



**NOTICE OF DETERMINATION
VARIATION OF RESTRICTION ORDER
MODULE 5 - PROCUREMENT**

Background

1. This determination relates to an application by PPE Medpro Ltd ("Medpro") to vary the restriction order (the "Medpro RO") which I made on 24 January 2025. The Medpro RO was granted on the basis of an application by the National Crime Agency ("NCA").
2. The Medpro RO is published on the Inquiry's website [here](#). My reasoning for granting the NCA's application is set out at paragraphs 29-41 of the Medpro RO and in particular at paragraph 32.

Application by Medpro for variation of the Medpro RO

3. On 14 May 2025, I received an application from Grosvenor Law, on behalf of Medpro to make available witness statements (to which redactions had been applied in accordance with the Medpro RO) for use in civil proceedings between Medpro and DHSC. Although not specifically stated as such it was, in effect, an application under section 20(4) of the Inquiries Act 2004 (the "Act") to vary the Medpro RO. The terms of the Medpro RO would otherwise prevent disclosure of the unredacted material to Medpro.
4. I sought, and carefully considered, submissions on the application from the NCA, given that the original restriction order was made following its application.
5. I considered that it was appropriate to take a staged approach to Medpro's request for disclosure of the unredacted witness statements. The initial need was for Medpro's legal representatives to assess whether the material redacted in the witness statements was in fact relevant to the upcoming trial of the civil proceedings between Medpro and DHSC.
6. Therefore, on 28 May 2025, I made a limited variation to the Medpro RO.
7. The limited variation allowed two regulated legal professionals instructed by Medpro (one counsel and one solicitor) to review unredacted versions of the witness

statements listed below to make an assessment of the relevance of redacted passages to the civil proceedings between Medpro and the DHSC. The material was only made available to the nominated legal professionals once they had provided an express confirmation from their client (Medpro) that it would waive its usual right to disclosure of the content considered by its legal representatives:

INQ000475014	Witness Statement of David Williams
INQ000475069	Witness Statement of Dawn Matthias
INQ000536369	Witness Statement of Chris Hall (First)
INQ000536421	Witness Statement of Chris Hall (Second)

8. At paragraph 8 of that determination I stated:

“In the event that the material is determined by the Nominated Legal Professionals to be relevant to the trial, Medpro may then make a further application pursuant to Section 20(4) for further variation of the Medpro RO which must set out:

- a. which of the Witness Statements or parts of the Witness Statements it seeks disclosure of in an unredacted form;*
- b. why each of the redacted sections that it wishes to be unredacted is relevant; and*
- c. the proposed conditions under which the Witness Statements may be used during the trial, including in closed hearings.”*

9. Grosvenor Law provided the names of the two nominated legal representatives and the waiver from Medpro and the two legal representatives were therefore given access to inspect unredacted versions of the five witness statements (save for one redaction that had been applied for reasons of irrelevance and commercial sensitivity which Grosvenor Law confirmed that it did not need to see).

Further Application for variation of the Medpro RO

10. On 29 May 2025, I received a further application pursuant to section 20(4) of the Act on behalf of Medpro addressing the three points above.

11. The submissions advanced on behalf of Medpro submit that passages from two of the witness statements are relevant to the civil proceedings, and ask for the terms of the Medpro RO to be varied to enable them to place that material before the Court in civil proceedings.

12. The relevant passages are:

INQ000475014 Witness Statement of David Williams paragraphs 34, 35 and 37
INQ000536369 Witness Statement of Chris Hall (First) paragraph 10.28.

13. The passages relate to the Technical Assurance process put in place by DHSC during the pandemic, the technical standards and specifications applicable to PPE supplied by Medpro, and the understanding between the parties as it related to the regulatory position. Their application explains clearly why it is believed the material is relevant to those proceedings.
14. They argue that placing these passages in the public domain through use in the civil proceedings does not carry any risk of harm or damage to the ongoing criminal investigation. Medpro states that the contents of the statements are in line with Medpro's publicly known defence to allegations of a breach of contract relating to CE markings.
15. I sought observations on this further application from the NCA. On 3 June 2025, I received a letter from the NCA confirming that they have considered Medpro's application and have no submissions to make on the proposed variation to the Restriction Order.

Decision

16. I have carefully considered Medpro's submissions. I have reminded myself that the purpose of the Medpro RO was to guard against the risk of prejudicing the ongoing criminal investigation and any possible trial that may result from it.
17. In granting the Medpro RO, I determined that any risk of prejudice, if it arose, would be due to placing into the public domain, including to potential jurors, written and oral evidence which may be in issue in any criminal proceedings, if charges are brought. I had due regard to the particular weight of the NCA's evidence in support of the application for the Restriction Order, and the fact that the NCA is an expert public authority in the investigation of serious crime. I also take into account that the NCA has provided no observations, or objection, to the limited variation request by Medpro.
18. I consider that the Restriction Order will still provide protection from this risk of prejudice if varied to the limited extent requested by Medpro.
19. The application to vary the Restriction Order relates to brief passages of two witness statements obtained in the course of the Module 5 investigation. Medpro has demonstrated how it considers the material to be relevant to the civil proceedings and that it does not relate to sensitive matters in the criminal investigation. I am satisfied that publication would not aggravate the risk of harm or damage to any possible criminal trial.
20. I am therefore also satisfied that granting this limited variation strikes the correct balance in protecting the ongoing criminal investigation from prejudice, and making available relevant evidence for use in open Court. I am mindful of the need to balance the integrity of the criminal investigation against the principle of open justice.

21. Accordingly, I also determine that it is not necessary to ask the High Court to place any conditions on the use of these passages in open court in the civil proceedings.

Rt Hon Baroness (Heather) Hallett DBE

Chair of the UK Covid-19 Inquiry

4 June 2025