

HEARING PROCEDURES

INTRODUCTION

1. A document entitled "General Procedures" was issued by the Inquiry in 14th February 2011. Paragraph 1.4 of that document sets out the procedures to be followed at the stage at which oral evidence is being gathered. The purpose of this further document is to develop the procedure outlined previously.
2. The Chairman will retain discretion as to what questioning may be allowed in any particular circumstances but it is expected that the procedure will be as set out below.

OPENING STATEMENTS

3. The Inquiry will start with an opening statement by Ms Anyadike-Danes QC. A written copy of the opening statement will be made available on the Inquiry website by Friday 4th November.
4. Ms Anyadike-Danes QC will also make case-specific statements at the beginning of each section of the Inquiry relevant to each individual child. Any party who wishes to do so, and who has notified the Chairman of that fact, may make a case-specific oral opening statement at these times. These will be time-limited to one hour.

ORAL EVIDENCE

5. The nature of the Inquiry, as its title suggests, is more inquisitorial than adversarial. It is not; therefore, appropriate to allow unlimited cross-examination by counsel or others. On the other hand, the Chairman does not want to follow the very restrictive line taken in some other inquiries to the effect that the role of counsel for the interested parties is reduced so much that they ask no questions or virtually no questions.
6. Accordingly, the procedure will be as follows:
 - (i) Any witness who faces potential criticism will be notified of that fact in writing in advance of being called to give oral evidence. In the event that the proposed criticism comes from the Inquiry, the Inquiry will set out the areas of criticism in a confidential letter to that party or witness. In the event that the proposed criticism comes from another person or party, that person or party will also set out the areas of proposed criticism in writing and send that in writing to the Inquiry, who will forward the letter to the person or party who it is intended to criticised (or their representative).
 - (ii) The initial questioning of each witness will be conducted by one of the counsel to the Inquiry.
 - (iii) Any interested party who wants particular topics, issues or lines of questioning to be raised with a witness should provide them in writing to Inquiry counsel in advance. In general, Inquiry counsel will need a minimum of 72 hours notice but less may be acceptable if further points then arise from the evidence of other witnesses. It is emphasised that the obligation to give written notice is a continuing one.

- (iv) After Inquiry counsel has finished his/her questioning, the Chairman may permit further questioning by a legal representative of any party directly affected by the evidence of the witness. (By way of example, this means that in Adam's case there may be questioning of a medical witness by representatives of Adam's family, the Belfast Trust and any legal representative of the witness).
- (v) When considering any request for permission to question a witness, the Chairman will consider whether any new issues or matters will be raised and, if they are not, the reasons why any questioning should be permitted. In any event, any questioning of the witness beyond that of Inquiry counsel must not duplicate or repeat previous questioning of that witness. Such questioning may also be time-limited.
- (vi) It is intended that only legal representatives of interested parties directly affected by the evidence of a witness will be allowed to question that witness. (By way of example, it is not intended that legal representatives of Adam's family will be permitted to question witnesses in Raychel's case).
- (vii) If absolutely necessary, there may be final questioning by counsel for the Inquiry.
- (viii) The Chairman retains discretion to allow or refuse questioning or further questioning of any witness.
- (ix) A party will only be allowed to call a witness to give evidence with the permission of the Chairman. Such permission must be sought in writing at the earliest opportunity and at least 28 days in advance of the proposed start date of the section of the Inquiry to which it is suggested that the evidence of the witness is relevant. The request must be accompanied by a written statement of the evidence which the witness may give. If the witness is an expert witness then all reports, statements, letters, e-mails and other documents written by or on behalf of the proposed witness must also be provided.

CLOSING SUBMISSIONS

- 7. It will be helpful for the Chairman to receive written closing witness submissions from the interested parties summarising their position in light of the evidence which has been presented. It will also be helpful for time-limited oral closing submissions to be made by those parties who wish to do so in which they highlight their main issues and respond to issues raised in other closing written submissions.
- 8. At this stage it is not certain that time or money will be available for closing submissions but if they are, then the following procedure will apply:
 - (i) Closing written submissions will be received by the Inquiry by the date set towards the end of the public hearings.
 - (ii) Those submissions will be placed on the Inquiry website.
 - (iii) A date will then be set for oral closing submissions.

SITTING TIMES

9. Subject to any special circumstances, the Inquiry will generally sit each week from Monday to Thursday from 10 am to 4 pm with a break for lunch between 1 pm and 2 pm daily.