the Security Service tries to  
23 anticipate as far as possible. So, otherwise, we don't  
24 have a stop-start cross-examination of any  
25 Security Service witness in the new year.

1 That's the scale of it. We will obviously  
2 cooperate.

3 LADY JUSTICE HALLETT: Obviously you have noted the comments  
4 I made about the timetable and delays and my limited  
5 resources.

6 MR HALL: Of course.

7 LADY JUSTICE HALLETT: I am confident, Mr Hall, that those  
8 who instruct you and the Security Service in general  
9 will do everything possible to ensure that we keep to  
10 what I have always said I knew was a very tight  
11 timetable, and I don't underestimate the tasks that  
12 confront people and I am very grateful for the  
13 cooperation that everyone is showing.

14 MR HALL: I am grateful.

15 LADY JUSTICE HALLETT: Mr Keith, do you have any comment  
16 before I call upon Mr Hill and others on what Mr Hall  
17 has just said?

18 MR KEITH: Madam, I think only this: no-one underestimates  
19 the difficulties that Mr Hall and his client faces, but  
20 I would observe that Mr Smith was astute to remind all  
21 the interested persons in May that the process of  
22 discovery would have to start shortly thereafter, and it  
23 is to be regretted that, for whatever reason, we are now  
24 almost at the end of the summer term and two months have  
25 already elapsed which might have been time very

1 profitably used in this disclosure process.

2 LADY JUSTICE HALLETT: Which is why I am confident that we  
3 will receive the utmost cooperation from the  
4 Security Service, Mr Keith.

5 MR KEITH: I am sure we will, and because you have  
6 determined that the inquests hearing will start on  
7 11 October, frankly, necessity is the mother of  
8 invention. The Security Service must engage in the  
9 process because they have no other option.

10 I have already indicated to Mr Hall and his client,  
11 or representatives of his client, certain proposals to  
12 assist in that process and, plainly, it makes no sense,  
13 as I averted to earlier, to redact every single  
14 potentially relevant document and then find out that  
15 some of them are not documents that we do in fact need.  
16 So a process of inspection will, I think, assist in  
17 speeding up the process to a certain extent. But I'm  
18 afraid there is very little option but to exhort them to  
19 comply with the timetable, for they have no other  
20 option.

21 LADY JUSTICE HALLETT: I see we have those who  
22 instruct Mr Hall here today, I am sure  
23 before everyone leaves today, they can have some  
24 discussions with you and Mr Smith and Mr Hay as to how  
25 we can get this process going as soon as possible.

1 MR KEITH: Madam, yes.

2 MR HALL: Madam, sorry to interrupt, but if I can just  
3 lightly respond to what Mr Keith says. The fact is the  
4 Security Service is not separately budgeted for  
5 participating in inquests and any Security Service  
6 officers who now will have to become involved in the  
7 process are regrettably being pulled off front line  
8 duties. So there are limits to what we can do. But you  
9 have our cooperation and we will get on with it.

10 LADY JUSTICE HALLETT: Well, Mr Hall, as you appreciate,  
11 none of us want to put national security at risk and,  
12 therefore, that's why my team will do everything  
13 possible to assist those who instruct you and the  
14 Security Service in general to get this task done.

15 MR HALL: Thank you.

16 LADY JUSTICE HALLETT: Right, Mr Hill, do you have any  
17 comments?

18 Submissions by MR HILL

19 MR HILL: Very little, madam. I was concerned about  
20 40 minutes ago that it was perhaps going to be said that  
21 the disclosure and the PII exercise, collation and  
22 running through that exercise, was going to be an  
23 impediment to you commencing this hearing this autumn,  
24 but I was confident that Mr Keith was going to help us  
25 all, because the timetabling appeared on the agenda, and

1 that's what we were waiting for, I was trying to jump  
2 that at the last hearing, and can I say we are very  
3 grateful, on the part of the Metropolitan Police  
4 Service, for your team providing your realistic  
5 assessment of the conduct and course of this lengthy  
6 hearing. Having heard it, we respectfully agree with  
7 the reality of it, and it leads us to make only two  
8 observations.

9 The first is that we do see a potential impediment  
10 to these proceedings commencing in October, if Mr Keith  
11 means what he says, in the sense of a desire to fully  
12 open preventability on 11 October, but we are not sure  
13 that's really what he is saying and, having heard from  
14 Mr Hall, and indeed others, we have some confidence that  
15 really what is meant by the opening in October is that  
16 no doubt it will be full and detailed, but we don't have  
17 a jury during these proceedings, you, madam, appreciate  
18 that there are sequential issues to be run through, and  
19 although a very full opening no doubt can be provided  
20 and will be provided in October that will at least  
21 encompass all of the evidence up to Christmas, and  
22 perhaps on the agenda now outlined by Mr Keith the  
23 evidence to be called in January, we would anticipate,  
24 and we assume your team would anticipate, an addendum to  
25 that opening, perhaps in February.

1 The reason that an addendum may be an unavoidable  
2 necessity in these proceedings is because, following  
3 from what Mr Hall has just said, preventability issues  
4 cannot be identified with finality and then opened in  
5 detail until collation, inspection and then public  
6 interest/national security concerns have all been  
7 addressed, and I don't think anybody is saying or, may  
8 I put it this way, expecting, that that process can be  
9 complete by 11 October.

10 So provided it is not maintained that preventability  
11 must be opened in chapter and verse in October, we have  
12 nothing to say to timetabling. Which just leads to the  
13 second point. We do see in this sequence of events  
14 a very real importance to Fridays. They are not going  
15 to be days off. Far from it. We see -- and I say this  
16 from a base of knowledge as to the material that the  
17 Metropolitan Police Service hold, which is already  
18 collated -- a very real potential in using part or all  
19 of many of the Fridays during the autumn for the making  
20 and arguing of public interest/national security  
21 applications, and provided that can be commenced on  
22 a rolling basis, that, too, will facilitate your team  
23 and all the other teams so that we arrive at 1 February,  
24 on the timetable we've been given, ready to commence  
25 preventability. Clearly what we would not want is to

1 find ourselves in a position where PII applications  
2 themselves were only addressed in February. It will  
3 need to be done before then and, for our part, it can be  
4 done before then.

5 So I am a little concerned, if I can put it this  
6 way, that your other judicial functions may take you  
7 away from us on certain Thursdays, meaning that Fridays  
8 will become evidential days, if the consequence of that  
9 is that rolling PII issues in those weeks couldn't be  
10 addressed at all, and I just raise practically  
11 whether --

12 LADY JUSTICE HALLETT: I am sure we can resolve that. If  
13 there are matters of extreme urgency, Mr Hill, my other  
14 duties, I am sure, could be covered by another judge.  
15 So if it really is important, we can resolve the matter.  
16 Also, I think Mr Smith has in mind that we have some  
17 hearings in the week before October 11. So it may well  
18 be that some of the issues that are concerning you, if  
19 they are ready to be resolved, can be resolved before  
20 any opening.

21 MR HILL: Yes. In terms of the rolling process in relation  
22 to public interest concerns, knowing as we do now that  
23 that material, if relevant, isn't going to be deployed  
24 until February, I don't think the Metropolitan Police  
25 will be saying there is an urgent matter that must be

1 resolved in the last week of September or the third week  
2 of October. What we will be saying is we are willing to  
3 facilitate the rolling process, at the timetable no  
4 doubt set by your team, to make the best use of the  
5 non-evidence days, but we won't be saying "Please  
6 resolve this issue by a certain date in October", we  
7 will be making ourselves available as convenient when  
8 there is non-evidential time so that we don't have, if  
9 I can put it this way, a logjam building up of PII  
10 applications unresolved by 1 February.

11 LADY JUSTICE HALLETT: As I say, if there's any sign of  
12 a logjam building up, then my other duties will have to  
13 go lower down the list of priorities.

14 MR HILL: Yes. It may not come to that. We think,  
15 therefore, that the timetable, which is what we were  
16 waiting for, if I can put it bluntly, is entirely  
17 workable.

18 LADY JUSTICE HALLETT: Thank you very much.

19 Mr Beggs, are you going next, or, Mr Keith, do you  
20 want to respond to Mr Hill?

21 MR KEITH: Madam, may I simply say one thing about the  
22 opening? I am very grateful to Mr Hill whose skill and  
23 expertise of persuading juries at the Central Criminal  
24 Court through his own openings is well known.

25 I had already indicated that the first week would be

1 taken up with administrative matters, opening and travel  
2 to London and, on that basis, it could readily be  
3 deduced that the opening would be fairly short. It will  
4 not take more than a day or two at most, and that is, of  
5 course, firstly, because there will be no jury and,  
6 secondly, because, as he has rightly observed, there  
7 will be some issues that will simply not be susceptible  
8 to being opened at that early stage.

9 LADY JUSTICE HALLETT: Thank you very much.

10 Mr Beggs, West Yorkshire Police also obviously have  
11 their problems with this material. Any comments you  
12 have to make?

13 Submissions by MR BEGGS

14 MR BEGGS: None to add to the helpful of analysis by Mr Hall  
15 which I adopt, Mr Hill, which I adopt. Just to give you  
16 a progress report, lest there's any doubt about it, we  
17 have started the process of assembling documentation  
18 long before the 27 May letter and we consider that we  
19 have pretty much finished it, although of course there  
20 are bits round the edges to finish, and we have had some  
21 constructive discussions with Mr Keith as to inspection  
22 and a follow-on from that.

23 So I need add nothing more other than to add our  
24 view that the timetable, as now outlined, is eminently  
25 achievable, with a lot of hard work.

1 LADY JUSTICE HALLETT: Very grateful, Mr Beggs, thank you,  
2 and thank you to those at West Yorkshire who have been  
3 obviously working so hard.

4 Now, who am I going to next? Mr Gibbs, you look as  
5 if you are about to speak?

6 Submissions by MR GIBBS

7 MR GIBBS: On the subject of PII, the British Transport  
8 Police holds very few sensitive documents which aren't  
9 jointly held by other agencies, and therefore very few  
10 which would require a discrete application by us.

11 Comments on provisional witness lists we can indeed  
12 provide, we think by 11 August and by 10 September.

13 Two lists will have been provided today of the  
14 potentially relevant witnesses whom we can identify and,  
15 indeed, of the many thousands of witness statements  
16 which the BTP has already provided to the  
17 Metropolitan Police and, by the end of next week -- that  
18 is 30 July -- we are confident that we will be able to  
19 provide all of the remaining documents in our possession  
20 which might be of interest to the inquest.

21 There are some further witnesses potentially  
22 relevant, in our estimation, who have never made  
23 statements in the criminal investigation but whom we  
24 think might be able to assist the inquest, and from them  
25 we will take statements and we are confident that we can

1 provide those statements to your team by the end  
2 of August.

3 LADY JUSTICE HALLETT: Thank you very much. Ms Barton, to  
4 complete police submissions, do you have anything you  
5 wish to add?

6 Submissions by MS BARTON

7 MS BARTON: There's nothing we wish to add, thank you,  
8 madam, save to say we have completed the disclosure by  
9 list, the documents are ready for inspection.

10 One thing that I would ask is made clear is the  
11 witnesses that are to be called from City of London  
12 Police are all still serving officers. Does Mr Smith  
13 need individual addresses, or is he content to write to  
14 them through the auspices of the City of London Police  
15 headquarters?

16 LADY JUSTICE HALLETT: I think he will make sure you know  
17 the answer to that.

18 MS BARTON: Thank you very much.

19 LADY JUSTICE HALLETT: Thank you very much. Shall we  
20 continue going down the same row? Who do we come to  
21 next? Ms Boyd, do you have any comments on behalf of  
22 the London Fire Brigade?

23 Submissions by MS BOYD

24 MS BOYD: Madam, no, I have nothing to add, save that we  
25 have complied with our disclosure obligations as of

1 yesterday, I hope, and we are also volunteering a senior  
2 officer or officers to deal with more generic issues.

3 LADY JUSTICE HALLETT: Thank you very much. Ms Simcock, any  
4 comments on behalf of London Ambulance?

5 MS SIMCOCK: No, madam.

6 LADY JUSTICE HALLETT: Do we come to the families?

7 MR HILL: Madam, may I just be forgiven for adding one level  
8 of detail? It might help with process on the PII  
9 prospects, given that I'm conscious it may impinge on  
10 your own commitments.

11 Just to add a layer of detail, there's material held  
12 by the Metropolitan Police over which we may need to  
13 assert our own claims on normal principles. That may,  
14 for example, be in a document which in part, the content  
15 of which is driven by material provided by the  
16 Security Service on an historic basis.

17 Rather than come to you, come to your team, with  
18 piecemeal applications, simply relating to our own  
19 concerns over our own material, what we imagine your  
20 team will want is for all of those who have any input,  
21 for example, on an individual document, to complete  
22 their individual exercises so that you are in a position  
23 to address competing claims, if they compete, or  
24 complementary claims over that single document.

25 The person with the biggest exercise, we imagine, in

1 many cases is going to be the Security Service upon the  
2 basis that Mr Hall has identified.  
3 Therefore, we see absolutely no difficulty in  
4 identifying for ourselves potential claims that we may  
5 wish to advance. We will keep your team abreast of our  
6 preparation and our completion of that, but we imagine  
7 that there will be times, Fridays, for example, which  
8 will have to stand in a queue when all the interested  
9 persons on certain issues can say that they've completed  
10 their individual exercises so that you are not troubled  
11 with repeat hearings which, in effect, go over the same  
12 ground.  
13 I don't know whether that's helpful, but that's the  
14 way forward --  
15 LADY JUSTICE HALLETT: I think it sounds a bit hypothetical  
16 to me at the moment. Until I know what kind of document  
17 we are talking about and what kind of claims are being  
18 made, I think we will have to trust to the good sense  
19 and spirit of cooperation of everybody involved,  
20 Mr Hill.  
21 MR HILL: That's a better way of putting what I was trying  
22 to say.  
23 LADY JUSTICE HALLETT: Thank you very much.  
24 Mr Saunders, as you are representing three sets,  
25 I think, are you going next?

1 Submissions by MR SAUNDERS

2 MR SAUNDERS: Thank you, madam. Can I start by saying  
3 I only want to specifically deal with two matters that  
4 I hope will assist you.

5 First of all, the background evidence in respect of  
6 the families.

7 My principal solicitors are Russell Jones Walker,  
8 that has ten families. We believe that nine of the ten  
9 will be in a position to complete the document, as  
10 Mr Keith has described, by next week. The remaining  
11 family is, in fact, abroad and unavailable to deal with  
12 it.

13 In respect of those, we see no difficulty at all, we  
14 will obviously keep Mr Smith and the team advised if  
15 there are any problems.

16 Hogan Lovells have four families, three of which  
17 have already complied with and completed their  
18 statements, and they believe that that is a matter  
19 that's in hand. It may be again for them one  
20 outstanding, and for Kingsley Napley, with seven  
21 families, they also believe that they will be able to  
22 deal with those background statements.

23 Can I just make this point, that some of the  
24 families in particular that we represent, are content  
25 with one of the original statements they may have made.

1 So, as far as they are concerned, it may well be  
2 that they will simply invite, although at the moment it  
3 appears on your list -- and we understand why it's  
4 either a "maybe" or "no" -- it may be we will approach  
5 Mr Keith and Mr Smith and simply say "Could that please  
6 now invoke itself as being the background statement the  
7 family wish?"

8 LADY JUSTICE HALLETT: Of course.

9 MR SAUNDERS: That's the way we are dealing with those  
10 matters, madam.

11 The only other matter I seek to really address you  
12 on today is that of the provisional list of scene  
13 witnesses.

14 Again, as far as Russell Jones Walker are concerned,  
15 of the families we represent, of course it's the three  
16 scenes, not yet for August, Kings Cross, Russell Square.

17 So of the ten families, of course, it's four that are  
18 involved in that. What we propose, and I've discussed  
19 it with Mr Keith, is to obviously deal with the  
20 witnesses that are either a "read" or a "no" at the  
21 moment in case we feel that it's appropriate.

22 We have obviously taken on board everything he said  
23 today, but one is very conscious of both the time and  
24 the repetition of certain evidence. That's where we  
25 will be focusing, on any witnesses we feel should come

1 into a slight different category, and we are very  
2 hopeful that, by 11 August, we will be able to achieve  
3 that.

4 Similarly, as far as the other solicitors, it  
5 doesn't affect, of course, 11 August, Hogan Lovells,  
6 because all of their families are Kings Cross,  
7 Russell Square. So that isn't a feature for them at the  
8 moment.

9 I have spoken again with both Mr Chapman, who  
10 instructs Mr Coltart, and they also believe they can  
11 achieve 11 August.

12 It is obviously on the basis of the material that's  
13 available at the moment.

14 There will be additional matters and, of course,  
15 we'll advert immediately to either Mr Keith or Mr Smith  
16 if there are any changes in that.

17 Madam, I hope that sets out, with the best  
18 endeavours, all of those who represent the families. As  
19 you know, legal aid we hope now has been resolved as of  
20 the 21st of this month. Again, can I thank Mr Smith for  
21 the efforts that he has made with enquiries that various  
22 of the firms have asked for him in support, he's been  
23 very helpful and, as you know, all five teams have  
24 together approached the Legal Services Commission, with  
25 the result we now have funding in place to start work.

1 LADY JUSTICE HALLETT: Thank you very much.

2 MR SAUNDERS: Can I assist you with any of those other  
3 matters? I think there's nothing else that we seek  
4 additional to those that we have heard from Mr Keith and  
5 yourself today.

6 LADY JUSTICE HALLETT: No, that's very helpful, thank you.  
7 Ms Sheff, do you wish to go next?

8 Submissions by MS SHEFF

9 MS SHEFF: Madam, my submissions are very similar to those  
10 of Mr Saunders and are on the same issues.

11 Like him, we are grateful that the funding issue has  
12 now been resolved and, as soon as that was granted to  
13 us, letters went out to all the bereaved families that  
14 we represent concerning the biographical details  
15 regarding their loved ones.

16 We have been informed by them that, in fact, this is  
17 an area where they would like some greater cooperation  
18 between various family members, and they wish to consult  
19 each other as to which details of their loved ones'  
20 lives should be presented in this public format as such.  
21 We hope that we will be able to comply in the main  
22 with the timetable set of the end of next week.

23 As Mr Smith knows, we have one client who is abroad,  
24 and she also requires an interpreter. That is unlikely  
25 to be completed by next week. However, we hope that if

1 the others aren't completed by Friday of next week, then  
2 another week should suffice. But we don't anticipate  
3 going very much over that.

4 Secondly, again, with regard to the same issue  
5 raised by Mr Saunders, that of the provisional list of  
6 witnesses, now that we have the funding and we are in  
7 the process of mastering Lextranet --

8 LADY JUSTICE HALLETT: It took me a while, Ms Sheff.  
9 I agree with Mr Keith: when you get there, it does work.

10 MS SHEFF: We will try to overcome any frustrations we have  
11 had thus far and look to the long picture and hope to be  
12 in the same position as Mr Keith by the start of the  
13 hearings.

14 We anticipate being able to fulfil your  
15 requirements, madam, to complete our list of any  
16 additional witnesses that we may require to be read or  
17 called by 11 August.

18 LADY JUSTICE HALLETT: Thank you very much indeed.  
19 Ms Gallagher, is it you next?

20 Submissions by MS GALLAGHER

21 MS GALLAGHER: Thank you, madam. We have a number of  
22 issues, some of them have been addressed by Ms Sheff and  
23 Mr Saunders and I won't take you to those. In  
24 particular, on provisional witness lists, we echo what  
25 Mr Saunders has said.

1 As regards background evidence, madam, we are  
2 working towards the target date on behalf of all five of  
3 our families but, as Mr Smith is aware -- I am not sure  
4 if you are also aware -- one of our client families in  
5 particular has some difficulty with that date.  
6 That is for a number of reasons. In part because  
7 that family is abroad, in part because July is obviously  
8 a difficult month for all of our client families, and in  
9 part because that individual wants to meet us in person  
10 and we have made an arrangement for that to happen in  
11 early August.  
12 So I can certainly give you a guarantee that all the  
13 statements will be with you by 21 August 2010. We are  
14 hopeful that four of them can be with you earlier than  
15 that.  
16 As regards --  
17 LADY JUSTICE HALLETT: I'm sorry to interrupt you there.  
18 MS GALLAGHER: Of course.  
19 LADY JUSTICE HALLETT: I understand, of course, your  
20 reference to July and of course I understand if a family  
21 is abroad, and I know some families will have certain  
22 problems about this process. I am just wondering why  
23 the other four families, why the statements can't be  
24 with us -- why you are not confident they will be with  
25 us, you just said "hopeful" by the deadline.

1 MS GALLAGHER: I simply don't have firm instructions from  
2 two of the families. I can certainly tell you that, two  
3 of the families, we will be able to comply with that  
4 timetable. With the other two, I can't guarantee it,  
5 but we can certainly update Mr Smith shortly after this  
6 hearing. I just don't want to give you an assurance  
7 without being on firm instructions that I know I can  
8 comply with.

9 At the outset of the hearing, madam, you referred to  
10 the impact assessment, when you were dealing with  
11 Mr Hall as regards section 17A and the inquiry issue.  
12 Could we just clarify that Ms Anckorn will liaise with  
13 the families in particular when she is preparing that  
14 document prior to reverting to the Secretary of State,  
15 because, as well as the impact in relation to  
16 preparation by the team as a whole, the Inquest team as  
17 a whole, there obviously will be particular issues of  
18 impact upon the families, and we would be grateful for  
19 an opportunity to be able to feed in to that process  
20 when the impact assessment has been provided to the  
21 Secretary of State.

22 LADY JUSTICE HALLETT: Any impact includes practical matters  
23 and, of course, the lengthening of the process and the  
24 effect on increasing the anguish of the families,  
25 Ms Gallagher, rest assured.

1 MS GALLAGHER: Very grateful.

2 On the crucial issue of timetabling, we are very  
3 grateful for the outline timetable and, in particular,  
4 the start date, which gives a focus for our client  
5 families finally. We are very grateful for that. We  
6 have got three specific issues arising from the outline  
7 timetable given to us by Mr Keith.

8 Firstly, reference was made to each scene being  
9 taken in turn and to Tavistock Square being after  
10 Christmas. Is it possible for us to have an indication  
11 at this stage of the likely order of the other three  
12 scenes?

13 So, for example, will it be by narrative timing, by  
14 the time of the explosion, or will it be by the likely  
15 length of timing? The reason I ask that is just that it  
16 would give some of our client families a rough idea of  
17 a "not before" date in essence. So I wonder if it's  
18 possible to get that very general indication today.

19 LADY JUSTICE HALLETT: I think Mr Keith is prepared to do  
20 that.

21 MR KEITH: Certainly, madam. The order will be Aldgate,  
22 then Edgware, then Kings Cross and, as I have said,  
23 Mr Smith will post on Lextranet in September the exact  
24 dates upon which each scene will commence.

25 LADY JUSTICE HALLETT: Thank you.

1 MS GALLAGHER: I am very grateful, that is very helpful.  
2 That leads on to the second question which I had  
3 specific to timetabling. We are obviously grateful for  
4 the indication of advance notice in September as to the  
5 provisional schedule for each scene and the start date.  
6 Mr Keith, in his oral submissions, made reference to  
7 the fact that that would be of use to the bereaved, but  
8 also to survivors. Whilst we don't represent survivors,  
9 we would note that, if it's being posted on Lextranet,  
10 they, of course, can't access it. So will that document  
11 also be made on the public website for the inquest?

12 MR KEITH: Yes.

13 MS GALLAGHER: Thank you. Then the third issue just regards  
14 preventability. As you know, Anthony Gold & Company are  
15 tasked with leading on the issue of preventability.  
16 That's clearly, from the outlined timetable, going to be  
17 the last issue.

18 Is it possible, from the rough timetable that we  
19 have had so far, to get an indication of a "not before"  
20 date? Is it going to be not before March, or is it  
21 going to be not before mid-February? It was a little  
22 unclear. I appreciate it's not possible to give  
23 a definite timetable, but it would certainly be helpful,  
24 for planning purposes, to have an indication of not  
25 before, whether it's likely to be February or likely to

1 be March.

2 LADY JUSTICE HALLETT: I won't ask Mr Smith or Mr Keith to  
3 commit themselves today, but I am sure they will give  
4 you any best estimate. It's highly unlikely you  
5 would -- I would agree to a not before March, but  
6 I don't know whether Mr Keith and Mr Smith can help you  
7 any further than that.

8 MR KEITH: I think the best I can do today, madam, is to say  
9 not before January, because, of course, that is the date  
10 on which the last scene will be addressed. I think it  
11 would be foolish of me to go further than that.

12 LADY JUSTICE HALLETT: I'm sorry, Ms Gallagher, I am sure  
13 your instructing solicitor and those you represent  
14 understand. At the moment, we are trying to keep as  
15 many options open as possible without causing too great  
16 a difficulty, because we do understand how it's  
17 important for everyone to have the best estimate as to  
18 when the particular part of the process in which they  
19 are interested will be dealt with.

20 MS GALLAGHER: I am very grateful. We, of course,  
21 understand why that can't be given.

22 The final issue which I wished to address you on was  
23 the question of disclosure. We echo the concern which  
24 Mr Keith raised as regards why Mr Hall referred to  
25 a visit only this week to the West Yorkshire Police and

1 the Metropolitan Police by the Security Services when  
2 this is late July and, of course, the issue has been  
3 live since May, since your ruling in May. So we echo  
4 that concern.

5 But moving forward, and dealing with the situation  
6 as it stands, as Anthony Gold & Company is tasked with  
7 leading on preventability, it's of particular interest  
8 to us the question of the volume, likely volume, of  
9 documentation.

10 Now, plainly, any indication of the volume of  
11 documentation likely to come from the Secretary of State  
12 and the Security Services is going to be subject to the  
13 rather huge caveat regarding PII, but it would be  
14 helpful to us, for planning purposes, and certainly for  
15 the purposes of us providing an outline case plan to the  
16 Legal Services Commission, for us to have an idea of the  
17 outer limits of the documentation, the volume of  
18 documentation referred to.

19 Mr Hall clearly has that, because he made reference  
20 to the five-month period it would take six to seven  
21 officers to go through the documentation, and the  
22 three-month period that he referred to for inspection  
23 preparedness by the Inquest team. So in the light of  
24 that, it would be helpful to have to have an indication  
25 of the outer limits of the documentation, ie the entire

1 volume, so that we have a rough idea of what we are  
2 dealing with and so that we can answer the very  
3 reasonable queries of the Legal Services Commission,  
4 obviously subject to the very great caveat regarding  
5 PII.

6 So any, even rough, broadbrush indication of volume  
7 would be helpful to us at this stage.

8 LADY JUSTICE HALLETT: I think that's not a matter for me,  
9 Ms Gallagher. That's a matter for to you discuss.

10 I suggest you and Mr Keith and Mr Hall and whoever else  
11 is involved see whether there is any help they can give  
12 you. I don't know if there is. I think I have to leave  
13 that to counsel and solicitors to resolve.

14 MS GALLAGHER: I am grateful. There are a number of other  
15 minor and practical issues by I suggest it's appropriate  
16 that we raise those in correspondence with Mr Smith  
17 rather than in open court today.

18 LADY JUSTICE HALLETT: Or people can, of course, stay on  
19 once I have left court. We are not going to throw  
20 anybody out. So I would welcome any discussions between  
21 counsel and solicitors and those who instruct them  
22 before everybody leaves, take advantage of the day.

23 Thank you very much.

24 MS GALLAGHER: Thank you.

25 LADY JUSTICE HALLETT: Right, now is there anybody who is

1 unrepresented, be they a bereaved family or a survivor  
2 who has any comment or any questions? I appreciate  
3 things have been coming at everybody out of the blue.  
4 I don't know if we have anybody who is unrepresented  
5 here present today, but I just I thought I would give  
6 them the opportunity to say something if they wish to.  
7 It's Dr Fatayi-Williams?

8 DR FATAYI-WILLIAMS: Yes, that's correct. Thank you, madam,  
9 for the opportunity.

10 I had a brief meeting with Mr Smith two days ago.

11 I just wanted to ask if -- as to the opportunity to  
12 apply for the legal aid through a solicitor, firstly.

13 LADY JUSTICE HALLETT: I am afraid I don't know the answer  
14 to that, but if you stay behind and talk to Mr Smith,  
15 and maybe one of the solicitors or barristers here,  
16 somebody may be able to help you.

17 DR FATAYI-WILLIAMS: Secondly, is there a possibility  
18 perhaps to subscribe to the Lextranet process?

19 LADY JUSTICE HALLETT: Again, by the looks of it looks as if  
20 Mr Smith will try to assist you on that matter too.

21 DR FATAYI-WILLIAMS: Thank you.

22 LADY JUSTICE HALLETT: Thank you very much. Anybody else  
23 who has any questions or comments?

24 Right, are there any other matters, Mr Keith, apart  
25 from, by the sounds of it, I can make an order that the

1 parties use their best endeavours to give the list of  
2 witnesses by 4.00 pm on 11 August and the balance by  
3 4.00 pm on 10 September --

4 MR KEITH: Thank you, madam.

5 LADY JUSTICE HALLETT: -- in addition to the existing  
6 direction?

7 MR KEITH: Yes, please, and perhaps I can invite you also to  
8 indicate that we are almost certain to invite you to sit  
9 on Monday, 4 October, the Monday prior to the  
10 commencement of the hearing, because I am sure there  
11 will be issues that will wish to be addressed then. It  
12 may be that that will provide a suitable opportunity to  
13 update the parties.

14 I fear that there will be so much to be done  
15 in August and September that there is very little  
16 purpose in inviting you to sit in September to resolve  
17 any issues because I think so much of the groundwork  
18 will still have to be done in August and September.  
19 None of it will have reached the point at which any  
20 legal ruling or resolution will be required from  
21 yourself, and, therefore, may I invite you not to sit  
22 until Monday, 4 October?

23 LADY JUSTICE HALLETT: I can always be contacted throughout  
24 the summer, Mr Keith, so if any matters of urgency do  
25 arrive, then we can revisit this particular question.

1 MR KEITH: Thank you very much.

2 LADY JUSTICE HALLETT: As far as the hearing of 4 October,  
3 that is a hearing when you expect everybody to be here  
4 and represented, we're talking about a full hearing?

5 MR KEITH: I think so. I am sure that there will be issues  
6 that will be required to be raised, and although there  
7 will be, as I say, a first day set aside for  
8 administrative matters the following Monday, I am sure  
9 there will be other issues that will raise themselves  
10 which will require some sort of discussion the week  
11 before.

12 LADY JUSTICE HALLETT: So our sitting the week before is  
13 open-ended, as it were, so we allow as much time as  
14 possible in the week before to see if we can resolve as  
15 many issues as possible?

16 MR KEITH: Madam, yes, I would be very surprised if there  
17 were any fundamental issues of public interest immunity  
18 which could be resolved by then.

19 Many applications, I suspect, will be made in  
20 writing, which can be dealt with without requiring you  
21 to sit, but I would be surprised if we would require the  
22 whole week. Certainly the Monday, but I would be  
23 surprised if there was anything thereafter.

24 LADY JUSTICE HALLETT: There are some very simple and basic  
25 matters that the parties or certainly Mrs Anckorn needs

1 to consider, simple things like seating arrangements --

2 MR KEITH: Yes, indeed.

3 LADY JUSTICE HALLETT: -- given the presence of computer  
4 screens and the like. So I don't know if anybody wishes  
5 to talk to her before they leave as to -- because that  
6 kind of decision has to be made quite soon. I know it  
7 sounds terribly simple and terribly basic, but it is  
8 quite important to try to get these things resolved. To  
9 fit everybody in is not going to be easy.

10 MR KEITH: No, I believe that she has already drawn up some  
11 provisional plans.

12 LADY JUSTICE HALLETT: She has. So if anybody wants to make  
13 any representations that they need, for example, easy  
14 access to people coming and going throughout the  
15 hearing, then it's important they let her know that they  
16 are likely to be in that position so that she can ensure  
17 they are in a suitable physical position within the  
18 courtroom.

19 MR KEITH: Certainly. Thank you very much, madam.

20 LADY JUSTICE HALLETT: Thank you, unless Mr Smith thinks  
21 there's anything else. Thank you all very much. The  
22 next hearing will be, unless otherwise advised, on  
23 4 October.

24 (12.05 pm)

25 (The hearing adjourned until 4 October 2010)

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