

Coroner's Inquests into the London Bombings of 7 July 2005
Pre-Inquest Proceedings - 25 February 2010 - Afternoon session

1 IN THE INNER WEST LONDON (WESTMINSTER) CORONER'S COURT
2 Court No 76 Royal Courts of Justice
3 The Strand London WC2A 2LL
4 25 February 2010

5

6

7 Before:

8 LADY JUSTICE HALLETT

9

10 Sitting as Assistant Deputy Coroner for Inner West London

11 _____

12 CORONER'S INQUESTS INTO THE LONDON BOMBINGS OF 7 JULY

13 _____

1 HUGO KEITH QC, ANDREW O'CONNOR and BENJAMIN HAY appeared as Counsel to the
Inquests.

2 JANINE SHEFF (instructed by Sonn Macmillan Walker)

3 appeared on behalf of Mavis Hyman and Denise Baisden.

4 CHRISTOPHER COLTART (instructed by Kingsley Napley) appeared on behalf of
Mr Cassidy, Mr Ellery, Mr Levy,

5 Farishta Sharifi and Grahame Russell.

6 NEIL SAUNDERS (instructed by Russell Jones & Walker) appeared on behalf of
Lynne Harris.

7 PATRICK O'CONNOR QC and CAOILFHIONN GALLAGHER

8 (instructed by Oury Clark) appeared on behalf of Graham Foulkes, Ronnie
Downey, Ros Morley, Sandra

9 Brewster, Andrew Brown, Joanne Cole, Michael Henning, Evangelia Ioannou,
Elizabeth Kenworthy, Ross Mallinson,
10 Susan Maxwell, Jacqui Putnam, Lesley Ratcliff, George Roskilly, Ben
Thwaites, Elaine Young, Paul Mitchell,
11 Rachel North and John Blundell.
12 GARETH PATTERSON (instructed by Lovells LLP) appeared on behalf of Nader
Mozakka.
13 JOHN BEGGS QC appeared on behalf of West Yorkshire
14 Police.
15 MAX HILL QC appeared on behalf of the Metropolitan Police Service.
16 FIONA CANBY appeared on behalf of Transport for London.
17 PATRICK GIBBS QC appeared on behalf of British Transport
18 Police.
19 JONATHAN HALL appeared on behalf of the Secretary of State for the Home
Department.
20 CHARLOTTE VENTHAM appeared on behalf of the City of
21 London Police.
22 IMRAN KHAN and NAEEM MIAN appeared on behalf of Hasina Patel and the
parents of Hasib Hussain.

1 Thursday, 25th February 2010

2 (2.00 pm)

3 LADY JUSTICE HALLETT: Yes, Mr Keith?

4 Submissions by MR KEITH

5 MR KEITH: Good afternoon, madam.

6 Madam, on 31 July 2007, the inquest to the

7 56 persons who died on 7 July 2005 were adjourned under

8 section 16 of the Coroners Act 1988 to allow criminal

9 proceedings to be completed.

10 Proceedings were completed. They ended on

11 28 April 2009, thereby opening the way to the resumption

12 of the inquest, if, in due course, you see fit.

13 It's right, before I address you in relation to the

14 legal issues that arise at this stage, that I record the

15 fact that we are here on account of the terrible events

16 of that day and nothing that I propose to say about the

17 legal issues should detract from our recognition of the

18 scale and extent of this appalling tragedy.

19 The second matter that it's important that I raise

20 from the outset is this: you have been granted

21 jurisdiction over all 56 deaths that occurred on the

22 London transport system that day. Thus your legal

23 jurisdiction extends not only into enquiring into each

24 individual death of the 52 persons who lost their lives,

25 but also the deaths of the four apparent bombers.

1 Given the circumstances in which it is said that the
2 deaths occurred, we are acutely aware that this raises
3 terrible issues for the bereaved families.

4 In particular, it is our understanding that some of
5 the bereaved families have expressed anguish already to
6 the officials concerned with these inquests at the
7 prospect of the deaths of their loved ones being joined
8 as part of this process with the inquest into the deaths
9 of the apparent bombers.

10 Should the inquest be resumed, that is a matter,
11 madam, on which submissions will need to be made in due
12 course to you, and upon which you will need to decide at
13 a later date.

14 But may I, at this stage, make plain that, despite
15 press reports to the contrary, no decision has of course
16 been made at all as to whether it is appropriate to join
17 the inquests into the 4 to the 52. That is a matter
18 which is open for debate and legal argument in due
19 course.

20 On a related subject, it is with our appreciation of
21 the sensitivity of this issue that we wish to inform
22 those attending today that although none of the families
23 of the four apparent bombers are present, some members
24 of Mohammed Sidique Khan's family and some members of
25 Hasib Hussain's family are legally represented this

1 afternoon.

2 We are of course aware that this will cause distress
3 and anguish to some of those attending today, but until
4 any decision is made on the question of joinder of the
5 inquests, we consider it is appropriate and fair that
6 you hear from everyone, and that for the purpose of this
7 preliminary review, the potential inquests are heard
8 collectively.

9 Practical arrangements have of course been made to
10 lessen the impact upon the bereaved families as far as
11 is possible. In particular, the families of the four
12 apparent bombers will not be seated together with other
13 families and will, in due course, if and when the stage
14 is reached, have separate facilities for viewing
15 proceedings.

16 Madam, with those preliminary remarks, may I turn to
17 the question of representation?

18 You should have, I hope, a list of who is
19 representing whom. It's fairly lengthy and I don't
20 propose, therefore, to read it out, but you will see
21 that a number of potential interested organisations
22 ranging from the West Yorkshire Police Legal Department,
23 the Metropolitan Police, the London Ambulance Service,
24 Transport for London, British Transport Police, the
25 Secretary of State for the Home Department and City of

1 London Police are represented today, and may I also
2 invite you to include in the list that you have
3 a reference to the London Fire Brigade, who I understand
4 are represented also this afternoon.

5 More importantly, perhaps, there are representatives
6 from some 18 families here today who are not represented
7 as far as I understand it. Some of them, and some other
8 families, are represented. Their representatives will
9 no doubt address you in due course.

10 May I introduce the two gentlemen who sit next to
11 me, on either side: Mr Andrew O'Connor and
12 Mr Benjamin Hay.

13 Mr O'Connor and Mr Hay are also Counsel to the
14 Inquest. They are independent members of the Bar, as
15 I am, and they have been instructed by an independent
16 firm of solicitors, Field Fisher Waterhouse, to assist
17 you in this coronial process. They are there, as I am,
18 to make appropriate submissions on the law, to assist
19 you in pursuing all legitimate lines of evidential
20 enquiry, and to assist you in relation to the legal
21 arguments that are inevitable.

22 The purpose of this directions hearing is primarily
23 to provide an opportunity to update the bereaved
24 families and others as to the practical measures which
25 have been put in place to prepare for the inquests, if

1 they are resumed.

2 You may also think it fit to hand down directions in
3 preparation for a longer hearing which is provisionally
4 scheduled for 26 to 28 April of this year.

5 These directions, we anticipate, will include
6 directions for the process of disclosure of narrative
7 reports, to which I'll return in a moment, which have
8 been commissioned from the Metropolitan Police Service
9 in its role as coroners' officers.

10 Today's hearing will also, we hope, provide an
11 opportunity for you to ascertain whether the bereaved
12 families have secured legal funding and representation,
13 and you will know from the correspondence to which you
14 are of course privy that Mr Martin Smith, solicitor for
15 the inquests, has already been in communication with all
16 the families in order to invite them to update him as to
17 the progress of any that they've been able to make.

18 By way of general introduction, the issues which we
19 invite you to consider today are as follows: firstly,
20 a general overview.

21 Secondly, an update on practical preparations.

22 Thirdly, preparation and disclosure of the initial
23 scene reports to which I'll come to in a moment.

24 Designation of the interested persons, directions for
25 addressing that legal issue.

1 Next, representation and funding, and finally,
2 directions for the hearing, if you see fit, to be held
3 on 26 until 28 April.
4 Commencing with the general overview, the first
5 question, as, madam, you know, that will fall for
6 determination will be whether to resume the inquests.
7 That question, along with a number of consequential
8 issues will require detailed legal argument, and that
9 argument will come, of course, from the bereaved
10 families, from their legal representatives, if they are
11 present, and will require rulings from you.
12 We propose, subject to your approval, that there be
13 a full hearing in April to consider this issue.
14 It's obviously desirable for the purposes of the
15 legal argument revolving around that issue that
16 everybody has some idea of the basic facts, the factual
17 matrix, if you like, around which to wrap the legal
18 arguments.
19 It's plainly desirable that, if there be legal
20 argument about this issue, that all the parties and all
21 the representatives, and, most importantly, the bereaved
22 families, have a common starting point in relation to
23 the background facts.
24 So in the intervening period, we have proposed for
25 your approval that copies of the reports, or a report,

1 dealing with each of the four incidents be made
2 available to all the potentially properly interested
3 persons.

4 We'll invite you, in due course, to direct that
5 written submissions be invited from those who wish to
6 advance them and that you give appropriate directions in
7 relation to the process concerning disclosure of those
8 reports. I'll come back to that in a moment.

9 At the April hearing, it's also likely, subject to
10 further argument of course, that you'll wish to hear
11 submissions on a range of other related legal issues,
12 and these will include, if you decide to resume the
13 inquests, whether to hear all 56 inquests together,
14 a point to which I've already drawn your attention, of
15 course; if they are resumed, the scope of those
16 inquests; and you may also wish to hear submissions on
17 other issues, but you may not be able to fully determine
18 them all, including, in particular, whether to sit with
19 a jury for the purposes of those inquests, if they are
20 resumed, and also as to the designation of those who are
21 properly interested persons for the purposes of those
22 inquests under rule 20 of the Coroners Rules.

23 If a decision is taken to resume, the intention is
24 that some or all of the inquests will be heard this
25 autumn. I say "some or all" because that in turn will,

1 as I've submitted, depend of course on whether or not
2 the inquests of the four apparent bombers are heard with
3 the inquests into the bereaved.

4 Practical arrangements must, of course, be made now
5 for an inquest hearing, if it is to take place, so as to
6 prevent any delay later in the process.

7 If a decision is taken to resume, there will
8 obviously be a great deal of work to be done in the
9 spring and the summer to prepare for such hearings, and
10 most obviously that will include the disclosure of
11 evidence and the identification of witnesses.

12 It's likely that you will have to convene further
13 directions hearings in due course to consider the
14 progress of the evidential disclosure.

15 Can I now turn to some practical matters?

16 Madam, should you decide to resume the inquests,
17 a number of measures have been put in place since the
18 beginning of the year to avoid any unnecessary delay,
19 but at the same time in a manner that does not prejudice
20 any of the issues that you'll be called upon to decide
21 in due course.

22 Whilst I know that you are familiar with the
23 practical steps that have already been taken, I hope it
24 will be of some assistance to those attending today if
25 I can outline broadly some of the steps taken in

1 preparation.

2 First, a team, an inquest team, has been established
3 in order to assist you and to assist Counsel to the
4 Inquest. The solicitor to the inquest is Mr Martin
5 Smith of Field Fisher Waterhouse who sits, of course, in
6 front of you here.

7 There is a deputy solicitor to the inquest,
8 Mr Tim Suter, and they are assisted by a secretary to
9 the inquest, Mrs Judy Anckorn, whom many of the bereaved
10 families will already have seen or heard from in the
11 correspondence that she has had with them.

12 She in turn is assisted by a deputy secretary to the
13 inquest, Miss Lale Ozdemir.

14 Their team is situated at 81 Chancery Lane and all
15 correspondence regarding the inquest should be sent to
16 the inquest team at that address.

17 Secondly, a private room has been obtained as a base
18 for the majority of the families of the deceased during
19 the inquest proceedings. This room is situated near to
20 the Royal Courts of Justice where we are today and will
21 provide the families with a secure and private space
22 away from the press and public for those families who
23 wish to use it. This room will include a facility to
24 watch the inquest proceedings in court via live
25 videolink from your court. The office will not be

1 accessible to legal representatives and Mrs Anckorn will
2 inform the families of its location in due course and
3 how they may access it.

4 This room will, for the reasons that I've already
5 explained, obviously not be available for use by the
6 families of the four apparent bombers, should they wish
7 to participate in or attend the inquest proceedings.
8 Instead, there will be an alternative secure and private
9 room available at a separate location, and this room, as
10 with the other, will include a facility to watch the
11 proceedings in the court via a live videolink. Again,
12 in due course, the location of that room will be
13 disclosed to those who need to know.

14 Thirdly, information about the inquest is available
15 online. The web page is set out in the briefing note
16 which I know has been sent by Mr Smith to all the
17 bereaved and the interested parties. This includes
18 information about the inquest process and, if the
19 inquests are resumed, the website will include
20 transcripts of the proceedings, including today's
21 proceedings, and the documentary evidence that may in due
22 course be adduced, and we would obviously encourage
23 those who wish to obtain up-to-date information
24 regarding the inquests, if any, to consult the website.

25 Fourthly, and obviously, there will be a vast amount

1 of documentation in the event that you decide to resume.
2 The inquest team under Mr Smith's guidance, has acquired
3 a document management system to manage and sort the
4 voluminous documentation that is expected.
5 The system is web-based and will be accessed by any
6 authorised person from anywhere in the world by a secure
7 login. Therefore, should the inquest be resumed,
8 interested persons and legal representatives will be
9 given secure access to this system for the purposes of
10 disclosure of documentation to which they would be
11 entitled. I'll return to that in a moment.
12 The system will also include, it is hoped,
13 a calendar upon which the solicitor to the inquest,
14 Mr Smith, will post details of which witnesses, in the
15 event of resumption, will be called to give evidence on
16 which date.
17 Therefore, it will allow regular updates to be
18 posted so that members of the families, as well as
19 interested persons and organisations, will be able to
20 access the website and be able to see what evidence may
21 be given on any particular day such as to inform their
22 decision as to whether or not they should attend.
23 Finally, if the inquests are resumed, the hearings
24 will take place in a courtroom at the Royal Courts of
25 Justice in this building. It is also intended that this

1 should be a semi-permanent structure similar to that
2 erected for the inquests into the deaths of Diana,
3 Princess of Wales, and Mr Dodi Al-Fayed, and that will
4 be erected in the quad to provide overflow facilities
5 for the press and the public.

6 As with the Diana inquest, the proceedings would be
7 transmitted to the structure via a live videolink from
8 the courtroom, and it's also intended that at any future
9 hearings, counsellors, indeed counsellors who have been
10 involved since July 2005, will be available to provide
11 emotional support to the bereaved families and survivors
12 should they wish to use their services.

13 In the meantime, there will also be a help-line
14 available both for the bereaved families as well as for
15 members of the public, details of which will be posted
16 on the website. The counselling service and the
17 help-line are provided at public expense.

18 May I, madam, turn back to the question of the four
19 initial scene reports?

20 As I've said, it's intended that, prior to the April
21 hearing, copies of reports dealing with each of the four
22 incidents will be made available to all potential
23 properly interested persons. Each of the reports will
24 cover a single incident; that is one each for Aldgate,
25 Edgware Road, Kings Cross and Tavistock Square.

1 The reports are being prepared by the
2 Metropolitan Police acting in their role as your
3 independent officers. The reports are, of course, being
4 seen in draft by Mr Smith and by Counsel to the Inquest
5 for the purposes of discussing general issues such as
6 the appropriate structure and the broad scope of the
7 reports. But may I say something in relation to those
8 reports?

9 It's important to observe that those reports are
10 prepared and are being prepared solely to provide all
11 potentially properly interested persons with a common
12 but provisional foundation upon which they can in part
13 base their legal arguments. They will of course serve
14 to highlight the broad factual areas which may in due
15 course be worthy of further detailed investigation, but
16 they are not to be taken, we would ask, as being agreed
17 evidence or as necessarily indicating the views of the
18 legal team to the inquest.

19 They are based solely on evidence, or will be based
20 solely on evidence, which the police have obtained in
21 the course of their own investigations.

22 That evidential base, madam, as you know, is
23 enormous and runs to tens of thousands of witness
24 statements and exhibits, and, therefore, it's hoped that
25 the reports will provide a convenient and easy way of

1 indicating a starting point for the evidential
2 investigations and the legal arguments.
3 Of course, there are many other sources of
4 information, many of which are already known to the
5 inquest team.
6 It seems to us that, should the decision be taken by
7 you to resume some or all of the inquests, that you are
8 very likely to wish to call evidence beyond that which
9 has been obtained by the police and which may have its
10 genesis in those other evidential sources.
11 The reports which will be served in due course will
12 be divided into various sections dealing with issues
13 such as the movements of the apparent bombers on the
14 morning of 7 July, the explosions and the responses.
15 Each report will also contain individual sections
16 containing the principal evidence relating to each of
17 those who died at the relevant scene. I will say
18 a little bit more about those sections in a moment.
19 There will be maps, plans and schedules exhibited to
20 the reports but, if I may emphasise, no photographs.
21 The police hold a large number of photographs of the
22 different scenes, but many of them are, of course,
23 extremely distressing. Should the inquests resume, it
24 is likely to be necessary to make use of some
25 photographs, but they will, of course, as you would

1 expect, be handled sensitively and it is simply not
2 intended that this will be generally disclosed at any
3 stage.

4 As I have said, the four reports are designed, or
5 will be designed, to be a starting point.

6 After the hearing in April, if a decision to resume
7 the inquests is taken, other material documents will be
8 made available. As well as the photographs that I have
9 mentioned, there will be CCTV footage and other reports
10 that the police will be asked to prepare, such as the
11 activities of the apparent bombers in the weeks and
12 months before 7 July.

13 The nature and extent, however, of that further
14 material will be heavily influenced by your decisions in
15 due course as to the scope of the inquests.

16 I have already said that the intention is to make
17 each of these reports available to potentially properly
18 interested persons in advance of the hearing, but I hope
19 it will be of assistance if I give a little more detail
20 about when those reports are likely to be circulated.

21 The reports have been drafted by different groups of
22 police officers and will, therefore, not all be
23 finalised simultaneously. The intention is that each
24 report will be made available as and when it's ready.

25 There are two important caveats that I will come

1 back to in a moment, but the provisional chronology is
2 that the Edgware Road report is likely to be the first
3 of the reports to be finalised and it probably will be
4 ready for circulation at around about the first two
5 weeks of March.

6 The second report is likely to be the Aldgate
7 report. It's likely to be ready for circulation
8 mid-March.

9 Tavistock Square, late March, and Kings Cross in
10 early April. Of course, the provisional chronology is
11 designed to ensure that all four reports are disclosed
12 in advance of the April hearings and that there is
13 sufficient time for those reports to be digested.

14 Subject to the two caveats that I have already
15 mentioned, and which I will return to in a moment, it is
16 intended that the reports will be provided to properly
17 interested persons or, if they are represented, to their
18 representatives when they may become available.

19 Madam, you may wish to canvass today the most
20 appropriate means of distributing them. There are, of
21 course, available family liaison officers who have been
22 of great assistance to the bereaved families since the
23 events in July of 2005 and who have a close working
24 relationship with them.

25 There are, of course, legal representatives present,

1 and they provide an alternative means by which reports
2 may be circulated. But I am sure some of the persons
3 here today will have views as to how they would wish to
4 receive them.

5 In relation to that, may I mention the two caveats?

6 The first caveat concerns confidentiality. If and when
7 material contained in the reports is given in evidence,
8 and the reports will contain references to witness
9 statements already in existence, then, of course,
10 subject to any other orders you make, that material
11 will, at that stage, but only at that stage, be placed
12 in the public domain.

13 Until that time, therefore, the reports must be
14 considered and will be deemed to be confidential.

15 This is obviously a matter of particular importance
16 because of the sensitivity of much of the evidence that
17 those reports will contain.

18 In order to protect their confidentiality, we would
19 invite you to require all potentially properly
20 interested persons to provide a confidentiality
21 undertaking. This undertaking will have to be given, we
22 would suggest, in order for access to be granted, not
23 only to hard copies of the reports, but also via the web
24 pages to the document management system.

25 Breach of the undertaking may amount to a contempt

1 of court, subject to any other legal argument. But
2 a breach will obviously have extremely serious
3 consequences in terms of the further disclosure of
4 evidence as well as causing terrible anguish to those
5 involved in these proceedings.

6 So Mr Smith, the solicitor to the inquest, will
7 liaise with the properly interested persons and their
8 representatives about the provision of a suitable
9 undertaking, should you so order it to be provided.

10 The second caveat relates only to the families of
11 the deceased. As I have said, particular chapters of
12 the reports will contain principal evidence about each
13 of the deceased who died at each of the scenes.

14 We would invite you to make appropriate directions
15 so that families of deceased will be given sight of the
16 chapter relating to their own loved one as well as, of
17 course, the substance of the report, but not chapters
18 relating specifically to other deceased, before the
19 balance of the report or the entirety of the report is
20 made generally available to other properly interested
21 persons.

22 The purpose of this exercise is to enable families
23 to see the specific material relating to their own loved
24 ones at least in advance of that material becoming
25 disclosable to other parties involved in these

1 proceedings. It is hoped that that process will be
2 conducted through the family liaison officers, and in
3 due course I will invite you to make an appropriate
4 direction allowing for at least seven days' notice to be
5 given.

6 It may be, of course, that some families will not
7 wish to see material in advance, but that is entirely
8 a matter for them. The option is there if they wish to
9 avail themselves of it, and, of course, it's something
10 that they may wish to discuss with the family liaison
11 officers.

12 In addition, there are, as there will always be,
13 lines of communication to Mr Smith, the solicitor for
14 the inquest.

15 Can I then turn to the designation of interested
16 persons?

17 Should the inquest be resumed, there will be many
18 individuals who will have an automatic right to be
19 considered to be a properly interested person pursuant
20 to rule 20(2)(a) to (g) of the Coroners Rules, with
21 which I know, madam, you are extremely familiar. They
22 include, of course, categories such as parent, child,
23 spouse, personal representatives of the deceased, and in
24 fact the categories under 20(2)(a) to (g) were amended
25 with effect from January this year to include civil

1 partners and partners.
2 There will be others, madam, who do not, in fact,
3 have an automatic right, but who may wish nevertheless
4 to be considered to be properly interested persons under
5 rule 20(2)(h), which is the residual category which
6 requires you to express your opinion as to whether or
7 not such applicants are properly interested persons.
8 You would have to be satisfied in due course that
9 the concerns of such applicants is generally directed to
10 the actual scope of the inquests, and, subject to
11 further argument later in the course of this afternoon,
12 it's unlikely in our view that any decision could be
13 made by way of a final determination on designation of
14 properly interested persons until after you have
15 determined the scope of any inquests which, of course,
16 you would already have had to decide to resume.
17 Consequently, it's likely, in our view, that you
18 will need to consider any application under the
19 catch-all provision, 20(2)(h), more fully at the hearing
20 in April. But those who have an automatic right are in
21 a different position and may more readily be seen to be
22 properly entitled to be properly interested persons
23 under rules 20(2)(a) to (g). Therefore, in relation to
24 such applicants, we would ask you to invite them to
25 write to Mr Smith by a particular date -- and we suggest

1 a direction be given that it be 1 April -- setting out
2 why they consider that they are automatically entitled
3 to be properly interested persons.
4 With the vast majority of such applicants, there
5 will be very little difficulty in resolving such
6 applications.
7 Therefore, in receipt of such applications, we would
8 invite you to provide a provisional indication as to
9 whether it's likely that the applicant will be
10 automatically entitled to be a properly interested
11 person, should the inquests be resumed.
12 We invite you to give a provisional indication
13 because, of course, as a matter of law, you can, for the
14 reasons I have explained, not express a final decision,
15 but it will clearly be of great benefit to the bereaved,
16 and to personal representatives, if they have the
17 benefit of your provisional ruling.
18 It will also, of course, assist to some extent --
19 although not to a great extent, any application for
20 legal aid funding.
21 Should the inquests be resumed, you will then be
22 able to announce, in our submission, at the April
23 hearing, the names of those individuals who are
24 entitled, following the legal argument about resumption
25 and scope, to be properly interested persons.

1 In relation to those parties who do not have an
2 automatic right but will nevertheless wish to make
3 applications under 20(2)(h), we consider it would be
4 useful to receive an indication at any rate of any
5 intention to apply for such status as early as possible,
6 and, madam, you will know that in fact an application
7 was received last night in relation to a number of
8 persons comprising both bereaved and survivors.
9 Finally, we should mention that a number of
10 organisations have already indicated that they wish to
11 be considered as interested persons and the names of
12 those organisations, as I have already stated, are
13 contained on the list of representations this afternoon
14 and include the London Fire Brigade.
15 Two of those potentially properly interested
16 persons -- that is to say the British Transport Police
17 and London Ambulance Service -- have indicated that
18 their intention to apply for such status may depend on
19 the rulings that you give in due course about the scope
20 of the inquests.
21 May I then turn next to representation and funding?
22 Madam, it will have been apparent from what I have said
23 already, that a number of persons are jointly
24 represented and other bereaved families are presently
25 without representation.

1 Mr Smith has, since last year, been in
2 correspondence with the families concerning the issue of
3 representation and funding and we understand that many
4 of them are still considering whether or not to obtain
5 representation.

6 It is our understanding that the decision whether to
7 obtain representation is in part determined whether
8 legal aid funding has been or will be granted. Although
9 there is regrettably very little that you can do as the
10 coroner for these prospective inquests, it may assist
11 you, however, in determining the likely number of
12 representatives at the April hearing if you ask, after
13 the legal submissions, those present today who is
14 considering applying to the Legal Services Commission
15 and also for the names and numbers of those who have
16 already applied. It will therefore assist you in
17 obtaining a rough idea as to those who intend to be
18 represented in due course.

19 There may be further argument this afternoon about
20 the scope and power of the relevant bodies that deal
21 with funding in exceptional cases which include
22 inquests.

23 Then may I turn to the hearing in April?

24 As I have already stated, we propose that there be
25 a further, longer preliminary hearing over three days

1 and the dates set down at the moment are those dates
2 from 26 to 28 April. We anticipate that this hearing
3 will also take place in this building. The purpose of
4 the hearing will be to deal with a number of preliminary
5 issues which I will turn to briefly in sequence.
6 Resumption. The first issue that you will have to
7 consider at the hearing will be whether or not of course
8 to resume the inquests. The inquests, as I have stated,
9 all stand adjourned under section 16(1)(b) of the
10 Coroners Act 1988 and that same provision provides you
11 with, as well as jurisdiction over the inquests,
12 a discretion as to whether or not they should be
13 resumed.
14 All 56 inquests, as a matter of law, are separate
15 sets of proceedings and, as a matter of principle, it
16 would be open to you to resume some and not others, but
17 of course, as we all acknowledge, there is a very close
18 connection between the deaths and, therefore, in
19 practice, the nature of that connection will be bound to
20 inform both the legal submissions and any ruling that
21 you make in relation to resumption.
22 An important factor in your decision whether or not
23 to resume the inquests will, of course, be the wishes of
24 the families of the deceased. Your predecessor,
25 Dr Reid, sought, in fact, the views of the families of

1 the deceased by way of a questionnaire in April 2009,
2 and I know that the replies that he received have been
3 provided to you.

4 All the potential properly interested persons are
5 invited, and we invite you to invite them to make oral
6 submissions to you on the issue of resumption of the
7 next hearing, and of course they may serve written
8 submissions in advance of that hearing, if they so wish.
9 We consider that before they make those submissions,
10 it may be appropriate for them to have some summary
11 disclosure of the questionnaires that Dr Reid received,
12 because, for the purposes of informing their legal
13 arguments, it may help some of the families of the
14 deceased if they know what the general tenor has been of
15 the views of other members of bereaved families as well
16 as other interested persons. But obviously any
17 disclosure exercise in relation to those questionnaires
18 will be conducted sensitively and plainly with a view to
19 the fact that there are very terrible and anguished
20 views expressed in those documents.

21 If you decide in due course to resume, the next
22 issue will be whether or not to hold all 56 inquests
23 together. This is an issue which, as I have said, has
24 caused very real concern among the families of the
25 deceased. It is an issue that I know you will wish to

1 consider very carefully in due course, should you take
2 the decision to resume the inquests.
3 Some aspects of that issue have already been raised
4 in the questionnaires that Dr Reid received, because, of
5 course, the views of the families go both to the
6 question of resumption and, in many cases, to the
7 question of joinder, meaning the legal definition for
8 the bringing together of all the inquests.
9 A further issue will be that of a jury. One of the
10 issues which you will be called upon to resolve in April
11 will be whether or not, in the light of any rulings that
12 you make in relation to the scope of the inquests, there
13 is sufficient cause for there to be a jury and whether
14 or not a jury is required to sit in relation to these
15 inquests.
16 It will obviously be helpful for you to receive
17 preliminary submissions on this issue and that is one of
18 the areas which we will invite you, in due course, to
19 invite submissions from all the properly interested
20 persons so that that legal argument can take place
21 in April as well.
22 As I have already said, finally, in relation to the
23 properly interested persons, it is hoped also that, in
24 the light of the legal argument, you will then be in
25 a position to announce your provisional views in

1 relation to those who have a near-automatic right to be
2 considered a properly interested person, for example,
3 representatives of the families, and that you will also
4 be then in a position to hear further legal argument
5 about those who would bring themselves under
6 rule 20(2)(h) as being persons or organisations who, in
7 your opinion, should be considered to be properly
8 interested persons. But those are not issues which, for
9 the reasons I have outlined, can be resolved today.
10 Madam, I hope that you have, and all those present
11 today have had, a list of draft directions.
12 I don't propose to make any further submissions in
13 relation to the draft directions now, because I am sure
14 that others present today will wish to make further
15 argument in relation to them, and it may be more
16 helpful, therefore, if I may be given the opportunity of
17 addressing you on those draft directions once you have
18 had the opportunity of hearing from anyone else who
19 wants to be heard on the issue of the directions that
20 you propose to give.
21 LADY JUSTICE HALLETT: Thank you very much, Mr Keith.
22 Mr O'Connor, are you going to go first? I don't
23 have a proposed order of speaking.
24 Submissions by MR O'CONNOR
25 MR O'CONNOR: Madam, I am delighted to go first and thank

1 you for calling on me.

2 Madam, you hopefully are aware from our submissions
3 as to the number and identity of potential parties whom
4 we represent. The bereaved of five deceased persons,
5 and most probably six, and 15 survivors from three of
6 the bombing scenes.

7 Madam, may I be allowed, first of all, to say that
8 though we have only had, of course, preliminary dealings
9 with your Secretariat, we would like to express our
10 gratitude for their efficiency and sensitivity. I am
11 sure it will continue. It is very important to you that
12 there are good working relationships, and things are
13 looking very good in that respect.

14 LADY JUSTICE HALLETT: Thank you for mentioning it,
15 Mr O'Connor.

16 MR O'CONNOR: We are most grateful to them.

17 Madam, we are grateful for the advance notice of the
18 potential directions. May I give an initial
19 off-the-cuff view of the form of the undertakings, and
20 that is a positive one? They seem to us to be
21 relatively standard in cases of sensitive material.
22 We have taken instructions initially from those few
23 of our clients who have come today. They know that
24 today is going to be largely formal, and so only some
25 have attended. Certainly, their response has been that

1 they recognise how serious those undertakings are and
2 they would be prepared to sign them.

3 Madam, may I just, though, flag up that, obviously,
4 in terms of numbers of our clients, if nothing else, the
5 preponderance of our clients are survivors rather than
6 the bereaved, and two issues arise for that category of
7 our clients: first of all, disclosure; and, secondly,
8 whether they are ultimately recognised as properly
9 interested parties under rule 20(2)(h), and closely
10 connected with that indeed is funding.

11 Now, we see in your draft directions that it is
12 intended that disclosure should be to those who are
13 potentially interested parties, and we venture to
14 suggest, without prejudging anything at all, that the
15 survivors are indeed plainly potentially interested
16 parties.

17 However, the form of the draft directions confines
18 the proposed disclosure to the bereaved.

19 Now, madam, may I just give a foretaste of the
20 picture for the survivors and the force, simply in
21 heading form, of the case they will have and will of
22 course present at the appropriate time on paper about
23 being recognised under rule 20(2)(h)?

24 We provided you, madam, with the case of Driscoll,
25 which -- of course, it doesn't give an answer, but it's

1 the best jurisprudence we can find.
2 Madam, first of all, the law concerning the
3 investigative duty under article 2 plainly covers
4 survivors of life-threatening incidents such as these.
5 The jurisprudence reached the House of Lords, as it was,
6 in the case of JL. They are called the near-miss cases,
7 and, plainly, where life is in danger, in serious
8 danger, from an incident, in those cases one incident in
9 custody, here, of course, on the most extraordinary
10 scale, the article 2 investigative duty is engaged.
11 So these survivors fall under that category which
12 provides a context, we submit, for your decision.
13 Secondly, there can be no doubting their passionate
14 and genuine motivation and interest in uncovering what
15 happened, in assisting any resumed inquest to get at the
16 truth, and learning any lessons from it.
17 Most particularly of course -- and this is the most
18 terrible comparison to make, is it not -- the deceased
19 cannot assist with evidence. The survivors can in the
20 most potent and impressive way, and so their
21 contribution, tragically, because of the death of the
22 deceased, by comparison can be of very, very great
23 assistance to you, and I can certainly say that in
24 relation to several of our clients their accounts would
25 be of very great assistance; one who was awarded an MBE

1 for her efforts, others who have suffered the most
2 terrible injuries, and another who participated most
3 courageously in rescue at Edgware Road.

4 We note, madam, the presence here, quite rightly, of
5 at least five of the relevant public services involved
6 in the immediate aftermath of these incidents.

7 Absolutely rightly, they are here. They are publicly
8 funded, of course, by a very different route, but they
9 are publicly funded, without the slightest difficulty,
10 because they have control of their budgets and they are
11 here. So the need of the survivors to have some kind of
12 equality of arms -- not that this is a contest, and not
13 that this is an adversarial hearing, it's probably
14 a mistake even for me to mention equality of arms, but,
15 madam, you see the parallel I am seeking to draw. It's
16 not a legal point about equality of arms. Their need
17 for legal representation to facilitate the presentation
18 of the assistance they can give to this inquest will be
19 apparent.

20 Now, I promised to keep it to headlines and I have
21 drifted from headlines, I am sorry. But I hope madam
22 can see potentially the force of the submissions they
23 can make.

24 For today, may I simply make a sequencing
25 submission, and that is that we put in written

1 submissions along these lines and more, and the
2 invitation to you, madam, is to make a ruling that they
3 are properly interested persons under rule 20(2)(h)
4 before April. Otherwise, the problem is that they
5 cannot then effectively contribute to your decision
6 about scope.

7 I know that your counsel has very eloquently
8 indicated a sequence that is scope first, recognition as
9 interested parties second. The problem with that will
10 be that, of course, if you rule -- and you might -- that
11 scope is narrow and there is not going to be a very
12 substantial hearing in the autumn, going into important
13 background issues, then that's it, and the survivors
14 will not have been able to make their contribution to
15 that really quite critical decision to them.

16 So, madam, we invite you to a timetable which is
17 tight. We most willingly comply with it, and within the
18 next few weeks or any tighter timetable, we will provide
19 written submissions, but we would be most grateful for
20 a ruling on that question so that then we can clarify
21 funding issues, because recognition is vital to the
22 obtaining of public funding which they so much need.

23 LADY JUSTICE HALLETT: Two points there, Mr O'Connor. One,
24 would your submissions be focusing on what different
25 interests the survivors have from the bereaved families?

1 Because, as I understand it, your instructing solicitors
2 have been representing the group of bereaved families
3 and survivors to date.

4 MR O'CONNOR: Madam, it will, and we see the force of that.
5 Of course, it has a slightly unattractive angle from the
6 point of view of the survivors in the sense that, if one
7 does conclude -- and we hope not -- but if one does
8 conclude, well, effectively their interests are looked
9 after through the representation of the bereaved, they
10 feel downgraded. I mean, their interest doesn't feel
11 then as genuine as that of the bereaved. That is
12 a factor we would be inviting you to bear in mind.
13 But we will certainly focus on the different
14 contribution they can make and the different need they
15 have for funding, I agree.

16 LADY JUSTICE HALLETT: The second point is this: as you are
17 well aware -- and I hope everybody present is aware --
18 I cannot personally grant public funding; if only
19 I could, life would be so much simpler. But I have
20 sought assurances that all applications for public
21 funding will be dealt with expeditiously. May I make it
22 plain now that if anybody finds there are problems and
23 things are taking too long, I want to know, because
24 I have been given an assurance and I have been given
25 a number of other pieces of information that may or may

1 not be the same as what you have been told.

2 For example, I have been told that whether or not
3 I designate the survivors as properly interested persons
4 at the moment is not necessarily going to exclude their
5 getting public funding. If I finally decide that they
6 are not properly interested persons, then any funding
7 certificates that might be granted would be removed, but
8 their getting public funding is not dependent on my
9 designating them as properly interested persons now.

10 That is what I have been told.

11 MR O'CONNOR: Madam, we are very grateful for that news. It
12 is, of course, positive.

13 LADY JUSTICE HALLETT: I think the Legal Services Commission
14 would prefer it if I dealt with the matter before they
15 considered any applications, but they have said that
16 it's not in itself an obstacle to public funding.

17 MR O'CONNOR: We are getting used to reading the runes of
18 communications from the Legal Services Commission. That
19 may or may not mean in the end that we are successful,
20 of course.

21 LADY JUSTICE HALLETT: I think the other thing I should say
22 is, when I was told that it is not an obstacle my not
23 having ruled as to whether they are properly interested
24 persons, I was told that, if a certificate was granted
25 and then I said that the survivors are not a properly

1 interested group, the lawyers would not get paid for the
2 work done under, let's call it, a provisional
3 certificate.

4 But I assume that, given you and your instructing
5 solicitors will be working hard on behalf of everybody
6 in any event, that should not be a problem.

7 MR O'CONNOR: Madam, this is not, of course, the occasion --
8 I am most grateful for everything that you are very
9 kindly telling us. It is, I feel, sensitive to everyone
10 being here and it's not a fruitful topic to spend
11 everyone's time discussing closely.

12 LADY JUSTICE HALLETT: The point about raising this is that
13 it is a very real matter of concern for me, because
14 there are still families who I think don't understand
15 the process, who haven't yet got legal advice, and I am
16 very concerned that we should focus everybody's minds on
17 how helpful it might be for them, and, of course, the
18 inquest process itself, if they did consider trying to
19 get legal representation.

20 I know Mr Smith has discussed this matter with
21 a number of families. I don't know if your instructing
22 solicitors, too, have had conversations with families.
23 What we need to do, I think, Mr O'Connor, is to make
24 sure that everybody present today and anybody reading
25 about this matter who is a member of a survivors' group

1 or a bereaved family understands that it may well be
2 possible to get public funding without putting up any of
3 their own precious resources, which I understand is
4 a worry for some on limited incomes.

5 MR O'CONNOR: May we make an offer? We prepared for our
6 clients a sort of short explanatory pack, if I can call
7 it that, with a reference on also to a document that the
8 organisation Inquest provides online to all bereaved
9 persons in an effort to give a simple explanation of
10 what can and cannot be done in an inquest and, also,
11 I think it touches upon funding issues as well.

12 We can offer to provide that to the solicitor to the
13 inquest for distribution to anyone who is in contact
14 with him who doesn't have legal representation at the
15 moment.

16 If, madam, you want to check it for accuracy, of
17 course you can, but we think it's a very safe and
18 user-friendly document.

19 That might help to disburse any misunderstandings
20 that any other unrepresented bereaved persons have.

21 I make that offer.

22 LADY JUSTICE HALLETT: There may be other firms present who
23 would be prepared to do the same, I am sure.

24 MR O'CONNOR: Yes.

25 LADY JUSTICE HALLETT: What I always ask is, if there is

1 anybody here today who wishes to discuss the question of
2 funding with Mr Smith, who sits here, he is going to
3 stay behind after I have left court and he is very happy
4 to discuss with any family or survivor the question of
5 funding and, with any luck, point them in the right
6 direction.

7 MR O'CONNOR: Madam, may I just try to draw a swift
8 conclusion to the legal aid position?

9 Somehow, through your secretary, hopefully resolve
10 what does seem to be a conflict between what you have
11 been told and what, even today, we have been told by
12 Mr Baker of the Legal Services Commission, somehow
13 through your secretary, may we seek to resolve this once
14 and for all and obtain, if it's in writing, whatever the
15 source of information was for you, madam. It seems
16 mixed messages have been given.

17 LADY JUSTICE HALLETT: It has to be resolved, Mr O'Connor,
18 because I have made it plain to everybody concerned that
19 I do not intend for the families of the deceased or for
20 the survivors to be kept waiting any longer than is
21 necessary for these proceedings to be resolved.

22 So I am not going to have a question of public
23 funding holding matters up.

24 MR O'CONNOR: Madam, thank you. Madam, for the moment, I'm
25 most grateful.

1 LADY JUSTICE HALLETT: Thank you. Who is going next? Does
2 anybody else wish to speak?

3 MS SHEFF: May I go next, please, madam?

4 LADY JUSTICE HALLETT: Yes.

5 Submissions by MS SHEFF

6 MS SHEFF: Madam, I represent two bereaved families on
7 behalf of Sonn Macmillan Walker. They are the families
8 of Miriam Hyman and the families of Lee Baisden.

9 Madam, you have the legal representation at
10 25 February set out in the helpful pack that we have all
11 received. May I make one amendment to that?

12 LADY JUSTICE HALLETT: Of course.

13 MS SHEFF: In respect of the family of Lee Baisden, the
14 client will be his mother, Denise Baisden. Although
15 Paul Groman would, in fact, be considered, we believe,
16 a properly interested person, having been the partner of
17 Mr Baisden, it is, in fact, his mother, Denise Baisden,
18 who has in fact made the formal application, and we
19 believe that both those families will be seen as
20 properly interested persons.

21 With regard to the family of Miriam Hyman, the
22 client is her mother, Mavis Hyman. She is not in court
23 today because she has disability issues.

24 However, I am pleased to say that both her father,
25 Mr John Hyman, and indeed her sister, Miss Esther Hyman,

1 are in court today and are very interested in the
2 process of these proceedings and are instructing us
3 closely.

4 I am also very pleased to say that we have been
5 granted funding, as of yesterday afternoon, by the
6 Ministry of Justice through the Legal Services
7 Commission in respect of Mrs Hyman.

8 We are still awaiting an outcome of consideration of
9 funding for Denise Baisden, and we are very pleased to
10 hear your indication, madam, that you wish these matters
11 to be resolved as soon as possible. We feel the
12 position is very similar, so far as funding is
13 concerned, for Denise Baisden, and, therefore, we are
14 hopeful that there will be a resolution of that issue
15 very shortly and we will be in a position to properly
16 represent both those families.

17 LADY JUSTICE HALLETT: Thank you, Ms Sheff.

18 MS SHEFF: May I just say briefly with regard to the draft
19 directions that, subject to us taking instructions upon
20 the confidentiality undertaking, we see no difficulty in
21 that being given, and, indeed, would recommend that to
22 be given in order to maintain the confidentiality at
23 this stage.

24 As far as the disclosure of the coroners' office
25 reports is concerned, the two reports in respect of the

1 Hyman and Baisden family relate to the Tavistock Square
2 and the Aldgate bombing. We will take instructions as
3 to whether they wish those to be disclosed through us or
4 through the family liaison officer, who we know,
5 certainly in respect of the Hyman family, has maintained
6 contact with them and has been helpful to them
7 throughout and we are grateful to the Met Police for the
8 provision of the family liaison officers in that regard.
9 We also appreciate the opportunity to review the
10 individual report concerning their loved ones' death
11 prior to general release of that part of the report and
12 we will be taking advantage of those seven days granted
13 in advance of general release to review those aspects of
14 the report.

15 LADY JUSTICE HALLETT: Ms Sheff, on that note, I have seen
16 a draft -- a provisional draft of one of the reports and
17 I have to say for an outsider they are extraordinarily
18 distressing documents, as you can imagine. So I do hope
19 that everybody involved in the disclosure process is
20 going to act with extreme sensitivity.

21 MS SHEFF: I am sure that will be the case, madam. I know
22 that currently, certainly so far as the Hyman family are
23 concerned, there has been very little disclosure of the
24 actual individual circumstances, only a brief outline is
25 known, and I am sure they will appreciate a further and

1 full copy of all that is known by the
2 Metropolitan Police and any other interested parties who
3 are able to add to that report.

4 The submissions that, madam, you have been invited
5 to require for the next hearing concerning the five
6 outstanding issues are, of course, those which are at
7 the core of the discussions that will be held on the
8 next occasion, and we propose to submit on all those
9 issues in advance of the hearing and subject to your
10 ruling as to when those submissions should be filed.

11 Can I say, so far as paragraph (v) is concerned in
12 that section, I understand my learned friend
13 Mr O'Connor's point regarding the funding in respect of
14 the survivors and the status of those survivors, but
15 unless you wish me to address that issue today, I would
16 prefer to take full instructions from my clients as to
17 their views regarding that status.

18 LADY JUSTICE HALLETT: Of course.

19 MS SHEFF: We can then deal with it in legal argument
20 regarding the scope of the inquest.

21 LADY JUSTICE HALLETT: Do I take it from that observation
22 that -- as I understood it, Mr O'Connor was asking me to
23 rule that the survivors should be treated as properly
24 interested parties before any hearing in April or
25 whenever I decide it's to be, I think on the basis I was

1 supposed to do so on just representations from anybody
2 representing survivors. Do I take it you might possibly
3 wish to make representations yourself?

4 MS SHEFF: We are not currently instructed on that matter.
5 We don't represent any survivors. I understand what you
6 were saying earlier, madam, regarding the fact that this
7 may be an issue, that the Legal Services Commission may
8 consider relevant. I don't wish to make any specific
9 submissions today. I have seen the arguments set out,
10 but they were only received last night. Therefore, we
11 haven't had the opportunity to take full instructions
12 upon them.

13 We certainly don't propose at this stage to offer
14 any objection to Mr O'Connor's arguments, although we
15 can see an alternative status, if one can put it that
16 way, for the survivors in the form of witnesses rather
17 than as interested parties.

18 But that is not an argument that we have fully
19 developed or even partially developed at this stage.

20 LADY JUSTICE HALLETT: I am grateful, thank you.

21 MS SHEFF: Madam, as far as the briefing pack that
22 Mr O'Connor suggests is concerned, the representatives
23 of Sonn Macmillan Walker intend to stay behind
24 afterwards and discuss the matter with Mr Smith, with
25 whom we have had a great deal of contact, and, again,

1 it's been of a very helpful nature, and we would
2 certainly be prepared to assist in any direction that
3 Mr Smith thought would be helpful to offer our services
4 to any other representatives of the deceased who wish to
5 have legal representation.

6 Can I also say that both myself and my instructing
7 solicitor are available for the proposed pre-inquest
8 review commencing on 26 April as has been provisionally
9 set down.

10 LADY JUSTICE HALLETT: Thank you very much.

11 MS SHEFF: Thank you.

12 LADY JUSTICE HALLETT: Looking along, Mr Saunders?

13 Submissions by MR SAUNDERS

14 MR SAUNDERS: Madam, I appear this afternoon on behalf of
15 Mrs Lynne Harris, along with Mr Carlton from Russell
16 Jones & Walker. Mrs Harris is the mother of Lee Harris
17 who died at Kings Cross. He was there on that day with
18 his partner of some 14 years, Ms Sam Badham. At the
19 moment, we do not appear for her but have been in
20 regular contact with her sole surviving relative, her
21 sister.

22 Madam, I am not going to go into any detail. We are
23 grateful to Mr Keith and those who assist him for the
24 advance notice of what we have been told to date and it
25 clearly helps all.

1 In relation to the questions that he has suggested
2 be answered, may I answer in this way? On behalf of
3 Mrs Harris, an application will be formally submitted on
4 Monday of next week. We are aware -- and again grateful
5 to those who instruct Ms Sheff -- that one application
6 has to date already been granted and we are hopeful that
7 there will not be delay.

8 May I mention further the undertakings? We believe
9 that they are sensible undertakings that are sought, but
10 again, we will normally reply to your solicitor to the
11 inquest, Mr Smith, with any and full agreement.

12 LADY JUSTICE HALLETT: Just pausing there, Mr Saunders, I am
13 just a bit concerned about timing. If those
14 undertakings aren't agreed very soon, it affects the
15 whole sequence of disclosure.

16 MR SAUNDERS: Can I come on to my next point, because I am
17 about to deal with that very problem?

18 Mr Keith has explained to you that the suggestion
19 for disclosure, clearly as far as the HARRISES are
20 concerned, it is Kings Cross. We are really concerned
21 that if the report is not going to be available until
22 early April and the sensible suggestion of a seven-day
23 period for each individual family to be fully appraised
24 and advised in relation to their bereaved and
25 submissions have to be with your solicitor and counsel

1 seven days before the hearing, I am sure, madam, you can
2 already see the problems that we envisage in terms of
3 disclosure, because clearly we -- and our focus,
4 representing Mr and Mrs Harris, is Kings Cross.
5 So we see already a problem with any slippage, even
6 if it is early April. There are already problems
7 obvious to all.
8 Now, I don't think the question of undertakings will
9 take long at all. We will obviously take the
10 opportunity today, Mrs Harris is here, it may be we can
11 go through those matters with her at the conclusion of
12 these proceedings.
13 So I don't think that is a problem at all. Having
14 already had a chance to speak with her before we came in
15 to your court.
16 So I don't see that as the problem. What I see as
17 the difficulty for the whole of the question of 26 April
18 is sufficient disclosure in advance to be able to deal
19 with those matters.
20 LADY JUSTICE HALLETT: So you are questioning the timing of
21 the next hearing?
22 MR SAUNDERS: Yes, I am, because clearly it's not just --
23 the immediate question that will be required of your
24 ruling is resumption, but I am sure what most,
25 especially those seated behind me, will have in mind is

1 scope. As Mr O'Connor said, whether it's to be narrower
2 or wider, clearly that could take some time once
3 disclosure is made available.

4 LADY JUSTICE HALLETT: I understand that obviously before
5 you make submissions on such an important issue you must
6 have proper time to consider the material. I am just
7 questioning, as you speak, the extent to which these
8 scene reports are going to assist you in making
9 submissions on the question of scope and resumption,
10 given all the enquiries that have taken place to date.

11 Now, I appreciate that I may well receive
12 representations that the enquiries that have taken place
13 to date haven't been full enough or haven't asked the
14 right questions, but they have gone into a certain
15 amount of the background and a certain amount of the
16 background is now known, and at the moment I am just not
17 following why it is that it is the detail of the scene
18 reports which are going to hold up your ability to make
19 submissions on whether I resume, and, if so, the scope.

20 MR SAUNDERS: It may well be that many of those matters we
21 can address in advance of the reports, but may I simply
22 explain, as Mrs Harris and I were discussing earlier,
23 she -- and one of the things that she and her husband
24 are most anxious to understand is what happens
25 immediately before and in the immediate aftermath, and

1 so, for that very question, forgive me for using the
2 analogy of a narrower type of scope, that's what the
3 family that I represent really want to know.

4 So that sort of detail I can't address until I know
5 in some detail what the scene report is actually going
6 to disclose, because that -- and in many ways some of
7 that detail isn't covered either in the May 2006 or the
8 2009 committee inquiry.

9 But it may be that the police in their
10 investigations into the individual bereaved will deal
11 with it in some way. It may be that it answers many of
12 the questions the bereaved families have. That is why
13 I mention it in that respect.

14 Clearly there are others with other matters, such as
15 resumption, we will be in a position to consider in
16 advance of the scene reports.

17 LADY JUSTICE HALLETT: So in other words it's not saying the
18 dates are impossible; it's saying I can't guarantee that
19 we will be ready?

20 MR SAUNDERS: Yes.

21 LADY JUSTICE HALLETT: I understand, Mr Saunders, I am
22 grateful.

23 MR SAUNDERS: Madam, may I make two other very short points,
24 I hope? Firstly, I would invite you today to set
25 a provisional date for the inquest. It's been mentioned

1 by Mr Keith, again, of the autumn. But one of the
2 things that the bereaved families want to know is when
3 are they likely to have an inquest if you rule
4 resumption will take place. I would respectfully invite
5 you today to set a date -- it can only be a provisional
6 date, we all understand. It depends on first your
7 decision whether it will be resumed.

8 But if that is going to be the position, and there
9 is going to be an inquest, no matter what the scope, it
10 would help, clearly not just the lawyers, but more
11 importantly, those bereaved families who would like to
12 have a date and a target to which they can see, if not
13 finality, at least understanding of when it's going to
14 start.

15 I would invite that to happen today, please.

16 May I say again, echoing what Mr O'Connor and
17 Ms Sheff have said, Mr Carlton will again assist, he has
18 already with Mr Smith, and will continue to do so and
19 will be available today.

20 Madam, is there anything else I can assist with at
21 this stage?

22 LADY JUSTICE HALLETT: No, thank you very much, Mr Saunders.

23 Anybody else? Right, yes?

24 Submissions by MR PATTERSON

25 MR PATTERSON: Madam, Behnaz Mozakka was killed while on her

1 way to work at the Great Ormond Street Hospital and so
2 it's the Kings Cross bombing.
3 With the assistance of Mr Burrough who sits to my
4 right, I am instructed on behalf of the family of
5 Mrs Mozakka. Present today is the daughter, in fact,
6 the widowed husband, and the son will also be making the
7 application in due course.
8 May I echo what has been suggested by Mr Saunders as
9 to fixing a date? May I echo his concerns about the
10 timetable? Having said that, I agree entirely with the
11 suggestion that we can all get started on the written
12 representations in the light of the material already in
13 the public domain and, therefore, although there may be
14 difficulties, particularly in relation to the
15 Kings Cross report, if it doesn't reach us until
16 early April, nevertheless I am sure we will try our best
17 for the 16 April for service of the documents.
18 In relation to the undertakings, again, we
19 anticipate no problem, but we will look at that today,
20 and in relation to funding, the application will be
21 lodged within the next few days and we are very grateful
22 for the indication from yourself, madam, as to the
23 importance of expedition by the Legal Services
24 Commission. Mr Burrough tomorrow is meeting with them,
25 I believe with several sets of solicitors, to deal with

1 funding.

2 In due course, our submissions, I should add, will
3 touch upon the various issues and we will also be making
4 submissions as to the potentially interested parties,
5 and I note the observations already made as to the
6 survivors, and, of course, observations as to the
7 potential for witnesses and evidence to be given by
8 survivors.

9 Nevertheless, we will develop that, if we may, in
10 writing.

11 Madam, unless I can assist further, those are the
12 only submissions I seek to make.

13 LADY JUSTICE HALLETT: Thank you, Mr Patterson. Mr Coltart?

14 Submissions by MR COLTART

15 MR COLTART: Madam, I am represented in this matter by
16 Adam Chapman of Kingsley Napley, who sits to my left.
17 The list of bereaved families that firm represents
18 is on page 1 of the schedule which you have.
19 Added to it should be the name of Grahame Russell,
20 please, at number 5, who is present today with his wife,
21 and their son Philip was killed in the explosion at
22 Tavistock Square.

23 I have only two issues to deal with briefly, if
24 I may. The first is the submissions made on behalf of
25 the survivors by Mr O'Connor. I don't know, in the

1 light of the observations which you made, madam, about
2 the funding position, as to whether he pursues an
3 application for an early ruling in relation to that
4 issue, but if he does, can I invite a discrete timetable
5 for the service of written submissions on that point?
6 Whilst at least some of the bereaved families may
7 not share the views expressed by Mr O'Connor today as to
8 the appropriateness of the survivors being interested
9 persons, formally designated as so at the inquest, it's
10 important to resolve that issue with some clarity for
11 reasons which will be obvious to all.

12 If there is to be a separate timetable, can I invite
13 him to submit first, to which those who wish to respond
14 will reply in due course?

15 Finally this. We have no observations to make on
16 the other directions which have been set. We will make
17 every effort to comply with the hearing date and the
18 directions for the service of other skeleton arguments.
19 We will take swift instructions on the undertakings
20 which are sought. We don't anticipate any difficulty at
21 present.

22 LADY JUSTICE HALLETT: Thank you very much, Mr Coltart.

23 Right, anybody? Yes.

24 Submissions by MR HALL

25 MR HALL: Madam, if the bereaved and survivors' families

1 have spoken, I appear on behalf of the Secretary of
2 State for the Home Department and the Security Service
3 and I have two points to raise briefly.
4 Firstly, the question of the timing of the
5 provisionally booked April preliminary hearing and then
6 a more minor point on the confidentiality undertaking.
7 I do seek to raise, if I may, the issue of listing
8 of the preliminary hearing. We raised it in a letter to
9 the inquest team yesterday, although, I'm afraid, not in
10 writing to any of the other interested or potentially
11 interested persons.
12 The issue is whether there's any flexibility in
13 that.
14 If possible, and without wishing to cause any
15 inconvenience to any of the other persons here, I would
16 invite you to consider fixing it between 4 and 18 May,
17 so between one and two weeks later. I appreciate, of
18 course, the Secretary of State and the Security Service
19 are just one of many organisations and persons before
20 you, madam, but the reason is that both of these parties
21 wish to instruct James Eady QC as leading counsel who is
22 not available until those dates.
23 He has had very detailed involvement in the
24 particular issues raised by these inquests, and in his
25 capacity as First Treasury Counsel has had a great deal

1 of involvement in considering and advising on the impact
2 of these sorts of issues that you are going to have to
3 consider more broadly.

4 I do appreciate that he will be able to settle
5 written submissions in advance of April, but it may be
6 that, madam, you would be assisted from hearing from him
7 on the difficult points involved in scope, in
8 particular, and Article 2.

9 So that is my invitation to you without wishing to
10 cause any inconvenience to any of the other persons
11 here.

12 The second more minor point, madam, is the question
13 of confidentiality undertakings. I do not know if these
14 are intended to apply to public authorities or agencies,
15 but, can I, in the first instance, suggest that the
16 Treasury Solicitor writes to Mr Smith on that discrete
17 point.

18 LADY JUSTICE HALLETT: Certainly, thank you, Mr Hall.

19 Is there any other legal representative who wishes
20 to make submissions? Yes, Mr Hill?

21 Submissions by MR HILL

22 MR HILL: Madam, may I, on behalf of the
23 Metropolitan Police, just make two or three
24 observations?

25 The first is that the family liaison officers, who

1 are obviously part of the Metropolitan Police Service,
2 remain in place as a dedicated team. They were put in
3 place to assist the bereaved and the survivors. They
4 have never been uniquely in place to assist the
5 bereaved, but their function encompasses the survivors
6 or any who wish to use their services.

7 Having been in place intensively, if I may put it
8 that way, between July and November 2005, they have
9 remained in place and they are still a dedicated team
10 headed by a senior officer, available to assist any and
11 all, at whatever stage, and to the extent that it
12 assists in disclosure and dissemination of material, can
13 I underline the availability of the family liaison
14 officer team, if that assists you, madam, Mr Smith and
15 his team?

16 Secondly, with an eye to Mr O'Connor's submissions,
17 can I say this: that whilst it is not a matter for the
18 Metropolitan Police to disclose to either bereaved or
19 survivors, or their representatives, the scene reports,
20 it is the Metropolitan Police Service who are compiling
21 the reports, and so I do speak obviously from a position
22 of knowledge as to what they encompass and what they
23 include.

24 Can I say that the timetable for the service of the
25 four reports has been arrived at in very close

1 cooperation with Mr Smith. The reports were underway in
2 terms of their compilation, in fact, before the inquest
3 team office opened, but since it has opened, we have
4 taken guidance and instruction on the manner in which
5 the reports are to be compiled and we have been able to
6 arrive at an agreed timetable so that everybody who
7 wishes will have available to them all four of the
8 reports before the principal submissions in April.
9 It will come as no surprise to anybody here that
10 each and every one of the four reports includes
11 a summary at the very least of the accounts given, many
12 of them representing very brave interventions by the
13 survivors at all four scenes, and I say that because we
14 do not take, on behalf of the Metropolitan Police, the
15 restrictive view of the draft directions that
16 Mr O'Connor seemed to take perhaps only at first blush.
17 Whilst we recognise that onward disclosure by your
18 team, madam, will be to the bereaved families severally
19 first, it seems to us that the directions clearly
20 envisage disclosure, to use the phrase, to all persons
21 and/or parties, and for what it is worth, and for the
22 assistance that it gives, the Metropolitan Police
23 absolutely agrees that any survivor who is represented
24 at these proceedings and who wishes to have sight of
25 these reports, after the bereaved families, should have

1 sight of those reports, including, as they do, accounts
2 that the survivors themselves provided by way of
3 statements shortly after the events themselves.

4 LADY JUSTICE HALLETT: You said "any survivors represented".
5 Presumably you mean any survivors.

6 MR HILL: Yes, I should correct that, you are right to take
7 me up on it. Subject to the undertaking on
8 confidentiality which we have seen, we haven't drafted
9 it, but we have seen, which we agree, we would say
10 anybody who signs that undertaking should be entitled to
11 see in proper sequence these reports.

12 That leads me to this, because we don't see any
13 difficulty in disclosure, we don't see, for what it is
14 worth, that in fact you, madam, need to determine status
15 as interested person today in order that anybody here
16 today or not can make submissions on resumption and
17 scope. In fact, we would put it the other way round and
18 we would say that you and your team may welcome
19 submissions on principle, guided by the core material,
20 without necessarily having made a formal ruling on
21 interested person status until the end of the April
22 hearing.

23 I say that in the hope that it is of some
24 assistance.

25 We would finally observe this, with an eye to

1 Mr Saunders' submissions. I have given a very obvious
2 indication of what the scene reports are going to
3 include, distressing though much of the content is, as
4 you yourself have observed, but it does seem to us that
5 submissions on principle -- whether limited to
6 resumption or wider than that to scope as well -- can be
7 drafted by all teams, even in advance of sight of the
8 reports, and what we have in mind in particular -- and
9 it's been touched on already -- are the Intelligence and
10 Security Committee reports of 2006 and 2009, which are
11 public documents, and we would envisage that all parties
12 would wish to have a very close eye to the content of
13 those reports in drafting those submissions.

14 Can I finally say this? We are not, the
15 Metropolitan Police, the holders of those reports and in
16 the same way that it is not for us to disclose scene
17 reports, it is for us to provide them to your team for
18 you to decide about onward disclosure. Similarly, it is
19 not for us to make representations about who has access
20 to the ISC reports.

21 We have raised in correspondence with Mr Smith the
22 question of whether, going forward from today, there
23 will be any correspondence, liaison, communication,
24 between you or your office and the committee itself, who
25 are still themselves the holders of their own reports.

1 But can I make it clear, I hope appropriately, that we
2 don't regard that as part of our function. For the time
3 being, therefore, we have our copies of the publicly
4 presented reports and we would envisage using them to
5 make what we hope will be helpful submissions in
6 opening.

7 LADY JUSTICE HALLETT: Thank you very much, Mr Hill.

8 Yes, Mr Khan?

9 Submissions by MR KHAN

10 MR KHAN: Madam, as you might expect, I was a bit reluctant
11 to speak today, recognising, as I do, representing with
12 Mr Mian, the interests of Hasina Patel and the parents
13 of Hasib Hussain, but I thought I ought to say a few
14 words, if they are of any comfort to the bereaved
15 families.

16 It's this: that I recognise immediately the anxiety
17 and the concerns that they have, and whatever
18 involvement my clients have in these proceedings, we
19 will try our utmost to ensure that it's done with
20 sensitivity and with deference to the wishes of the
21 bereaved families, and I simply offer that as comfort to
22 those families, whatever involvement they have.

23 I have no application to be made for funding, and in
24 terms of the directions, we are content to proceed and
25 do as much as we can to assist the inquest.

1 LADY JUSTICE HALLETT: Thank you, Mr Khan. Yes?

2 MR GIBBS: Madam, I speak today on behalf of the British
3 Transport Police. As you know, British Transport Police
4 officers were the first to each of these scenes.

5 We will continue to help you and your team with
6 whatever information you need and we can provide.

7 I have no observations on the proposed directions.

8 We will submit the documents which are required on the
9 dates which you direct.

10 LADY JUSTICE HALLETT: Thank you very much, Mr Gibbs. Yes?

11 Submissions by MS CANBY

12 MS CANBY: Madam, I am Ms Canby and I am appearing today on
13 behalf of Transport for London.

14 LADY JUSTICE HALLETT: Thank you.

15 MS CANBY: If I could indicate that we have no difficulty
16 with the confidentiality agreement as it has been
17 provided to us this afternoon. We would also wish to
18 confirm that Transport for London anticipates that,
19 whatever the scope of any resumed inquest, they would
20 wish to make an application for interested party status
21 under rule 20(2)(h), and it is Transport for London's
22 understanding that the directions that have been
23 provided to us this afternoon, in particular 3(b),
24 includes disclosure being allowed to all potentially
25 interested persons, and so would therefore include

1 Transport for London, and equally understands that under
2 paragraph 4 Transport for London would also be given an
3 opportunity to file written submissions, even though, at
4 that stage, they will not actually be designated as
5 properly interested persons.

6 So, on that basis, have no further observations to
7 make in relation to those directions.

8 LADY JUSTICE HALLETT: Thank you very much, Ms Canby.
9 Anybody else, any other legal representative?

10 Thank you very much.

11 Now, is there any member of a bereaved family who is
12 not represented who wishes to say anything at this
13 stage, raise any questions or -- yes, the gentleman at
14 the back, if you could tell me who you are, please, sir.

15 Other points raised by the public

16 MR ADAMS: My name is Adams, my son, James, was killed at
17 Kings Cross tube.

18 For more than four and a half years, the whole world
19 has known that four sick and evil men killed 52 lovely,
20 innocent people, and yet now lawyers are talking and
21 writing about "apparent bombers". Your inquest is not
22 going to be about 52 "apparent" deaths. It's going to
23 be 52 real deaths caused by four real bombers.

24 I find it very upsetting and insulting and
25 unacceptable to use the word "apparent". If there's

1 some way round this, if you can use their surnames, but
2 not "apparent bombers", please.

3 LADY JUSTICE HALLETT: I understand, Mr Adams.

4 MR ADAMS: I further ask, has this change come about because
5 the legal representatives of the four bombers have
6 approached you and your staff concerning this?

7 LADY JUSTICE HALLETT: No, I have noted your concern and we
8 shall bear it very much in mind in future. Thank you.

9 Is there anybody else who wishes to make any comment
10 who is not represented? Or a survivor? Yes?

11 MRS WEBB: I am Hazel Webb, mother of Laura Webb who died at
12 Edgware Road. I haven't applied for legal
13 representation because I thought I really didn't need it
14 because I could speak if I needed to. So is there
15 a cutoff date at which I can change my mind or have
16 I only got today to decide?

17 LADY JUSTICE HALLETT: There is no official cutoff date, but
18 as you can see, I am determined to keep this process
19 going so that you get some answers as soon as possible
20 because I know how long you have had to wait, and it's
21 things like disclosure of the scene reports that you
22 have heard about. They are going to be very
23 distressing, and it's things like that that legal
24 representatives may be able to help you with.
25 Now, it may be the liaison officers can help you or

1 the counsellors can help, but there will be different
2 issues like that where, if you were represented, it may
3 make your task easier, it may make my task easier,
4 I don't know. So if you are considering applying for
5 funding, I would urge you to do it sooner rather than
6 later.

7 If you then, having got it, decided you didn't want
8 to go through with it, then there is no harm that way,
9 if you see what I mean. But if you don't apply for it
10 and then somewhere down the line you say, "Well, I think
11 now I do want it", I don't want an application of that
12 kind then to hold up the process. That is the
13 difficulty.

14 I have set in place what is a very tight timetable
15 for everybody, given the quantity of the material, and
16 I have done it deliberately because I want to get on
17 with this process because you have waited too long, and
18 if, supposing you eventually decided you wanted funding,
19 supposing it was then refused and supposing you then
20 wanted to challenge that refusal, that would all take
21 time and I wouldn't want to hold up the proceedings for
22 everybody else to allow that kind of process to be
23 completed.

24 So may I suggest you stay behind, talk to Mr Smith
25 and he can explain to you what may or may not be for

1 you -- because it has to be a personal decision -- the
2 advantages or the disadvantages and what you need to do.
3 Would that be helpful? He is very prepared to talk to
4 you. He is independent. He has no axe to grind, except
5 to make sure this process goes through as simply and
6 causing you as least distress as possible.

7 MRS WEBB: Thank you. Can I say one other thing?

8 LADY JUSTICE HALLETT: Of course.

9 MRS WEBB: The bereaved father behind just beat me --

10 LADY JUSTICE HALLETT: Mr Adams?

11 MRS WEBB: -- by saying exactly what I wanted to say.
12 "Apparent bombers" just does not rest easily with me.

13 LADY JUSTICE HALLETT: We have all very much noted that
14 point and we are sorry for any distress caused by the
15 use of that expression, and we will bear it very much in
16 mind.

17 MRS WEBB: Thank you.

18 LADY JUSTICE HALLETT: Is there anybody else who wishes to
19 speak? Yes? You are?

20 MS PARATHASANGARY: Ruth Parathasangary. My husband and I,
21 we lost our daughter, Shayanuja, at Tavistock Square and
22 we never thought (inaudible) or anything like that,
23 because we thought she would go on and no more can we do
24 anything about it. Now we understand, after Mr Smith
25 writing to us, that it would be helpful, so I would like

1 to engage a solicitor, but I would like legal aid
2 because I am not in a position to spend money, so
3 I would like to talk about it today.

4 LADY JUSTICE HALLETT: Of course, I understand. If you stay
5 behind when I have left court and talk to Mr Smith, and
6 as with Mrs Webb, he can explain to you what you need to
7 do and what the system is.

8 MS PARATHASANGARY: This morning I spoke to Mr Smith and he
9 was very kind and he advised me, so I thought I can see
10 him this evening, thank you.

11 LADY JUSTICE HALLETT: Thank you very much.
12 Is there anybody else?

13 All right. Mr Keith, looking at some of the points
14 made.

15 Further submissions by MR KEITH

16 MR KEITH: Yes, may I address you, madam, in relation to the
17 points that were raised sequentially? Before I do so,
18 may I say plainly that I take responsibility for
19 referring to the four men as "apparent bombers".

20 I entirely understand the point made by Mr Adams and
21 Mrs Webb. I must balance that which may seem to be
22 obvious with not wishing to prejudge the issues, and it
23 is my responsibility, for which I apologise if it has
24 caused distress.

25 In relation to Mr O'Connor's point, the first point

1 logically which he raises is that of disclosure of the
2 scene reports. Mr Hill is quite correct. The
3 directions were not designed to prevent disclosure to
4 persons whom, in your discretion, you would see fit to
5 disclose such documents. They are designed to deal with
6 the undertakings and to deal with the seven-day
7 preventive position in relation to disclosure of the
8 most sensitive part of the reports.

9 So in your discretion, you may, of course, permit
10 disclosure to other potentially properly interested
11 persons if they make applications to you to that effect,
12 and the directions are not designed to exclude that
13 possibility. Indeed, in my opening submissions
14 I referred expressly to the possibility that there would
15 in due course be disclosure to potentially properly
16 interested persons.

17 LADY JUSTICE HALLETT: Well, on that point, Mr Keith, do you
18 suggest that I ask for any further representations other
19 than from Mr O'Connor as to whether I should now say
20 that, as far as I am concerned, any survivor who wishes
21 to see the report, subject to the timing, sequential
22 disclosure, should be able to do so, or is everyone
23 content that I just indicate that that is my decision?

24 MR KEITH: Could you indicate, please, that that is your
25 decision, but make it subject to a written application

1 by, of course, such survivors that may wish to have
2 disclosure of the documents and, of course, the
3 undertaking which Mr Smith has drafted.

4 LADY JUSTICE HALLETT: Very well. There will be disclosure
5 to any survivor who asks for it on a written application
6 to Mr Smith, provided, of course, they sign the same
7 undertaking which is eventually agreed.

8 MR KEITH: The second issue raised by Mr O'Connor is a more
9 difficult one, which is, of course, the
10 interrelationship between being a properly interested
11 person and funding. I don't propose to address you in
12 relation to the merits of the underlying application,
13 which was, of course, that the survivors should be
14 designated under rule 20(2)(h). That is plainly an
15 issue which must be held over until April when the wider
16 anterior legal issues have been resolved.

17 There is certainly a respectable argument to the
18 effect that they are properly interested, and true it is
19 that both bereaved and survivors have a right to effect
20 an investigation.

21 You may, however, wish to hear argument in due
22 course as to whether or not, however, their interests
23 are identical, and of course, survivors have no right to
24 give evidence but will undoubtedly assist the inquest
25 process by virtue of their ability to give evidence, and

1 it may be that the legal rights that they have to an
2 effective investigation may be met through the giving of
3 evidence. Those are issues which you will have to
4 consider in due course.

5 For present purposes, it would plainly assist
6 Mr O'Connor to have some sort of provisional indication
7 as to his client's position.

8 It may, however, be the case that designation as
9 a properly interested person is not in fact
10 determinative of whether or not funding is permitted.
11 It's quite plain, as, madam, you said, that if in due
12 course you rule that a particular applicant is not
13 a properly interested person, then there will be no
14 funding available. The converse does not necessarily
15 follow.

16 In fact, the guidance issued by the
17 Lord Chancellor's department makes it clear that the
18 decision on funding is not dependent on a ruling on
19 whether or not a person is a properly interested person,
20 but is, in fact, dependent on guidance as to whether
21 either there is a significant, wider public interest in
22 having that person funded, and therefore represented, or
23 exceptionally whether or not the investigative
24 obligation under Article 2 requires funding to be
25 provided.

1 Of course, your views will be of assistance and the
2 guidance makes plain that a coroner's views may be
3 material, but the guidance also makes clear that it's
4 not determinative, and, indeed, there is nothing in the
5 guidance which obliges the Lord Chancellor's department
6 to seek your views in advance of a decision on funding.
7 So, in other words, your designation, if you were to
8 give it, is not conclusive of the position on funding,
9 but of course, it is linked, so may I invite you to take
10 this step?

11 Because Mr O'Connor has quite properly raised this
12 issue: there may be other persons, other survivors, who
13 would wish also to consider this issue. They will read
14 the transcript of today's hearing. So may I invite you
15 to ask Mr O'Connor to provide further information --
16 perhaps within 14 days -- as to the nature of his
17 application, because, of course, you will need to
18 consider in due course the proper basis of each
19 individual survivor? They are all unique, different and
20 distinct, and it does not necessarily follow that,
21 because one survivor can establish a legal right to play
22 a role as a properly interested person, that another
23 survivor equally succeeds.

24 In particular, you would need to be satisfied in due
25 course that their role as survivor cannot properly be

1 met through the ability to give witness evidence, and of
2 course, it is obvious that almost all the survivors will
3 be giving evidence or be invited to give evidence in
4 some form, shape or other.

5 So for all those reasons, may I invite you to invite
6 Mr O'Connor to provide a further, more substantive
7 application in relation to the basis of his application,
8 providing details as to why the interests of the
9 survivors need to be met in this way and also invite him
10 to provide information as to whether or not your views
11 on rule 20(2)(h) are, in fact, determinative of the
12 funding position, because if in due course it becomes
13 apparent that funding is not determinative on your
14 ruling, then that does not necessarily mean that their
15 interests cannot be met either through counsel or
16 solicitors appearing pro bono, and, indeed, the mere
17 fact that a party is not a properly interested person
18 does not preclude them in a general sense from making
19 submissions before you at any time.

20 So, for all those reasons, can I invite you to ask
21 Mr O'Connor to provide further details of his
22 application, and that will also, if it's 14 days, allow
23 other survivors, if they wish to make a similar
24 application, to write to Mr Smith as well.

25 LADY JUSTICE HALLETT: What do you envisage thereafter? If

1 Mr O'Connor says that he can make his application within
2 14 days, are you envisaging another hearing in relation
3 to this issue alone, or are you envisaging that the
4 decision for the designation of properly interested
5 persons awaits the April hearing, if it is April?

6 MR KEITH: I think it will depend on the answer in relation
7 to the link between designation and funding. If, in
8 fact, a fuller examination of the position from the
9 Lord Chancellor's department is that a decision on
10 a properly interested person really will determine the
11 position of funding, and the funding position will
12 therefore be delayed if you don't rule on the issue,
13 that will be a very strong indicator of you having to
14 make a decision before April.

15 Conversely, if the link is weaker, it may be that
16 the issue needn't be determined until April, by which
17 point, of course, you will have an opportunity of
18 hearing submissions on scope.

19 LADY JUSTICE HALLETT: Mr O'Connor, on that issue, before
20 returning to the rest of Mr Keith's submissions, 14 days
21 for you to make a detailed application in relation to
22 the survivors?

23 Further submissions by MR O'CONNOR

24 MR O'CONNOR: Madam, we entirely agree, both with personal
25 details and with any quasi-legal argument as to why

1 rule 20(2)(h) applies to them as distinct from others
2 and what contribution they can make.

3 May I add to that, though, and suggest that we send
4 basically the same submissions, though they are not
5 submissions, in the same formal sense, to the Legal
6 Services Commission at the same time, because there is
7 such an overlap here. Not determinative, I entirely
8 accept my learned friends have no doubt satisfied you,
9 not determinative, but everyone is agreeing these are
10 connected issues. It's all which comes first. We want
11 to break that cycle.

12 May I just add finally that the mixed messages that
13 are being given by the Legal Services Commission are
14 causing unnecessary distress to our clients, and all we
15 ask is that, informally and behind the scenes, if we may
16 be allowed to ask you, madam, for your assistance in
17 writing, in breaking any logjams; you seem to have
18 indicated you would be available and willing to do that.

19 LADY JUSTICE HALLETT: Certainly.

20 MR O'CONNOR: It is very unfortunate that different things
21 are being said to different people in these very
22 sensitive times.

23 Madam, may I add about the adjournment, that
24 unfortunately we do object, we don't want to cause
25 problems to anyone else, but on a very cursory enquiry

1 of those clients of ours who are here, who are
2 professional people and many of our clients are
3 professional people, we know they have arranged their
4 affairs, both at work and holidays, my junior has done
5 so also, with her family, so that everyone is available
6 for this hearing. So it's not just an emotional point,
7 though that is real, they don't want things put off;
8 madam, you don't want things put off.

9 Most powerfully, your decisions are going to be
10 influenced, not by the emotion of oral advocacy, but
11 really by the hard content of the written submissions,
12 and Mr Eady will make a powerful contribution on paper
13 if, truly, he is not available. So that is what we say
14 about an adjournment.

15 LADY JUSTICE HALLETT: Thank you, Mr O'Connor.

16 Well, Mr Keith, 14 days, then, we can add to the
17 directions list that Mr O'Connor or those instructing
18 him, and/or his junior, will provide within 14 days of
19 today detailed written submissions on any application by
20 any particular survivor as to why they should be
21 designated a properly interested person.

22 MR KEITH: Thank you very much.

23 LADY JUSTICE HALLETT: If I need to hold a hearing between
24 the receipt of those submissions and the next hearing,
25 on that issue alone, I shall do so.

1 Further submissions by MR KEITH

2 MR KEITH: Thank you, madam.

3 May I then turn to the issues raised by Mr Saunders
4 echoed to some extent by the submissions advanced by
5 Mr Hall?

6 Of course, there may be difficulties in relation to
7 whether or not all the potentially properly interested
8 persons will be ready to advance full submissions by the
9 date in April, given the anticipated chronology for the
10 service of the report.

11 But it seems to me, with respect, that the arguments
12 that are likely to be raised in April can, to a very
13 great extent, be mounted on the basis of information
14 that is already available in the public domain,
15 including, of course, the official account, the
16 London Assembly report and the two Intelligence and
17 Security Committee reports.

18 Mr Saunders' point that, of course, the detail of
19 the scene reports will be directly relevant to
20 a particular deceased is of course a good one, but that
21 will not of course prevent him, or those who instruct
22 him, from being able to advance broad and general
23 submissions tailored at a later date, if necessary, to
24 the individual detail contained in the individual scene
25 reports, if, in fact, they are received late.

1 In relation to the April hearing date generally,
2 a considerable number of practical arrangements have
3 already been made, I should say, in relation to the
4 provision of a courtroom being made available to hear
5 that hearing, if you so order it. For our part, we
6 would certainly invite you to continue to proceed
7 towards that provisional date. If difficulties are
8 encountered in due course, well, of course, those are
9 matters that you can consider as and when they arrive.

10 In relation to Mr Hall's arguments --

11 LADY JUSTICE HALLETT: Let's deal with that matter now,
12 Mr Keith. I am satisfied that we should stick to the
13 timetable that I have indicated to the families of the
14 bereaved and the survivors, and so, unless there are
15 insuperable problems, the next substantive hearing of
16 these directions will be April 26 to 28.

17 MR KEITH: Thank you.

18 In relation to Mr Hall's submissions, I am sure that
19 the Secretary of State will be extremely well served by
20 Mr Hall if Mr Eady is not available and --

21 LADY JUSTICE HALLETT: I have dealt with that in my ruling.
22 I am afraid Mr Eady, if he is not available, will have
23 to make his submissions in writing and I am sure Mr Hall
24 will convey them to me.

25 MR KEITH: Mr Saunders also raised the question of whether

1 or not you could give a provisional date for inquest
2 were you to decide to resume them all. I have addressed
3 you in my opening submissions in relation to the
4 likelihood that, if you do so order, they will be in the
5 autumn. It is quite possible that the autumn commences
6 near the beginning of October but I don't wish to
7 prejudge any issue, but an indication that autumn is
8 around that time will, I am sure, be of some help to all
9 the lawyers as well as the bereaved families in order
10 that they can put their affairs in order.

11 LADY JUSTICE HALLETT: I am certainly prepared to say that
12 as far as I am concerned, I have always envisaged that
13 by the "autumn" I mean commencing the inquest, if
14 I decide to resume, in October, if at all possible.

15 MR KEITH: Thank you.

16 Finally, in relation to the issue of whether or not
17 there needs to be some amendment to the draft
18 undertaking to accommodate the fact that the undertaking
19 will be sought from public authorities that is a matter
20 that can be dealt with, I am sure, by way of
21 correspondence.

22 Madam, those are the only issues that I wish to
23 address you on in response to the arguments that you
24 have heard this afternoon.

25 LADY JUSTICE HALLETT: Do you have anything else? You did

1 mention earlier, Mr Keith, about distribution of the
2 scene reports. Are you satisfied that everything has
3 been dealt with as far as they are concerned?

4 MR KEITH: We are so satisfied.

5 LADY JUSTICE HALLETT: Thank you very much.

6 Very well, in which case I make the directions as
7 set out in the draft directions with the addition of the
8 direction that the survivors who wish to be designated
9 as properly interested parties should submit written
10 submissions within 14 days.

11 I appreciate there has been an awful lot of
12 procedural discussion amongst the lawyers. I don't know
13 if there are any other matters that members of the
14 bereaved families or the survivors wish to raise? Yes?

15 NEW SPEAKER: When will you be making your decision about
16 when to resume the inquest?

17 LADY JUSTICE HALLETT: April.

18 NEW SPEAKER: Thank you.

19 LADY JUSTICE HALLETT: Yes, Mr Adams?

20 MR ADAMS: Could you make a comment as to whether you are or
21 are not going to give any consideration into not using
22 the words "apparent bomber" in the future.

23 LADY JUSTICE HALLETT: We will definitely consider it and we
24 will see if we can come up with a phraseology that
25 doesn't cause you distress.

1 MR ADAMS: Thank you very much.

2 LADY JUSTICE HALLETT: Thank you for raising it. It's
3 obviously a matter that has caused others distress as
4 well.

5 MR ADAMS: Thank you.

6 LADY JUSTICE HALLETT: Does anybody else have anything they
7 wish to raise today? Yes, the gentleman there?

8 MR RUSSELL: My name is Grahame Russell. My son Philip died
9 at Tavistock Square. Can I have your opinion on whether
10 you believe that counsel acting for survivors and for
11 the bereaved family is a conflict of interest?

12 LADY JUSTICE HALLETT: I am afraid I can't give any opinion
13 on that. What will happen is that those representing
14 the survivors, if they are also representing the
15 bereaved families, will obviously consider their own
16 position. It's their professional duty to do so.

17 I know Mr O'Connor well, and I know he will be very
18 conscious of that as something he needs to consider and
19 I am sure his solicitors will too.

20 As far as whether or not it becomes apparent that
21 there is any conflict of interest, when we see the
22 written submissions, it will be easier then to detect
23 and it would also, I am sure, I have no doubt, occur to
24 Mr O'Connor as he drafts them to see whether or not
25 there is any conflict.

1 MR RUSSELL: Thank you.

2 LADY JUSTICE HALLETT: All right. Does anybody else have

3 anything they wish to raise? Yes, Mr Coltart?

4 Further submissions by MR COLTART

5 MR COLTART: In relation to that last point, could I ask for

6 a period of 14 days within which to respond to

7 Mr O'Connor's submissions before you reach any

8 provisional view in relation to this particular issue?

9 LADY JUSTICE HALLETT: I don't intend to rule on whether or

10 not any survivor may be designated as a properly

11 interested person without giving other parties an

12 opportunity of making submissions either orally and/or

13 in writing.

14 MR COLTART: I am very grateful. Can I say that we will

15 respond in writing? It will be within that time period.

16 LADY JUSTICE HALLETT: Thank you very much, Mr Coltart.

17 Thank you all very much.

18 (3.47 pm)

19 (The hearing adjourned)

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