

THE THIRLWALL INQUIRY

BROADCASTING & LIVE-LINKS APPLICATIONS ORDER PURSUANT TO SECTIONS 18 & 19 OF THE INQUIRIES ACT 2005

This Order is made pursuant to sections 18(2) & 19 of the Inquiries Act 2005 ("the Act").

UPON the Inquiry holding a Preliminary Hearing on live-streaming and broadcasting on 16 May 2024 and the Chair giving her Ruling on Livestreaming on 29 May 2024;

AND UPON the promulgation of the Media Broadcast Protocol dated 2 August, and the Chair giving her Ruling on the inclusion of Paragraph 11 of the Media Broadcast Protocol on 2 August 2024;

AND UPON the applications for Special Measures leading to the two Restriction Orders (for Part A and Part B respectively) made under ss.17 and 19 of the Act on 5 August 2024;

AND UPON applications being made by the deadline of 30 August 2024 for: (i) access to a private live-link to view a video feed of the Inquiry; and/or (ii) access to a broadcast-quality live-link and associated permission to broadcast excerpts of that broadcast-quality live-link to the public-at-large in accordance with the strictures of the Media Broadcast Protocol;

AND UPON the Chair considering all such applications for live-links and permission to broadcast;

AND SUBJECT TO any other orders made, or to be made, pursuant to section 19 of the Act:

IT IS ORDERED THAT:

1. The organisations, and only those organisations, listed in **Paragraph 1 of ANNEX A** shall have permission to broadcast pursuant to s.18(2) of the Act, on condition that they strictly comply with the Media Broadcast Protocol appended to this Order at **ANNEX B**.
2. All such organisations listed in **paragraph 1 of ANNEX A** shall be given access by the Inquiry to both the Regular Live Link (to the individual email addresses requested in their respective applications) and, upon providing their technical information required for point-to-point transfer, to the Broadcast-Quality Live-Link (as both defined in the Media Broadcast Protocol).
3. The applicants listed in **paragraph 2 of ANNEX A**, beyond those who sought and have been granted permission to broadcast in paragraph 1, will be granted access to the Regular Live Link only. For the avoidance of doubt, and pursuant to paragraph 9 of the Media Broadcast Protocol at **ANNEX B**, under no circumstances may any of the applicants listed in **paragraphs 1 or 2 of ANNEX A** in any way, whether by video or audio recording or screenshots or photographs of a screen, record the Regular Live Link.
4. The applications of the applicants listed in **paragraph 3 of ANNEX A** are refused.
5. All access and broadcast permissions granted by this order are conditional upon observance of the Media Broadcast Protocol at **ANNEX B** and revocable at the discretion of the Chair.

Broadcast in breach of the Protocol or by a person not being listed in **paragraph 1 of ANNEX A** is prohibited.

Penal Notice

Any breach of this Order, failure to comply with it or threat to do so, can be certified to the High Court or the Court of Session under section 36 of the Act. A Court will deal with any breach, failure to comply, or threat of failure to comply as though it had occurred in proceedings before that Court.

The High Court and the Court of Session have the power to imprison or fine for any breach of this Order.

Rt Hon Lady Justice Thirlwall DBE

Inquiry Chair

6 September 2024

Updated 10 September 2024

Updated 13 September 2024

Updated 19 September 2024

Updated 10 October 2024

ANNEX A

1. Paragraph 1

- 1.1. LBC, Heart, Smooth, Capital Radio (Global)
- 1.2. The Sunday Times
- 1.3. The Chester Standard
- 1.4. Sky News
- 1.5. Press Association
- 1.6. The Guardian
- 1.7. The Daily Mail, The Mail Online, The Trial podcast
- 1.8. The Telegraph
- 1.9. Channel 4
- 1.10. ITV Granada Reports
- 1.11. The Independent
- 1.12. BBC
- 1.13. Tortoise Media
- 1.14. 5 News
- 1.15. ITN
- 1.16. Reuters

2. Paragraph 2

- 2.1. Nursing Times
- 2.2. Financial Times
- 2.3. The Daily Mirror
- 2.4. Times Radio (News UK)
- 2.5. Private Eye
- 2.6. The Times
- 2.7. Yahoo!
- 2.8. Australian Broadcasting Corporation
- 2.9. The Sun
- 2.10. Health Service Journal
- 2.11. Greatest Hits Radio
- 2.12. Nursing in Practice
- 2.13. Daily Express
- 2.14. GB News
- 2.15. Nursing Standard

3. Paragraph 3

- 3.1. Mephitis (Peter Elston)
- 3.2. Blast Films
- 3.3. Nick of Time Productions
- 3.4. DragonFly Productions
- 3.5. ITN Productions

ANNEX B

Copy of Media Broadcast Protocol dated 2 August 2024

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MEDIA BROADCAST PROTOCOL

1. This Protocol relates to the broadcast of clips of video footage of Inquiry proceedings ('clips'). In general, permission for the broadcast of clips of Inquiry proceedings by accredited media will be granted under s.18(2) of the Inquiries Act subject to the terms of this Protocol and any other orders made by the Chair under section 18(2) and/or 19 of the Inquiries Act 2005. This Protocol should be read in conjunction with the Chair's Ruling on livestreaming / live links dated 24 May 2024.

Access to the Regular Live-Link

2. Media organisations (including individual freelance journalists) must make a written application to view proceedings via a live link ("the Regular Live Link"). The written application must be submitted to the Solicitor to the Inquiry (Solicitor@thirlwallinquiry.co.uk, cc'd to media.enquiries@thirlwallinquiry.co.uk).
3. The application must set out:
 - 3.1. the name of the media organisation and its named journalists (or the name of the individual freelance journalist) who wish to receive the Regular Live Link.
 - 3.2. confirmation that all named journalists are resident in the United Kingdom;
 - 3.3. brief reasons for the application (e.g. to report on the hearings for news programming);
 - 3.4. confirmation that each named journalist will sign and return to the Inquiry a copy of the Written Confirmation appended to this Protocol, confirming notice and acceptance of its terms.
 - 3.5. whether the media organisation seeks permission under s.18(2) of the Inquiries Act 2005 to broadcast clips (i.e. to record, edit and publish audio and/or video footage whether by broadcast or through digital media) to the public at large.
4. Applications must be made in advance of the start of the Inquiry hearings and by no later than 30 August 2024. Late applications from media organisations and/or freelance journalists will only be considered in exceptional circumstances.
5. The Regular Live Link will be provided only to the named applicant journalists who have successfully applied for access and returned to the Inquiry a signed Written Confirmation confirming they understand and will comply with this Protocol and are aware of relevant restrictions on reporting that may apply. Those who make a successful application will be treated as 'accredited media'. The Regular Live Link must not be shared with others.

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6. The Inquiry must be notified at least 24 hours in advance of any change to the name of an applicant journalist for an accredited media organisation that wishes to receive the Regular Live Link. Any new applicant journalist must return a signed Written Confirmation and confirm they are resident in the UK before they will be provided with the Regular Live Link.

Conditions for Broadcasting Clips

7. Accredited media organisations who make a successful application for access to the Regular Live-Link, who are also granted permission by an order made under s.18(2) of the Inquiries Act, will receive access to a separate broadcast-quality live link from RTS ("the Broadcast-Quality Live-Link").
8. Accredited media organisations with express permission granted under s.18(2) may record the Broadcast-Quality Live Link, for the purpose of editing and broadcasting clips from that transmission to audiences, but subject to the conditions set out below:
 - 8.1. all broadcasts must adhere to any restriction orders or notices made under section 19 of the Inquiries Act 2005, and any reporting restrictions imposed by the Crown Court;
 - 8.2. all broadcasts must comply with the conditions ordered by the Chair pursuant to s18(2) of the Inquiries Act 2005 and recounted in this Protocol;
 - 8.3. all broadcasts must comply with, and not circumvent, any orders made by the Chair granting a witness special measures;
 - 8.4. the broadcast of clips must constitute or be a part of a fair and accurate report of Inquiry proceedings;
 - 8.5. the broadcast of clips must only be used for news, current affairs and factual programming or in the news sections of websites. They must not be used for drama or light entertainment;
 - 8.6. any footage shown by the Inquiry will bear a prominent watermark which makes clear that Crown Copyright subsists. This watermark must be retained on any clips that are broadcast; and
 - 8.7. no advertising may appear on any broadcast clip, whether overlaid on top of the broadcast clip or by preceding or interrupting the clip when published online or otherwise.
9. Under no circumstances may any person in any way, whether by video or audio recording or screenshots or photographs of a screen, record the Regular Live Link, unless working for the Inquiry or expressly authorised by the Inquiry to do so.

Number of Clips and Rebroadcast

10. Each accredited media organisation may broadcast clips of legal submissions, including opening and closing statements, without any limit as to length.

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11. In general, in respect of any given outlet or title operated by a media organisation, broadcasts of clips of witness evidence will be limited to no more than 5 minutes per day for any individual witness. This restriction can be varied or disapplied upon application to the Chair, and shall not apply if a witness confirms in writing their consent to broadcast of their evidence in full.
12. Any footage that is made available to broadcast by the accredited media for news programming or in the news sections of a website may continue to be broadcast and/or be re-broadcast at a later date by the original accredited media that broadcast it. This is subject to compliance with this Protocol and ensuring that the clips are not used for drama or light entertainment programming.
13. Permission is not given for media organisations that are not accredited by the Inquiry to broadcast or re-broadcast clips.

Security, Distribution and Deletion

14. Each accredited media organisation (including for these purposes, journalists, other employees or contractors) agrees that – save for inclusion in its broadcasts – it will make no onward distribution to any third party of any unedited video footage of Inquiry proceedings that is held for the purpose of creating clips.
15. Any accredited media organisation that will hold or process Inquiry unedited video footage must have appropriate security measures to ensure that their systems, and the data within them, are not at risk of being compromised. The unedited video footage must only be stored and processed in the UK. If required, a media organisation should be capable of explaining to the Inquiry the security measures it has in place for holding unedited video footage in the United Kingdom and how those measures comply with standard information security guidelines.

Role of the Inquiry

16. The Inquiry legal team will not advise accredited media organisations about what clips are, or are not, suitable for broadcast, including whether they are compliant with this Protocol.
17. Each media organisation is responsible for ensuring that each clip broadcast does not breach a Restriction Order, Court Order, or other legal or regulatory requirement.

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Breach of the Protocol

18. Accredited media organisations must provide the Inquiry with named contacts who are contactable in urgent cases with the power to suspend a broadcast which is suspected of being in breach.
19. In the unlikely event an accredited media organisation is considered to have breached this protocol, the Inquiry may:
- 19.1. amend the terms of this protocol as it applies to media organisations;
 - 19.2. review the accreditation of a particular media organisation or journalist;
 - 19.3. review, suspend or terminate the accredited media organisation's permission to broadcast clips under this protocol;
 - 19.4. take appropriate enforcement action under s.36 of the Inquiries Act 2005 or seek any other legal sanction, including seeking remedies for breach of copyright.

August 2024

APPENDIX: Form of Written Confirmation

Journalist's Name: _____

Media Organisation representing (if any): _____

Email address: _____

Mobile telephone number: _____

I confirm all of the following statements are true:

- (a) I am ordinarily resident in the United Kingdom.
- (b) I am aware of the terms of the extant reporting restriction orders made in the Crown Court and Court of Appeal in *R v Letby*.
- (c) I agree to abide by any orders made by the Inquiry under ss.17-19 Inquiries Act 2005, and the terms of the Media Broadcast Protocol.
- (d) I am aware that the Regular Live Link may not be recorded in any way, including by screenshot or photograph.

Signed: _____

Date: _____