



Press Summary

An Order of the High Court dated 15 July 2022 is in force that the appellant is entitled to anonymity and that appellant should therefore be referred to as JR222 in these proceedings until further Order of the High Court. In addition, this court has ordered that no one shall publish or reveal the name or address of JR222 or publish or reveal any information which would be likely to lead to the identification of JR222 or of any member of JR222's family in connection with these proceedings.

30 October 2024

In the matter of an application by JR222 for Judicial Review (Appellant)

[2024] UKSC 35

On appeal from [2022] NICA 57

Justices: Lord Lloyd-Jones, Lord Burrows, Lord Stephens, Lord Richards, Lady Simler

Background to the Appeal

This appeal concerns the proper interpretation of section 13(1) of the Inquiries Act 2005 (“**the Act**”), which enables a public inquiry to be suspended.

At the relevant times to these proceedings, Muckamore Abbey Hospital (“**the Hospital**”) provided inpatient assessment and treatment facilities for vulnerable people with severe learning disabilities, mental health needs, and challenging behaviour. In 2017, allegations emerged about inappropriate behaviour towards and abuse of patients by staff at the Hospital. Independent reviews revealed systemic failures of safeguarding practices and failings in governance, which had resulted in harm to patients. The allegations also led to an investigation by the Police Service of Northern Ireland (“**the PSNI**”). The Public Prosecution Service for Northern Ireland (“**the PPS**”) charged the Appellant (“**JR222**”), a former staff nurse at the Hospital, and seven co-accused, with criminal offences in respect of alleged abuse committed in the course of their employment at the Hospital between April and June 2017. Their trial is still pending. It is part of a large-scale criminal investigation by the PSNI, which has not yet been completed.

In 2020, the then Minister of Health (“**the Minister**”) was considering whether to order an inquiry under the Act. The Minister was alerted to issues that might arise in the parallel running of a public inquiry and a criminal investigation and criminal proceedings. He sought

advice from his officials, and was briefed on five options. On 8 September 2020, the Minister ordered an inquiry (“**the Inquiry**”) to examine, amongst other matters, the issue of the alleged abuse of patients at the Hospital, between 2 December 1999 and 14 June 2021. There is some overlap between the Inquiry and the criminal investigation and proceedings. The work of the Inquiry includes, but also extends prior to and beyond, the timeframe of the criminal prosecutions. It also extends beyond a consideration of the conduct of individuals, and includes a forward-looking aspect. The Inquiry, PSNI and PPS have taken detailed measures to protect the integrity of the criminal investigation and proceedings.

JR222 requested that the Inquiry be suspended, under section 13(1)(b), until the conclusion of the criminal proceedings against her. The Minister declined to do so, on the basis that it was not *necessary* to suspend the Inquiry to allow for the determination of the criminal proceedings. JR222 brought judicial review proceedings against the Minister’s refusal to suspend the Inquiry. She claimed, amongst other grounds, that the Minister incorrectly applied the concept of *necessity* to the entirety of his discretion under section 13(1). JR222 argued that the word “necessary” only qualifies the period of suspension, and not the decision whether to suspend an inquiry for one of the purposes set out in section 13(1)(a) or (b). The Respondent submitted that “necessary” also qualifies the decision to suspend.

The High Court and Court of Appeal dismissed JR222’s challenge, holding that the Minister had applied the correct test. JR222 appealed to the Supreme Court.

Judgment

The Supreme Court unanimously dismisses the appeal. It holds that “necessity” applies to both the purposes in section 13(1)(a) and (b) and to the period of suspension. Lord Stephens gives the judgment, with which the other members of the Court agree.

Reasons for the Judgment

The normal principles of statutory interpretation apply [72]. When interpreting statutes, courts are seeking to determine the meaning of the words in the light of their context and the purpose of the statutory provision [73]. Courts should avoid an interpretation that produces an absurd result, as this is unlikely to have been intended by the legislature. Absurdity is given a very wide meaning, covering, for instance, unworkability, impracticability, inconvenience, anomaly, and illogicality [76].

External aids to interpretation play a secondary role [77]. The Respondent relies on Hansard reports of the legislative debates during the passage of the Bill which led to the enactment of the Act, as an external aid to interpretation. Under the rule in *Pepper v Hart*, three conditions must be met in order for the court to have regard to these reports for the purpose of ascertaining the meaning of a legislative provision. First, the legislative provision must be ambiguous, obscure or, on a conventional interpretation, lead to absurdity; second, the material must consist of or include one or more statements by a minister or promoter of the Bill; third, the statement must be clear and unequivocal on the point of interpretation which the court is considering [78].

Section 13(1) naturally reads as one question which must be considered as a whole. Therefore, necessity applies both to the purposes in section 13(1)(a) and (b) and to the period of suspension [82]. The Court reached this interpretation for the reasons outlined below.

First, this interpretation is consistent with the meaning of the words used by Parliament [83].

Second, this interpretation is confirmed by reference to the legislative debate. The three *Pepper v Hart* conditions are met. Section 13(1) is ambiguous. The material is a statement by a promoter of the Bill. The point of interpretation is whether the test of necessity applies to

the purposes in section 13(1)(a) and (b). Lord Evans addressed this point. He clearly stated that clause 12 (now section 13(1)) allows a Minister to suspend an inquiry only when it is necessary to allow for the completion of another related investigation or the determination of civil or criminal proceedings [84].

Third, this interpretation is supported by the statutory purpose of an inquiry, which is to address public concerns. It would be contrary to that purpose if an inquiry were to be suspended unless it was necessary to do so for one of the stated purposes. JR222's interpretation would result in delay to the public interest being served by an inquiry in circumstances where it was not necessary for the delay to occur for one of the purposes set out in section 13(1)(a) or (b) [85].

Fourth, JR222's submission that section 13(1) involves two stages with necessity only applying at the second stage, would lead to the illogical result that a stricter test applies at the less important second stage of the period of suspension, rather than at the more important anterior stage of evaluating whether the inquiry should be suspended [86].

Fifth, the Explanatory Notes to the Act also pointed towards this interpretation. Paragraph 26 addresses section 13, and sets out when it may be "necessary to halt the inquiry temporarily." The word "necessary" qualifies the word "halt", which supports the interpretation that necessity applies to the Minister's evaluation of the purposes in section 13(1)(a) and (b) [87].

Sixth, if section 13(1) involves two separate stages as JR222 submits, then once a decision has been made to suspend an inquiry because of, for instance, the existence of criminal proceedings, the period of suspension would ordinarily be dependent on the progress of those proceedings and thus out of the control of the Minister. It would be illogical to apply a test of necessity only to the period of suspension [88].

Seventh, the Court rejects JR222's submission that the absence of a test of necessity in section 14(1)(b), in relation to a decision to end an inquiry, supports her interpretation of section 13(1). Ending an inquiry is not analogous to suspending an inquiry. A decision to end an inquiry is made when there is no further need for an inquiry; a decision to suspend is made when there is a continuing public interest in the inquiry taking place. It is appropriate that the power to suspend an inquiry requires a higher test than that for ending an inquiry [89].

Eighth, the Court rejects JR222's submission that, as section 13(5) does not require the Minister to set out their reasons as to why it is necessary to suspend an inquiry, this supports an interpretation of section 13(1) that there is no test of necessity in relation to the Minister's evaluation of the purposes in section 13(1)(a) and (b). The fact that this ancillary provision does not rehearse the language of necessity does not change the test to be applied under section 13(1). The reasons given under section 13(5) should include why the decision was taken to suspend, by reference to the language of necessity. There was no need to spell this out in section 13(5) [90].

References in square brackets are to paragraphs in the judgment.

NOTE:

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [Decided cases - The Supreme Court](#)