

IN THE MATTER OF AN INQUIRY

UNDER THE INQUIRIES ACT 2005

THE NOTTINGHAM INQUIRY

RULING ON BROADCASTING/ LIVESTREAMING

Invitation to make submissions

1. On 23 September 2025, I invited submissions from Core Participants and major print, online and broadcast media organisations with an interest in covering the Nottingham Inquiry on the extent to which I should provide for viewing of the Inquiry’s public hearings, beyond providing for physical attendance, to discharge the open justice principle as reflected in section 18 of the Inquiries Act 2005.
2. CPs were asked to consider in their submissions open justice and the benefits of transparency, the objective of achieving best and candid evidence from witnesses giving oral testimony, technological and financial factors, and the ability to build-in adequate protections to ensure compliance with undertakings, confidentiality and any restriction notices or orders made under s.19 of the Act.

The statutory framework: Sections 17 – 19 of the Inquiries Act 2005

3. The relevant part of Section 17, subsection 17(3) states:
“In making any decision as to the procedure or conduct of an inquiry, the chairman must act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others)”
4. Section 18 provides
“(1) Subject to any restrictions imposed by a notice or order under section 19, the chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able: -
 - (a) to attend the inquiry or to see or hear a simultaneous transmission of proceedings at the inquiry;*
 - (b) to obtain or to view a record of the evidence and documents given, produced or provided to the inquiry panel.**(2) No recording or broadcast of proceedings at an inquiry may be made except–*
 - (a) at the request of the chairman, or*
 - (b) with the permission of the chairman and in accordance with any terms on which permission is given.*

Any such request or permission must be framed so as not to enable a person to see or hear by means of a recording or broadcast anything that he is prohibited by a notice under section 19 from seeing or hearing.”

5. Section 19 provides, as relevant:

- “(1) Restrictions may, in accordance with this section, be imposed on—*
- (a) attendance at an inquiry, or at any particular part of an inquiry;*
 - (b) disclosure or publication of any evidence or documents given, produced or provided to an inquiry.*
- (2) Restrictions may be imposed in either or both of the following ways—*
- (a) by being specified in a notice (a “restriction notice”) given by the Minister to the chairman at any time before the end of the inquiry;*
 - (b) by being specified in an order (a “restriction order”) made by the chairman during the course of the inquiry.*
- (3) A restriction notice or restriction order must specify only such restrictions—*
- (a) as are required by any statutory provision, assimilated enforceable obligation or rule of law, or*
 - (b) as the Minister or chairman considers to be conducive to the inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).*
- (4) Those matters are—*
- (a) the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;*
 - (b) any risk of harm or damage that could be avoided or reduced by any such restriction;*
 - (c) any conditions as to confidentiality subject to which a person acquired information that he is to give, or has given, to the inquiry;*
 - (d) the extent to which not imposing any particular restriction would be likely—*
 - (i) to cause delay or to impair the efficiency or effectiveness of the inquiry, or*
 - (ii) otherwise to result in additional cost (whether to public funds or to witnesses or others).*
- (5) In subsection (4)(b) “harm or damage” includes in particular—*
- (a) death or injury;*
 - (b) damage to national security or international relations;*
 - (c) damage to the economic interests of the United Kingdom or of any part of the United Kingdom;*
 - (d) damage caused by disclosure of commercially sensitive information.”*

The Options

6. There is no specified method of discharging the duty imposed by s.18(1)(a), and each Chair makes the decision taking into account the particular subject matter, circumstances and arrangements for each Inquiry, in the context of the provisions of sections 17 – 19 of the Inquiries Act.
7. In order to give all concerned the fullest range of options upon which to make submissions, in the invitation for submissions I set out the following for consideration:

Option 1: Not to provide remote transmission and to satisfy the duty by providing for physical attendance by the public and the Media;

Option 2: To provide for a private live-link, whereby simultaneous transmission of proceedings can be viewed by invited persons only, to include CPs, the Media, and potentially a limited number of members of the public in return for undertakings;

Option 3: To live-stream to the public at large, such as by way of a YouTube channel, including potentially providing a public archive of all evidence sessions for some period after the live-stream has concluded.

8. I received submissions from CPs and from the Inquiry legal team. I have taken account of all the submissions made, whether they are specifically referred to in this Ruling or not.

Significant features of this Inquiry

9. Before moving to the Options, when considering the provisions of s.17(3) and s.18(1), amongst the overall background I have borne in mind the following specific features of this Inquiry, all of which I consider relevant to and which underpin the decision I make:
- a. Its importance to the Bereaved Families and Survivors, their wider families and circle.
 - b. That it will consider factual and expert evidence on a wide range of issues, and make recommendations based upon that evidence on matters of profound, longstanding, and current public concern.
 - c. That it is the first public inquiry into the broader issues raised in the Terms of Reference since the Clunis Inquiry in 1994, a period of over 30 years.
 - d. That it comes at a time when the Mental Health Bill making changes to the Mental Health Act is passing through the legislative process, with Codes of Practice to follow.
 - e. Its importance to a wider group of victims of attacks with similar features.
 - f. Its importance to VC's family and a wider group of relatives of perpetrators of similar attacks (some of whom are also within the category of victims).
 - g. Its importance to the city of Nottingham, not only as the location for the attacks, but arising from the involvement of Nottingham hospitals, police, University and council as CPs.
 - h. The location of the Inquiry hearings in London.
 - i. That the Inquiry will not be divided into parts or sections, and oral evidence will be taken in continuous hearings in an order designed to assist public understanding.
 - j. The complexity and technical nature of some of the issues raised.
 - k. The importance of obtaining evidence of non-professional witnesses, including students and neighbours who had contact with VC prior to the attacks.
 - l. Wider context evidence of other similar cases, where Article 8 rights of those involved need to be considered.

Option 1: Provision of public access to the hearing, transcripts and documents.

10. Whilst there may be Inquiries in which the obligation under s 18(1)(a) could be discharged fairly and reasonably by the provision of physical access alone, in the circumstances of this Inquiry, **Option 1** would not, in my view be sufficient in itself to achieve the necessary public access to the evidence in the Inquiry commensurate with the importance of the issues, taking into account open justice and transparency, in the context of the features I have set out above. As anticipated this Option did not receive any support from Core Participants.
11. The Inquiry will of course sit in public at Mary Ward House, Tavistock Place, London, in a hall large enough to accommodate all CPs and legal teams, support services and the media, and to provide public gallery seating space for the public to attend. In addition, the duty under section 18(1)(b) will be met by the daily publication of transcripts of the oral evidence along with documentary evidence referred to during the hearings on the Inquiry website to which the public have access.

Options 2 and 3

12. Within the Submissions there are different uses of terminology by CPs to describe the two Options. For clarity, when I refer to what is proposed (in addition to attendance by public in the hearing room)
 - a. **Option 2** means a private live-link to CPs, the media, and potentially limited individual applicants only subject to application and undertakings. This could also provide an archive for access by those with the live link.
 - b. **Option 3** means livestreaming to the public at large by way of a YouTube channel or similar. This would provide an archive of recorded evidence accessible by the public for as long as it remained on YouTube.
13. In relation to **Option 2**, three options were included in the invitation to make submissions on any limitations to broadcasting by the Media.
 - a. Not to permit broadcast at all (“the Default Option”);
 - b. To permit broadcasting in part and/or by some Media and/or with conditions attaching to the permission (“the Conditional Option”);
 - c. To permit broadcasting by all Media without any conditions beyond adherence to Restriction Notices or Restriction Orders under s.19 of the Act (“the Unconditional Option”).

Responses from CPs

13. I received submissions from all CPs, other than, understandably, the Royal College of Psychiatrists. I will refer in more detail to the submissions of the Bereaved Families and Survivor groups in due course, as further oral submissions were made on their behalf at the Preliminary hearing.
14. Of the other CPs, there was expressed support for both **Options 2 and 3**, with acknowledgement of the need for exceptions for s.19 restriction orders, and a delay in livestreaming in relation to **Option 3** as follows.
 - a. Those indicating more support for **Option 2**: Celeste and Elias Calocane, Nottinghamshire Health Care Trust (potentially supporting **Option 3** depending on the views of other CPs), Nottingham University, the group of 8 Media Organisations, and PA Media. None of the above objected to **Option 3** in their written submissions, and having heard the oral submissions strongly in favour of Option 3 on behalf of the Bereaved Families and the Survivors, made no submissions against this Option.
 - b. Those indicating more support for **Option 3**: Chief Constables of Nottinghamshire and Leicestershire, individual Leicestershire police officers, and the Ministry of Justice.
 - c. Those indicating no preference: Department of Health and Social Care, Nottingham City Council (both expressing a commitment to open justice and accessibility), NHS England (but indicating no objection to **Option 3**), and the Crown Prosecution Service.

A fine balance

15. I have set out the positions of CPs above, but this decision is not a numerical exercise, and nor do I accept that there is an established practice applicable to Inquiries in general. Despite a reliance on and recitation of the approach taken in other ongoing Inquiries, the more nuanced position of the Bereaved and Survivors groups, and the approach taken by Inquiry counsel reflect the difficulties inherent in both Options in this Inquiry and the balance necessary to be achieved.
16. It is right to bear in mind at this stage that CPs have not received all the evidence, (although institutional CPs are each aware of the extent of the evidence requested from them and those for whom they have responsibility). In the update provided by Counsel to the Inquiry, Miss Langdale KC at the Preliminary hearing CPs were given an outline of the evidence requested, received to date and yet to be received. Initial submissions on the ambit of the more sensitive areas by the Bereaved Families and Survivors were therefore made without that context.
17. In their written submissions the Bereaved Families proposed that I should adopt Options 2 and 3 for different parts of evidence to the Inquiry, the most sensitive evidence being subject to Option 2: (i) evidence of the attacks on 13 June 2023; (ii) the immediate emergency response (ii) subsequent medical treatment of victims and the impact on Survivors and the Bereaved Families; and the remainder live-streamed in accordance with Option 3 except where it is necessary to revert to Option 2. The Survivors expressed support for both Option 2 and Option 3, with a preference for

Option 3. Both advocated some restrictions on broadcasting within Option 2. At the Preliminary hearing both groups expanded on their submissions.

Advantages and disadvantages of Option 3

18. I take Option 3 first as it provides the maximum expression of the open justice principle, and is strongly supported by the Bereaved Families and Survivors along with other CPs. It is worth noting that despite the number of Inquiries which have adopted the Option 3 approach, and partly no doubt due to the fact that most are ongoing, no follow-up analysis or research has been done of the effect of doing so across the range of subject matter and restrictions. It would undoubtedly be of assistance to future Inquiries if that analysis and research were done. As it stands, there now appears to be an assumption that because the ability to livestream now exists which enables maximum reach and measures can be taken to minimise the difficulties, that should be the preferred option.
19. It is therefore important to set out in relation to this Inquiry that there are both advantages and disadvantages arising from an adoption of Option 3 as the default position, which may have future consequences.

The advantages

20. The advantages are maximum reach and fullest content. This is important for the following reasons.
21. The Inquiry is being held in London but all acknowledge the importance of the people of Nottingham having greater access to the Inquiry which affects their city. The livestream would also reach those who have an interest in the subject matter of the Inquiry arising from their own experience of homicide by mental health patients, including those who have filled in the Questionnaires, and would also reach those involved in mental health provision not necessarily included in any live feed provided to CPs.
22. In the course of oral submissions two further points emerged from the Bereaved Families' group and Survivors. Firstly, on behalf of the Bereaved Families, the fact that they have extended families in Ireland, Canada and India as well as the West Country and Nottingham who wish to be able to access the Inquiry. On behalf of the Survivors, that as a result of his medical condition Wayne Birkett may need to access the evidence in his own time and in a manner and at a place which allows him best involvement.
23. Mr Moloney KC also contended, citing non-streamed parts of the Southport Inquiry evidence, that leaving the coverage to the Media, did not always lead to full and representative coverage.
24. The experience of the Bereaved Families and Survivors has been of a lack of transparency and consequent accountability. They submit that the maximum coverage of Option 3 allows "sunlight to be the best disinfectant".

The disadvantages

25. Option 3 will need effective legal management by way of directions, s.19 restriction orders and other special measures for particular witnesses. There is recognition even by CPs supportive of Option 3 that it imposes a greater burden in respect of s.19 restriction orders and special measures for witnesses. It should therefore be expected that the support of institutional CPs for this option indicates they will not be seeking more in the way of s.19 restrictions or special measures for witnesses than under Option 2, but that remains to be seen.
26. There will have to be a highly effective and responsive technological response to ensure that a complex range of restrictions to prevent disclosure of any material which should not be disclosed, are enforced in live hearings in a way which is not disruptive of the course of evidence, and thereby the understanding of the public. CPs for the most part advocate a delay in transmission ranging between 3 and 15 minutes.
27. The structure of this Inquiry differs from Inquiries where there is a division of subject matter into discrete sections, which enables a simpler bright line approach to the question of which types of evidence are subject to Option 2 or 3. It is instructive, for example that the approach to the sensitive areas of evidence outlined by Mr Moloney KC on behalf of the Bereaved Families, does not match that of the Survivors. For the Survivors, Miss Benyounes submitted that the evidence of the attacks and response on 13 June 2023 should be livestreamed to inform the public on the issues of the preventability of the attacks on the Survivors and the effectiveness of multi-agency working.
28. It was submitted on behalf of both the Bereaved Families and Survivors, that this Inquiry does not share certain sensitivities of the identities of children with the Thirlwall or Southport Inquiries. I raised with Mr Moloney KC the evidence in the wider context of similar cases, the potential for that evidence to concern those under a disability, and the potential for infringement of the Article 8 rights of those involved in those cases. He submitted that a hybrid Option 3/Option 2 approach could effectively negate this problem.
29. The structure of this Inquiry, with a Timeline of events leading up to the attacks on 13 June 2023 requires evidence about a number of previous incidents involving VC. In order to put the incidents in context, a mix of evidence will be given from non-professional witnesses, such as his fellow students and his neighbours, alongside evidence from the police and health professionals. Restrictions and special measures will be required by non-professional witnesses, but unlikely to be so for professional witnesses. The evidence will therefore need to be subject to rigorous directions and management.
30. As was acknowledged in the rulings on this issue in both the Thirlwall Inquiry and Southport Inquiry, there is very little evidence as to the effect of broadcasting or livestreaming on gaining best evidence from witnesses. In *R (Wagstaff) v Secretary of State for Health* [2001] 1 WLR 292, the Court took judicial notice of the benefits of taking evidence in public rather than in private (including the benefit of holding witnesses to account by comparing accounts, so that responsibility cannot be dodged),

but the marginal benefits to the quality of evidence of Option 3 over Option 2 in conjunction with sitting in public with a public record (such as online transcripts, documents, evidence, and witness statements on the Inquiry website) are less obvious.

31. Although the issue of obtaining best evidence also lacks research in relation to Inquiries, experience in other proceedings involving evidence concerning similar issues to those which arise in this Inquiry, in particular the criminal courts, is instructive. Whilst sentencing remarks in the Crown Court can now be broadcast, the evidence of witnesses cannot. There are many reasons for this, but there is a recognition that broadcasting such witnesses, particularly lay witnesses, would have a degree of adverse effect both in terms of their willingness to give evidence, and on the quality of their evidence. That is not a consequence only of the adversarial nature of Crown Court proceedings. Sir Adrian Fulford, chair of the Southport Inquiry, recently noted that the price of live-streaming and its wider audience was the probability that it would increase the nervousness of some witnesses. From experience, that is inevitably the case.
32. It was submitted on behalf of the Bereaved Families that the public are best enabled to understand the Inquiry proceedings by the availability of Option 3. Nonetheless, whilst live-streaming has the benefit of reach, there remain disadvantages in the lack of provision of context and understanding through a trusted interlocutor in the form of a professional reporter at a regulated outlet. The importance of professional and trained journalists in reporting long and complex proceedings goes well-beyond making information available to the public, and the public benefit in fair and accurate contemporaneous reports of proceedings is not automatically satisfied by making them available to all by way of livestream. There will undoubtedly be aspects of the evidence given to the Inquiry which are highly technical in nature and where the public would benefit from context and explanation where the reporting is held to a high professional standard.
33. Livestreaming of video footage on YouTube has significant risks relating to reuse and misuse of footage. In contrast to Option 2, Option 3 enables access by persons who are unknown to the Inquiry, anywhere in the world (including those who may be, or think they are, beyond the mechanisms of enforcement that the Inquiry might have in respect of its footage), and who have given no undertakings to respect restrictions imposed under s.19 of the Act. Unlike Option 2 where even the Unconditional Option for broadcast retains some mechanisms of redress that can be exercised against responsible broadcasters who are given permission under s.18(2), Option 3 has no such restraints.
34. The intended, and even casual cruelty enabled by the anonymity afforded by an unregulated Internet is increasingly accepted as having a chilling and corrosive effect in many areas of public life. Counsel to the Inquiry referred to some examples relating to other Inquiries, which I raised with Mr Moloney KC, involving use of extensive footage, clipping to provide misleading memes, repackaging and commentary on streamed evidence with derogatory comments, and the trivialisation of the serious matters under consideration in the Inquiry. His submission was that these instances are rare, and have not resulted in disruption to the work of Inquiries, and should not prevent this Inquiry adopting Option 3.

The advantages and disadvantages of **Option 2**

The advantages

35. To some extent in addressing the disadvantages of Option 3 I have highlighted the advantages of Option 2. A live link would enable both CPs and accredited media from across the country access to the proceedings wherever they chose to be. The link option could be extended to named individuals, but this would require the provision of undertakings as to confidentiality. It would also be possible to set up a designated hearing or viewing room in Nottingham enabling members of the public to view the hearings over a designated private link, with undertakings to obviate the need for a delay.
36. As I have set out in paragraph 36 above, there are advantages in the understanding of the public of sometimes complex evidence in having provision of context and explanation by a professional reporter at a regulated outlet in fair and accurate contemporaneous reporting.
37. There would be no need for a delay in the link to ensure that no material was broadcast that was subject to restrictions. Overall, Option 2 is likely to reduce the number and range of applications for s.19 restrictions. If the natural consequence of permitting evidence to be broadcast on YouTube is that more onerous restrictions on naming witnesses and/or special measures are required, then the open justice principle will not have been correctly served. There has rightly been no suggestion by any CP that Option 2 would not meet the obligation under s.18(1).
38. Perhaps most importantly, Option 2 allows the Inquiry more oversight and control on use and misuse of the footage for the reasons previously discussed.

The disadvantages

39. As compared to Option 3, Option 2 has less reach and accessibility by the public at large.
40. For good reason, this Inquiry is not being held in Nottingham. This makes the easy accessibility of the Inquiry to the people of Nottingham of particular importance. Wider public interest and that of particular groups is engaged for the reasons which I have set out earlier. Section 17 requires me to have regard to the need to avoid any unnecessary cost, whether to public funds or to witnesses or others. Whilst transcripts and press reporting would be available, attendance to follow the Inquiry in person by those with a legitimate and particular interest, even if not witnesses, would require them to incur travel costs, even if an alternative viewing room were provided in Nottingham.
41. In addition, as I have already referred to above, the Bereaved Families and Survivors have wider family and circles within and outside the UK who would be unable to follow the proceedings without individual links. The accessing of an archive of an individual link is more difficult than a publicly available channel.

Decision on Option 2 or Option 3.

42. After consideration of all the factors and submissions set out above, I have concluded that a hybrid of Option 3 as the default option for evidence (as well as for Opening and Closing statements), and Option 2 for certain categories of evidence, best serves the open justice obligation under s.18 in the circumstances of this Inquiry. Whilst the wide public interest in these proceedings is satisfied by a livestream, equally, there is a public interest in retaining the option of no livestreaming for some sensitive material and evidence, and to ensure s.19 restrictions are enforced. For that reason I impose a 10-minute delay on the livestream.
43. Flexibility will have to be exercised as the evidence is evaluated, and I will keep matters under review. However, at this stage I consider that it is possible to schedule the evidence to ensure the least interference with the livestream. In that regard I indicate that the following categories of evidence should in principle not be live streamed and subject to restrictions as appropriate under s.19:
- a. Sensitive evidence relating to:
 - i. evidence of the attacks on 13 June 2023;
 - ii. the immediate emergency response;
 - iii. Subsequent evidence on the impact on Survivors and the Bereaved Families.

For the reasons set out by Miss Benyounes, some evidence relating to the attacks and immediate emergency response should be livestreamed under Option 3, and the precise ambit of that can be addressed in due course.
 - b. Evidence of non-professional witnesses including neighbours and students as to previous incidents involving VC.
 - c. Evidence relating to other similar cases which may involve Article 8 rights.

44. To ensure that they can view the evidence (including evidence which is not livestreamed) remotely and without any delay, a private live link should also be provided to the Media and CPs with undertakings being required of all. This is necessary in relation in particular to the Option 2 evidence. I have had regard to *R v Sarker* [2018] 1 WLR 6023 at [32(iii)(b)] which provides the reason for not requiring press undertakings as being concern at avoiding the risk of strict liability contempt under s.2 of the Contempt of Court Act 1981. As CTI submits, no such protection obtains in respect of reports of a public inquiry under the Act, and enforcement of quasi-contempt is limited to the circumstances in s.36 of the Act. Undertakings serve to provide an enforceable back-stop in cases where the Inquiry is not protected by the general law of contempt in the same way as a court.

Broadcasting

45. Insofar as the Inquiry proceedings are livestreamed under Option 3, I intend to grant a general permission to broadcast under s.18(2) of the Act, subject only to the following conditions:

- a. Broadcasters must abide by any restrictions made under s.19 of the Act or any special measures ordered for witnesses;
 - b. Broadcasting must be part of a fair and accurate report of the Inquiry's proceedings, and may not be used for drama, comedy, light entertainment or other programming that does not concern reporting and discussion of the news or current affairs.
 - c. The subject matter of these proceedings is serious and deserves respect. No advertising should be overlaid upon, or should interrupt or immediately precede or follow, broadcast clips of the Inquiry's proceedings.
46. Where a s.19 order is made for evidence to which Option 2 should apply, such that the hearing is not livestreamed, I will consider whether that evidence can be broadcast at all, and if so, whether further conditions should obtain.
47. Separately to the private live link which is provided to the Media and CPs, the Inquiry will provide to broadcasters (upon application) access to a broadcast quality link which will be managed by the Inquiry AV provider.

Deborah Taylor
Chair
10 November 2025.