

## **Protocol on the Questioning of Witnesses in Oral Hearings under Rule 10 of the Inquiry Rules 2006**

### **Introduction**

1. This Protocol sets out the approach to questioning witnesses at the Inquiry's hearings in April 2025. The Inquiry's aim is to ensure a fair, effective, and transparent questioning process in line with Rule 10 of the Inquiry Rules 2006.
2. This Protocol should be read in conjunction with the Protocol for the April 2025 Hearing, which can be found on the Inquiry's website.

### **Rule 10 of the Inquiry Rules 2006 - who can ask questions?**

3. Under Rule 10(1) of the Inquiry Rules 2006, as a general rule, only Counsel to the Inquiry or the Inquiry panel (in this case, the Chair) may ask questions of a witness giving oral evidence at an Inquiry hearing. This is because a public inquiry is not a trial where two sides are presenting arguments; it is an investigatory process.
4. In the vast majority of cases, witnesses will therefore be asked questions by Counsel to the Inquiry and, on some occasions, by the Chair. However, in line with Rule 10, the Chair may permit the Recognised Legal Representatives (RLRs) of Core Participants and witnesses to ask some further questions of witnesses at the end of Counsel to the Inquiry's questions. This will be determined by the Chair on a case by case basis. For example, the Chair may allow further questioning by an RLR where she has decided that such questioning will allow a particular witness to give their best evidence.
5. Any such questioning, if permitted, may be subject to time limits or to other conditions to be decided by the Chair. The questioning will be limited to the

particular issue(s) or lines of questioning for which permission has been granted. If the Chair permits one RLR to ask questions, it does not follow that all RLRs will be granted permission. As such, where more than one RLR considers, for example, that an issue has been insufficiently addressed, the Chair may only give permission for one of them to pose questions.

## **Provision of Evidence**

6. Before each hearing, Core Participants who have a direct interest in the issues which the hearing relates to will receive a hearing bundle containing relevant witness statements and documents that may be referred to within the hearing. These bundles will be available electronically via a secure document-sharing platform.
7. The Inquiry intends to provide Hearings bundles at least **4 weeks** before the hearing date, allowing Core Participants and their RLRs sufficient time to review the evidence and prepare their questions.

## **Submission and Review of Questions**

8. If RLRs do wish to submit lines of questioning or issues that they consider a particular witness should be asked about, these must be submitted to the Inquiry no later than **7 days** before the hearings commence.
9. Lines of questioning should be submitted in the form set out at the Annex to this protocol by email to the Inquiry Solicitors team [legal@lampardinquiry.org.uk](mailto:legal@lampardinquiry.org.uk). Pursuant to Rule 10(5), the form is to include:
  - a. A clear, succinct description of the issues to be raised with the witness;
  - b. A clear explanation of the relevance of those issues to the particular witness;
  - c. Where applicable, a list identifying any document(s) and specific parts of documents to be shown to the witness in relation to each issue or

line of questioning. These should be identified by reference to Inquiry document identification numbers or, in the case of a transcript of a previous hearing, by date, page and line numbers.

- d. Questions should directly relate to the evidence in the witness hearing bundles. Each question must reference the relevant evidence within the hearing bundle.
10. Questions submitted for consideration less than 7 days before the hearing, will only be considered in exceptional circumstances, and must be accompanied by an explanation for the late submission and a justification. In instances of late applications, the Chair will not permit the recovery of costs for preparing the late questions or for making the late application.
  11. Safe receipt of proposed lines of questioning will be acknowledged by email. Counsel to the Inquiry will consider all such questions carefully to assess their relevance and appropriateness but will not revert to the RLR unless there is a particular need to do so, for example to clarify a matter raised. Counsel may recommend questions to the Chair, who has sole discretion over whether any will be posed to the witness. The questioning of witnesses will proceed in accordance with the Chair's determinations.
  12. This Protocol does not apply to unrepresented Core Participants. However, the Inquiry is keen to ensure that those who engage with it can participate meaningfully. Any unrepresented Core Participant who wishes to raise matter of concern or questions in respect of a witness who is providing evidence to the Inquiry should contact the Inquiry by email on [contact@lampardinquiry.org.uk](mailto:contact@lampardinquiry.org.uk) or by leaving a voicemail on 0207 972 3500. A member of the Inquiry team will be in touch to discuss the issues and ensure that these are drawn to the attention of Counsel to the Inquiry. This support is procedural and is intended to assist unrepresented Core Participants in engaging with the process but does not extend to providing advice or advocacy.

## Questioning During the Hearing

13. During the hearing, Counsel to the Inquiry will ask any approved questions on behalf of the Core Participants.
14. The Inquiry recognises that additional issues or lines of questioning that Core Participants consider to be important may arise during the course of a witness' oral evidence as a result of the evidence they give. In those circumstances, Core Participants' legal representatives are asked to complete a new version of the form set out in the Annex to this Protocol, clearly identifying the section of a witness' evidence which has led to the new issue or line of questioning arising, and to email it to the Inquiry as soon as possible after the relevant evidence has been given.
15. If CPs' legal representatives wish to ask questions directly of a witness, they can make a request during the hearing. The Chair will then decide whether or not to allow the questions and whether it is appropriate for Core Participants to ask these directly or CTI.

## Questioning by the Witness's Legal Representative

16. Under **Rule 10(2)**, if a witness is represented, the Chair may allow the witness's legal representative to ask further questions after Counsel to the Inquiry has concluded. This opportunity is for clarifying the witness's evidence and is not for introducing new material or for asking leading questions. A leading question is one that suggests the answer, often prompting the witness to agree rather than to provide their own response.
17. If significant new issues arise from questions asked by the witnesses own legal representative, the Chair may instruct Counsel to the Inquiry to further question the witness to clarify those new points.

## **Proforma for Rule 10 Questions**

18. To facilitate the submission of questions, Core Participants should use the form annexed to this Statement of Approach, which contains relevant guidance on how to complete the form and submit it to the Inquiry.

## **Conclusion**

19. The Chair will periodically review this approach to ensure it remains effective and fair. Any necessary adjustments will be communicated to Core Participants in advance of future hearings.

**18 March 2025**