

<p>1 Friday, 25 May 2012</p> <p>2 (1.45 pm)</p> <p>3 LORD JUSTICE LEVESON: Yes, Mr Jay.</p> <p>4 MR JAY: Sir, the next witness is Mr Jonathan Stephens,</p> <p>5 please.</p> <p>6 LORD JUSTICE LEVESON: Thank you.</p> <p>7 MR JONATHAN STEPHENS (sworn)</p> <p>8 Questions by MR JAY</p> <p>9 MR JAY: Thank you, Mr Stephens. Your full name, please?</p> <p>10 A. My name is Jonathan Stephens.</p> <p>11 Q. You've provided us with a witness statement at short</p> <p>12 notice, dated 22 May. There's a standard statement of</p> <p>13 truth appended to it, so this is the evidence you are</p> <p>14 putting forward to our Inquiry; is that right?</p> <p>15 A. Yes, it is.</p> <p>16 LORD JUSTICE LEVESON: Mr Stephens, thank you very much, and</p> <p>17 particularly thank you for responding at such short</p> <p>18 notice to our request. When we originally devised this</p> <p>19 particular part of the Inquiry, although the bid was</p> <p>20 clearly a feature of it, I don't think certainly</p> <p>21 I anticipated that it would involve the sort of analysis</p> <p>22 that it has involved, and it seems clear that in the</p> <p>23 context of the relationship between the press and</p> <p>24 politicians and the conduct of each, the third side of</p> <p>25 the triangle, as it were, namely the Civil Service in</p> <p style="text-align: center;">Page 1</p>	<p>1 A. Yes.</p> <p>2 Q. In terms of the performance assessments, though, that we</p> <p>3 see, there's one in the bundle which relates to December</p> <p>4 2011, do not the Civil Service have any role in relation</p> <p>5 to that?</p> <p>6 A. This was the first time in my experience that appraisals</p> <p>7 have been done in respect of special advisers. It's</p> <p>8 a new system that's been introduced, and I was asked to</p> <p>9 contribute, I think along with some other civil</p> <p>10 servants, and ministers and possibly others as well.</p> <p>11 Q. If a Permanent Secretary, as a matter of hypothesis,</p> <p>12 were aware of inappropriate conduct by a special</p> <p>13 adviser, would not that Permanent Secretary draw that</p> <p>14 matter at least to the attention of the Secretary of</p> <p>15 State?</p> <p>16 A. Yes.</p> <p>17 Q. So does it follow then that if you had seen the fruits,</p> <p>18 as it were, of KRM 18, the 163 emails, at the time, and</p> <p>19 of course you didn't, that is something that you would</p> <p>20 have drawn to Mr Hunt's attention?</p> <p>21 A. As indeed I did once I did see them.</p> <p>22 Q. So would it be fair to say that responsibility for</p> <p>23 special advisers did fall within your bailiwick, as it</p> <p>24 were, at least to the extent to which it would</p> <p>25 necessarily impinge upon the managerial and other</p> <p style="text-align: center;">Page 3</p>
<p>1 connection with the bid, obviously became important and</p> <p>2 that's why you're here and I'm grateful.</p> <p>3 A. No, very happy to be.</p> <p>4 MR JAY: Mr Stephens, you are currently the Permanent</p> <p>5 Secretary at the Department for Culture, Media, Olympics</p> <p>6 and Sport, and you have been since October 2006; is that</p> <p>7 right.</p> <p>8 A. That's right.</p> <p>9 Q. Thank you. In terms of your general roles as permanent</p> <p>10 secretary, you define those at paragraph 3 of your</p> <p>11 statement: principal adviser to the Secretary of State</p> <p>12 across the range of his functions, responsible for the</p> <p>13 management of his department, but you don't include</p> <p>14 special advisers --</p> <p>15 A. Yes.</p> <p>16 Q. -- within that category, and you're also responsible to</p> <p>17 Parliament as accounting officer. May I be clear,</p> <p>18 though, responsibility for special advisers, whose</p> <p>19 responsibility?</p> <p>20 A. Management of special advisers is for ministers who</p> <p>21 appoint them. That's set out in both the Ministerial</p> <p>22 Code and the code of conduct for special advisers.</p> <p>23 Q. Does it follow, therefore, that all aspects of</p> <p>24 discipline, training and supervision are for ministers</p> <p>25 alone and not for the Civil Service?</p> <p style="text-align: center;">Page 2</p>	<p>1 functions of the Civil Service, which you headed, in</p> <p>2 relation to this department?</p> <p>3 A. Well, what I certainly had was -- and any Permanent</p> <p>4 Secretary would have is a very strong interest in</p> <p>5 ensuring that special advisers understand their role,</p> <p>6 are performing it appropriately in respect of ministers,</p> <p>7 in respect of civil servants and others. What I didn't</p> <p>8 have was formal management in respect of them, so</p> <p>9 I didn't appoint them, I didn't manage them, wasn't</p> <p>10 responsible for their conduct or discipline, and nor</p> <p>11 could I dismiss them.</p> <p>12 Q. But if the conduct of a special adviser necessarily</p> <p>13 impinged upon the core business of the department, then</p> <p>14 it would fall within your responsibility and you would</p> <p>15 be required to draw that to, at the very least, the</p> <p>16 minister's attention?</p> <p>17 A. As you say, if I became aware of inappropriate conduct,</p> <p>18 behaviour, then I would regard it as part of my duty to</p> <p>19 advise the Secretary of State of that, but it would</p> <p>20 necessarily be advice.</p> <p>21 Q. Does it follow from that that there's some sort of</p> <p>22 over-arching duty, it might be said, to supervise the</p> <p>23 special adviser to ensure that inappropriate conducts</p> <p>24 and behaviours do not occur?</p> <p>25 A. Well, the position, I think, is very clearly set out in</p> <p style="text-align: center;">Page 4</p>

<p>1 the Ministerial Code. It is that the conduct and 2 management of special advisers is for the minister, who 3 appoints them. As I say, I don't appoint special 4 advisers, I don't manage them, I'm not responsible for 5 their discipline, and special advisers leave when their 6 ministers leave.</p> <p>7 What I certainly have, I think any Permanent 8 Secretary would have, is I take a close interest in 9 special advisers. They're an important part of how the 10 department works. I take an interest in ensuring that 11 that relationship is healthy, and I seek to support it.</p> <p>12 Q. In terms of training and supervision then of special 13 advisers, insofar as there is any, that resides -- 14 responsibility for it resides with the minister; is that 15 a fair summary?</p> <p>16 A. In terms of conduct and management. To give a full 17 picture, I think I should say that these are rather 18 unique posts. They're unique posts working direct to 19 ministers. They don't go through a normal recruitment 20 process. They leave their post when the minister leaves 21 their post, and so I certainly have never seen them 22 being line managed in the way that, for example, within 23 the professional Civil Service, people would expect to 24 be line managed. That is just not the way, in any 25 department, that these posts are managed.</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. Yes. Presumably you saw immediately the obvious 2 political and legal risks which attended the treatment 3 of this bid?</p> <p>4 A. Indeed.</p> <p>5 Q. In terms of the legal risk, it's self-evident, judicial 6 review from either side, really.</p> <p>7 A. Yes.</p> <p>8 Q. That obviously goes without saying. So much money at 9 stake that anybody might take the risk of a judicial 10 review.</p> <p>11 A. Yes.</p> <p>12 Q. In terms of the political risks, how did you analyse 13 those?</p> <p>14 A. Well, any issue concerning the media is of intense 15 interest to politicians generally, and indeed to the 16 rest of the media, and not only that, but the particular 17 circumstances in which we had been asked to take over 18 responsibility, obviously only heightened the scrutiny 19 still further.</p> <p>20 Q. Yes. It was an already very hot potato with the Murdoch 21 dimension and with the Cable dimension super added it 22 became a boiling hot potato.</p> <p>23 A. Indeed, indeed.</p> <p>24 Q. So overall accountability, therefore, for the management 25 of this bid was effectively yours, would you agree?</p> <p style="text-align: center;">Page 7</p>
<p>1 Q. Although it is or may be relevant that the code of 2 conduct for special advisers was a matter that you 3 personally drew to Mr Smith's attention when he started, 4 you didn't leave it to his Secretary of State to deal 5 with; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Can I move forward, please, to paragraphs 9 and 10 of 8 your statement at page 13563 or 2 on the internal 9 numbering. You're dealing with the ways of working 10 within this department. DCMS is a relatively small 11 department by Whitehall standards, would you agree?</p> <p>12 A. Yes. We're about half the size of the Treasury.</p> <p>13 Q. You say in paragraph 10, Mr Stephens, that you become 14 personally involved when either officials consult you 15 for some reason or you choose to involve yourself in 16 a particular issue, either -- usually either because 17 it's of central importance to ministers or the 18 department or it provides a good opportunity to monitor. 19 Did you feel that the BSKyB bid issue fell within 20 that category, namely being of central concern to 21 ministers or the department?</p> <p>22 A. Yes, it was, so I was particularly concerned when at 23 very short notice we took over responsibility to involve 24 myself and satisfy myself that consideration of the bid 25 within the department was properly undertaken.</p> <p style="text-align: center;">Page 6</p>	<p>1 A. I'm accountable for all the advice and ultimately what 2 goes on within the department, as I set out in my 3 statement. The way, of course -- I mean that covers the 4 whole range of issues that the department deals with, so 5 I normally expect the individual policy items or 6 individual issues to be taken forward by a lead policy 7 official who would usually report to me.</p> <p>8 Q. That was Mr Zeff, I believe?</p> <p>9 A. Yes.</p> <p>10 Q. He was the lead official and he reported directly to 11 you, and therefore during the conduct of the bid, 12 although you didn't take day-to-day responsibility for 13 what was going on, that was Mr Zeff --</p> <p>14 A. Yes.</p> <p>15 Q. -- you had a reasonably high level of superintendence, 16 would that be fair?</p> <p>17 A. Yes. Particularly at the beginning. Over time, I was 18 satisfied that the process was being conducted well, so 19 I became slightly less involved, but at any stage 20 I could find myself drawn back in for any reason.</p> <p>21 Q. What was your assessment of Mr Hunt's relationship with 22 Mr Smith?</p> <p>23 A. I thought it was a close working relationship. They had 24 worked together in opposition for, I think, a couple of 25 years or so and had clearly formed a close working</p> <p style="text-align: center;">Page 8</p>

2 (Pages 5 to 8)

<p>1 relationship when they came into government.</p> <p>2 Q. You have plenty of experience of seeing how special</p> <p>3 advisers interact with ministers and it can --</p> <p>4 A. Yes.</p> <p>5 Q. -- vary from case to case and you sum it up in</p> <p>6 paragraph 15 of your statement, do you not:</p> <p>7 "A special adviser who understands the issues that</p> <p>8 an effective relationship understands and abides by his</p> <p>9 proper role and works well with the department."</p> <p>10 So in terms of understands and abides by his proper</p> <p>11 role, that's an assessment you're making over certainly</p> <p>12 observation from May 2010 --</p> <p>13 A. Yes.</p> <p>14 Q. -- when Mr Smith arrived in the department.</p> <p>15 A. Yes.</p> <p>16 Q. Obviously, you can't speak to any earlier point. Did</p> <p>17 you feel that Mr Smith correctly understood Mr Hunt's</p> <p>18 thinking about the big issues of policy?</p> <p>19 A. Yes, I thought he was well tuned in to the Secretary of</p> <p>20 State's thinking.</p> <p>21 Q. Is it the role of a special adviser to be well tuned in</p> <p>22 to a Secretary of State's thinking?</p> <p>23 A. Yes.</p> <p>24 Q. I suppose it's obvious, isn't it, that if the special</p> <p>25 adviser speaks out, he is speaking out for his Secretary</p> <p style="text-align: center;">Page 9</p>	<p>1 don't you, in your witness statement --</p> <p>2 A. Yes.</p> <p>3 Q. "There is no role in the process for DCMS and we</p> <p>4 recommend that you do not have any external discussions</p> <p>5 on the merger nor write to BIS about it. If you want to</p> <p>6 contribute, you could write a letter stating facts</p> <p>7 backed up with evidence, provided it recognises the</p> <p>8 final decision is for the Business Secretary of State</p> <p>9 acting alone. However this carries risks to the</p> <p>10 robustness of the decision."</p> <p>11 The main concern there was, of course, the</p> <p>12 quasi-judicial role occupied by Secretary of State BIS,</p> <p>13 wasn't it?</p> <p>14 A. Yes.</p> <p>15 Q. The term "quasi-judicial" is one which is expressly</p> <p>16 mentioned in this memorandum of 12 November, isn't it?</p> <p>17 A. Yes.</p> <p>18 Q. Out of interest, is quasi-judicial a concept which is</p> <p>19 well familiar to DCMS in the sense that does DCMS</p> <p>20 exercise quasi-judicial functions?</p> <p>21 A. Yes, we do, and it would be an expression that would be</p> <p>22 reasonably familiar in most government departments.</p> <p>23 Q. But before 21 December 2010, DCMS did not exercise, on</p> <p>24 my understanding, but you'll correct me, regulatory</p> <p>25 functions, which necessarily carried with them</p> <p style="text-align: center;">Page 11</p>
<p>1 of State; is that right?</p> <p>2 A. Yes, and that is one of the things that a special</p> <p>3 adviser can do on behalf of his minister, whether in</p> <p>4 interactions with the department or indeed elsewhere,</p> <p>5 and the better the special adviser, the more reliable</p> <p>6 a guide they are to the Secretary of State.</p> <p>7 Q. And, I suppose, the less the special adviser needs to</p> <p>8 speak to the Secretary of State to ascertain his or her</p> <p>9 view, because the special adviser is intuitively attuned</p> <p>10 to that view, is that it?</p> <p>11 A. That can be true as well.</p> <p>12 Q. May I ask you now what happened before 21 December 2010,</p> <p>13 which of course is the watershed date?</p> <p>14 A. Yes.</p> <p>15 Q. Paragraphs 17 and 18 of your statement.</p> <p>16 A. Yes.</p> <p>17 Q. You rightly say that advice was given by you to the</p> <p>18 Secretary of State on 12 November 2010 and copied to</p> <p>19 Mr Smith.</p> <p>20 A. Just to be clear, the advice was not from me personally,</p> <p>21 it was from an official within the department, but it</p> <p>22 was copied to me.</p> <p>23 Q. Thank you. We actually have page numbers for this now.</p> <p>24 So it can probably be put on the screen, 13573.</p> <p>25 Basically, the recommendation was, and you set it out,</p> <p style="text-align: center;">Page 10</p>	<p>1 a quasi-judicial ambit, would you agree with that?</p> <p>2 A. Well, we exercise a number of regulatory functions,</p> <p>3 including around the National Lottery and gambling, for</p> <p>4 example, and indeed, the general principles of public</p> <p>5 law and the undertaking of statutory functions is bread</p> <p>6 and butter of most government departments.</p> <p>7 Q. All government departments necessarily discharge common</p> <p>8 law and statutory functions, which are, I suppose,</p> <p>9 defined or characterised public law duties, but</p> <p>10 a quasi-judicial function is somewhat more particular,</p> <p>11 would you agree?</p> <p>12 A. Um ... I absolutely accept your word for it.</p> <p>13 Q. But you'd rightly say, in terms of the National Lottery</p> <p>14 and gaming, I think you are right that DCMS would</p> <p>15 exercise a quasi-judicial role in those limited areas in</p> <p>16 the strict sense of the term, so we can agree with that.</p> <p>17 So this is a concept with which you are reasonably</p> <p>18 familiar, although it wasn't sort of central to your</p> <p>19 business, as it would have been to BIS; is that right?</p> <p>20 A. I've never worked in BIS, so I can't speak about BIS.</p> <p>21 Q. The background though to the memorandum of 12 November,</p> <p>22 was it your understanding that the Secretary of State</p> <p>23 wanted to become involved, at least to the extent of</p> <p>24 expressing his policy view to Dr Cable?</p> <p>25 A. I don't actually recall having a personal discussion</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 with the Secretary of State about this. It's possible</p> <p>2 there may have been one in passing, but what I recall</p> <p>3 was being aware from other officials that the Secretary</p> <p>4 of State was asking whether, as Secretary of State for</p> <p>5 media, he had a role or could express a view in the</p> <p>6 matter, and that was how the advice originated.</p> <p>7 Q. Because the email, which you've also included at 13575,</p> <p>8 which is from your private secretary --</p> <p>9 A. Yes.</p> <p>10 Q. -- it's going on to a number of officials:</p> <p>11 "You have just discussed with Jonathan. He would</p> <p>12 like some further information on the extent to which the</p> <p>13 Secretary of State is entitled to express a view in the</p> <p>14 process (in his capacity as Secretary of State).</p> <p>15 Jonathan felt that there had been previous cases in</p> <p>16 which this had been possible."</p> <p>17 Then there's a further email which is along similar</p> <p>18 lines. Did you know what view the Secretary of State</p> <p>19 wanted to express in that context, Mr Stephens?</p> <p>20 A. No, I don't think I did at that stage, no.</p> <p>21 Q. Without knowing the exact detail of what he might have</p> <p>22 wanted to impart to Dr Cable, did you know generally the</p> <p>23 gist or thrust of the message which he wanted to get</p> <p>24 across?</p> <p>25 A. No, not at that stage.</p> <p style="text-align: center;">Page 13</p>	<p>1 Q. Okay. We'll come to a later email in a moment, but what</p> <p>2 happened in the interim is that legal advice was given</p> <p>3 from within the department, I think by the legal</p> <p>4 director, on 19 November.</p> <p>5 A. Yes.</p> <p>6 Q. That starts at 13579. I'm going to summarise it. The</p> <p>7 legal advice was, in the conclusion, 13581:</p> <p>8 "Whilst there's nothing legally which formally</p> <p>9 precludes the Secretary of State CMS from making</p> <p>10 recommendations to the Secretary of State BIS to inform</p> <p>11 the latter's decision as to whether to refer the public</p> <p>12 interest considerations in this merger to the</p> <p>13 Competition Commission. It would be unwise to do so.</p> <p>14 This is because the task of assessing the impact of the</p> <p>15 merger on media plurality is expressly given to Ofcom."</p> <p>16 Also, mention might have been made, but it's</p> <p>17 implicit, on the quasi-judicial role of Secretary of</p> <p>18 State BIS. So was this advice drawn to your attention,</p> <p>19 to the best of your recollection?</p> <p>20 A. This advice? Yes.</p> <p>21 Q. The general message then was presumably clearly</p> <p>22 understood?</p> <p>23 A. Yes.</p> <p>24 Q. On 7 December 2010, there's another email, again from</p> <p>25 the legal director, 13582. It says this:</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. When did you become aware of what view, if any, Mr Hunt</p> <p>2 wanted to get across?</p> <p>3 A. I can't recall knowing around this time at all of what</p> <p>4 view he wanted to express.</p> <p>5 Q. Did there come a time, though, when you were aware that</p> <p>6 your Secretary of State was, at least in policy terms --</p> <p>7 clear about that -- favourably disposed to the bid?</p> <p>8 A. What I was aware of at the time was his public</p> <p>9 statement, although I have to admit it didn't figure</p> <p>10 particularly significantly for me because, of course,</p> <p>11 this wasn't our responsibility at the time and we had</p> <p>12 many other issues to be concerned with.</p> <p>13 Q. But the context here of the Secretary of State wanting</p> <p>14 to speak to Dr Cable in his capacity as Secretary of</p> <p>15 State --</p> <p>16 A. Yes.</p> <p>17 Q. -- so there's a reasonable level of formality to it, you</p> <p>18 must have known, generally speaking, what the purpose of</p> <p>19 that interaction was going to be, weren't you,</p> <p>20 Mr Stephens?</p> <p>21 A. Well, I -- all I recall about it -- I don't recall</p> <p>22 a discussion with him personally. I recall officials</p> <p>23 saying he's just asking whether, as Secretary of State</p> <p>24 for media, he has a role and can express a view on</p> <p>25 a merger in the media sector.</p> <p style="text-align: center;">Page 14</p>	<p>1 "Thanks -- I appreciate that the advice is not what</p> <p>2 JS and possibly JH want to hear -- but I think it</p> <p>3 amounts to -- 'do nothing, do not try to convey your</p> <p>4 thinking to VC, he must act quasi-judicially and only</p> <p>5 through formal processes'. Further, and in any event,</p> <p>6 the clear legal advice to VC would be that you cannot</p> <p>7 hear JH on this matter and VC shows all the signs of</p> <p>8 taking that advice, so the matter would be academic."</p> <p>9 So that's making it -- two points, first point --</p> <p>10 crystal clear: don't convey your thinking to Dr Cable</p> <p>11 because he is charged with making the decision; is that</p> <p>12 right?</p> <p>13 A. Just to be clear, I think that this is an internal</p> <p>14 minute to -- I think, to other legal advisers, so it's</p> <p>15 not actually to anyone able to take action on it, it's</p> <p>16 just essentially saying, "This is the advice we've</p> <p>17 conveyed", and I didn't see that. At the moment, it's</p> <p>18 just an internal note.</p> <p>19 Q. The second point is really the bit between the dashes on</p> <p>20 the first line:</p> <p>21 "I appreciate that the advice is not what JS [that's</p> <p>22 you] and possibly JH wanted to hear."</p> <p>23 Which rather suggests that the desire was that some</p> <p>24 sort of approach could be made by JH to VC. Do you</p> <p>25 accept that?</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 A. Indeed. I mean, he'd asked if he could do that.</p> <p>2 Q. It's almost as if that's something which you were merely</p> <p>3 comfortable with but you wanted to achieve possibly or</p> <p>4 probably because you knew your Secretary of State wanted</p> <p>5 to do that, is that fair or not?</p> <p>6 A. I certainly knew that that's something he was asking</p> <p>7 about. I didn't see this comment at the time. I think</p> <p>8 what it refers back to is what's recorded in my earlier</p> <p>9 note on 13576 of 15 November, in fact, the note from my</p> <p>10 private secretary, and I recall this. As I said,</p> <p>11 I don't recall any discussion I had with the Secretary</p> <p>12 of State. I recall the original advice going up and it</p> <p>13 triggered in my mind an interest, and actually what</p> <p>14 proved to be a role, in the sense of I misunderstood the</p> <p>15 issue, I remembered from previous responsibilities in</p> <p>16 completely different departments occasions when other</p> <p>17 Secretaries of State had been able to comment on what</p> <p>18 seemed to me equivalent decisions so I asked a question:</p> <p>19 are we absolutely sure about this? Quite rightly, the</p> <p>20 professional lawyers came back to me and said, "You got</p> <p>21 it completely wrong, yes, we are sure about it", and</p> <p>22 I left it at that and none of that was reflected in any</p> <p>23 advice to the Secretary of State.</p> <p>24 Q. The other point is the advice being given before DCMS</p> <p>25 acquired responsibility for the bid on 21 December in</p> <p style="text-align: center;">Page 17</p>	<p>1 for an immediate view as to whether Jeremy Hunt had made</p> <p>2 any public comment on the proposed merger which might</p> <p>3 appear to be pre-judging it?</p> <p>4 A. Yes.</p> <p>5 Q. You make it clear that you were aware of one public</p> <p>6 utterance --</p> <p>7 A. Yes.</p> <p>8 Q. -- and you asked special advisers to assist; is that</p> <p>9 right?</p> <p>10 A. That's right.</p> <p>11 Q. You didn't include any private comments he might have</p> <p>12 made within the ambit of your request?</p> <p>13 A. I didn't ask for that, no.</p> <p>14 Q. Why not?</p> <p>15 A. First of all, because I wasn't asked for it. Clearly,</p> <p>16 if I had been aware of anything like a conflict of</p> <p>17 interest or anything like that, which was relevant,</p> <p>18 I would have thought it right to draw it to the</p> <p>19 attention, but at the time the focus was on public</p> <p>20 comments.</p> <p>21 Q. You didn't, of course, see the internal memorandum</p> <p>22 which, in the end, went to the Prime Minister, I think</p> <p>23 on about 19 November, is that right?</p> <p>24 A. That's right.</p> <p>25 Q. It may be difficult to answer a hypothetical question,</p> <p style="text-align: center;">Page 19</p>
<p>1 relation to BIS would apply by parity of reasoning to</p> <p>2 DCMS, once it had the quasi-judicial functions which had</p> <p>3 been bequeathed to it. Would you agree with that?</p> <p>4 A. Yes. In the context of we had to approach the matter</p> <p>5 quasi-judicially, absolutely.</p> <p>6 Q. Presumably you didn't understand JH's purpose to be, if</p> <p>7 he could speak to VC in this context, to oppose the</p> <p>8 BSKyB bid?</p> <p>9 A. As I said, I really -- I didn't, as I recall, have any</p> <p>10 discussion with the Secretary of State. I don't recall</p> <p>11 anything about what he was seeking to achieve.</p> <p>12 Q. But you must have known -- because just like the SpAd is</p> <p>13 attuned to the thinking of the Secretary of State, the</p> <p>14 Permanent Secretary I'm sure is as well -- you must have</p> <p>15 known what Mr Hunt's position would have been on this</p> <p>16 and what he might have wanted to say to Dr Cable; isn't</p> <p>17 that fair?</p> <p>18 A. Actually, my recollection is I didn't particularly at</p> <p>19 that time. It was a small issue on something that we</p> <p>20 were not responsible for, and there was enough to occupy</p> <p>21 us with what we were responsible for at the time.</p> <p>22 Q. Okay. Can we move forward to 21 December, when there is</p> <p>23 a small explosion of a neutron bomb, and things happen</p> <p>24 very quickly. The Permanent Secretary at number 10</p> <p>25 phones you at paragraph 19 of your statement and he asks</p> <p style="text-align: center;">Page 18</p>	<p>1 but had that been drawn to your attention, what if</p> <p>2 anything would you have done in relation to this issue?</p> <p>3 A. It's difficult to know. As you know, it's</p> <p>4 a hypothetical line of -- I think, first of all,</p> <p>5 I thought to myself that it was known about, and also</p> <p>6 I think I'd have observed from the text that I've now</p> <p>7 seen, which I didn't see at the time, that there was</p> <p>8 a focus on abiding by the legal provisions around</p> <p>9 plurality, and thought to myself that reflects a similar</p> <p>10 sort of understanding as in the Secretary of State's</p> <p>11 public comments on 15 June.</p> <p>12 Q. We know there was further legal advice obtained from</p> <p>13 within the department at 17.30 hours that afternoon.</p> <p>14 I don't think you were sent it, although -- we're going</p> <p>15 to bring it up on the screen, 10001. This is part of</p> <p>16 evidence that Mr Hunt has disclosed and, therefore,</p> <p>17 isn't in any bundle at the moment.</p> <p>18 This is in the context of the public utterance which</p> <p>19 you referred to.</p> <p>20 A. I don't have it up on the screen.</p> <p>21 Q. It's going to arrive very shortly. (Pause)</p> <p>22 That's the one.</p> <p>23 This is the legal director speaking:</p> <p>24 "When did JH say it? I assume it was shortly after</p> <p>25 News International announced its intention to buy out</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 the other shareholders in Sky. Therefore at a time when 2 JH was not responsible for policy in this area. If so, 3 it is not helpful and tends towards an element of 4 pre-judging the issue. That said, the view is far from 5 definitive, as is demonstrated by the wish not to second 6 guess decision-making by regulator and it isn't clear to 7 me so unhelpful and enough to draw comment and perhaps 8 challenge but probably not fatal when a well reasoned 9 decision is made with conclusions based on all the 10 relevant evidence." 11 Can we be clear, did you see this at the time, 12 Mr Heywood? 13 A. Mr Stephens. 14 Q. Mr Stephens. 15 A. No, I didn't, because I was actually -- 16 LORD JUSTICE LEVESON: Once you've done this for long 17 enough, all the names get mixed up. 18 A. And most of them are Jeremy, as well. 19 I didn't see this at the time because I was actually 20 at home on the first day of Christmas leave. 21 Q. Certainly. We can see what happened to it, but I think 22 it was forwarded to Mr Hunt and then it went on to 23 Downing Street at the top, and the decision, therefore, 24 must have been made that evening. Does that accord with 25 your recollection? Page 21</p>	<p>1 Q. Certainly above scrutiny, that's certainly right. You 2 also say in your statement: 3 "He would need to be careful in his dealings with 4 News Corporation." 5 What did you mean by "careful" in that sentence? 6 A. I meant to indicate to him that there needed to be 7 a shift in his relationship, in the sense that he had 8 been Secretary of State for media and therefore used to 9 engaging with all the key players in the media world on 10 quite a regular basis, and that now, with the 11 responsibility for the bid, he needed to be careful 12 around that relationship, to move it on to a more formal 13 basis. 14 Q. So informal communication between the Secretary of State 15 and News International or News Corporation was, in your 16 view, risky; is that right? 17 A. Well, on all but the most anodyne of bases. 18 Q. Would that include informal communication from those 19 within your department, setting aside the Secretary of 20 State? 21 A. Yes. I mean, I think it goes to the whole department is 22 an emanation of the Secretary of State. 23 Q. We have the picture: this is the hot potato, we have to 24 be careful, we have to put it on a formal footing. 25 A. Yes. Page 23</p>
<p>1 A. I don't have the timings in front of me. My 2 recollection is that, actually, the decision was made at 3 or around the time of this email. 4 Q. You tell us in paragraph 20 that you had a conversation 5 with Mr Hunt. It could have been that evening, the 6 following day, it's not going to matter. 7 A. Yes. 8 Q. "We discussed and agreed on the importance of handling 9 the merger in a way that was fair and robust to legal 10 challenge." 11 What did you explain to Mr Hunt were the risks here? 12 A. This wasn't a formal sit down and exchange. I was at 13 home. I don't quite know where he was. I think it was 14 one of the calls about how we handle this new 15 responsibility and all the implications of it for the 16 department, because not only did responsibility for the 17 bid come over but also a responsibility for a range of 18 other policy matters and other staff and all of that. 19 So it wasn't an opportunity to explain or advise on the 20 detail of the consideration of the bid, but what was 21 uppermost in both our minds was the circumstances in 22 which he'd taken over responsibility and the risk that 23 that made manifest of legal challenge and the need to 24 proceed in a way that was above scrutiny and robust to 25 legal challenge. Page 22</p>	<p>1 Q. Probably obvious, Mr Hunt, did he accept what you were 2 saying to him on that occasion? 3 A. Yes, yes. I recall him, not surprisingly -- as you say, 4 it was a hot potato -- being very concerned to handle it 5 correctly. 6 Q. The following day there was a meeting when officials 7 from BIS turned up, as it were, to hand over the bid. 8 The evidence we have of it, at least as to what was 9 said, is at 13583. Do you have that? That is the email 10 of 22 December, timed at 17.44 in the afternoon. 11 A. Yes. 12 Q. You were present, Secretary of State was present, 13 Minister of State was present, the lead policy official, 14 the lead lawyer and Mr Smith. 15 A. Yes. 16 Q. "BIS officials outlined the Secretary of State role in 17 the process and the various legal considerations." 18 Do you think that the term quasi-judicial was 19 mentioned on that occasion, Mr Stephens? 20 A. I think it's very, very likely. 21 Q. Was that concept explained? 22 A. Yes. As I recall it, in this meeting and the subsequent 23 meeting, officials took the Secretary of State and 24 others quite carefully through the statutory functions, 25 the stage that had been reached, the next steps, and in Page 24</p>

6 (Pages 21 to 24)

<p>1 particular, rehearsed the need to approach the decision 2 with an open mind on a basis that took account of the 3 relevant considerations, ignored the irrelevant, that it 4 was even-handed and avoided bias or the appearance of 5 bias.</p> <p>6 Q. It's the avoidance of bias or the appearance thereof 7 which you feel was mentioned on that occasion, do you? 8 A. Yes.</p> <p>9 Q. Okay. Paragraph 23 now, please, Mr Stephens. Just one 10 point I'd ask you to elaborate on because you've 11 summarised the rest of what's key to -- what came out of 12 the BIS meeting. You see towards the end of 13 paragraph 23: 14 "He needed to take an even-handed approach, giving 15 all sides an appropriate opportunity to make 16 representations." 17 Would this exclude, in your opinion, private 18 representations made by one party to the department? 19 A. I think it depends what you mean by "private". If you 20 mean unofficial or -- yes. I think representation 21 should be on an official basis. If you meant at a stage 22 in the process representations from one side, then there 23 were stages in the process where that was appropriate 24 and, indeed, in some sense required by statute. 25 Q. Subject to any statutory requirement which would</p> <p style="text-align: center;">Page 25</p>	<p>1 stage, a necessary, if you like -- not legal language, 2 I'm sure -- exclusive discussion with the merging 3 parties, who were the only parties who could obviously 4 offer and provide undertakings in lieu, until it was 5 possible to establish that there were undertakings in 6 lieu which could meet -- which could offer remedies, at 7 which point then the Secretary of State would go out to 8 wider public consultation on an open basis, equal to all 9 parties.</p> <p>10 LORD JUSTICE LEVESON: Does that mean this: that the 11 Secretary of State charged with this responsibility 12 could obviously talk to the parties who wished to merge 13 about the arrangements so that he could understand them, 14 so that he could test them, and satisfy himself that 15 they dealt with, perhaps, his initial concerns, but that 16 there would then come a time when he would have to share 17 that material with others who might object, and equally, 18 if the objecting parties had material, he would have to 19 share that with the merging parties, so that all could 20 see, in an open and transparent way, what was being said 21 by the other? 22 A. Well, I certainly understand that a necessary part of 23 the process was an open period of consultation, in which 24 all parties could consider, consult together, on, in 25 this case, the undertakings in lieu that were under</p> <p style="text-align: center;">Page 27</p>
<p>1 indicate otherwise, and there probably were some to 2 protect confidentiality, representations would usually 3 have to be shared. If one party makes a representation, 4 you have to share it with the other party. That's the 5 general principle, isn't it? 6 A. That is the general principle, but also, as I understand 7 it, and as was explained to us, I mean, the starting 8 point of all of this is the interpretation of the 9 application of the statute in question, and as I said, 10 under the Enterprise Act there are certain stages of the 11 merger where there is a privileged position for, in 12 particular, the merging parties, to be informed of, be 13 consulted about decisions that the Secretary of State is 14 minded to take and to be able to make representations on 15 them that does not imply an equivalent right to 16 representations at the same time to opponents, if you 17 like. 18 Indeed, that was the process -- that was the 19 statutory obligation that the Secretary of State was 20 under in the run-up to his announcement on 25 January, 21 and then, again, once the Secretary of State was through 22 that, in the period where he was considering whether 23 there were undertakings in lieu which might meet the 24 plurality concerns identified by Ofcom, as I understand 25 it, the legal advice we had was that there was, at that</p> <p style="text-align: center;">Page 26</p>	<p>1 consideration. I simply don't know at this stage in 2 legal terms whether that involved an obligation to share 3 each other's representations with each other at that 4 stage.</p> <p>5 LORD JUSTICE LEVESON: Well, we can consider that. 6 MR JAY: I think your analysis is correct, but we'll come 7 back to that if necessary. 8 You say in paragraph 24, Mr Stephens, that the 9 requirements which the Secretary of State reinforced the 10 need for were clear to all participating in the 11 meetings, including special advisers. May I ask you 12 this: how did you form a judgment that everybody was 13 clear about those requirements, including special 14 advisers? 15 A. Well, I was in the meetings where they were addressed 16 and in most of the early internal meetings where these 17 requirements were repeatedly come back to, and I formed 18 a judgment from participating in those meetings that it 19 was crystal clear what were those requirements. 20 Q. Right. But the devil might be in the detail. If you 21 look at paragraph 25c and g, you make it clear that the 22 special adviser Mr Smith was going to support the 23 Secretary of State in understanding and working through 24 the advice and process. 25 A. Yes.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 Q. You say in 25g: 2 "Specific action points routinely fell to [people] 3 and, on occasion, to Adam Smith." 4 Then you say in paragraph 38: 5 "I also knew that Adam Smith was in contact with 6 News Corporation on questions of process and procedure." 7 Can we be clear about this evidence, Mr Stephens? 8 How did you know that Mr Smith was in contact with News 9 Corporation on questions of process and procedure? 10 A. Well, he was part of the team of officials who were 11 handling the bid, and I knew that that required a degree 12 of contact with News Corporation I quite quickly became 13 aware that Adam was participating in -- as I expected 14 and thought was normal -- the external meetings with 15 News Corporation, and, as I say, was on occasion 16 following up on points of process and procedure with 17 News Corporation, and I am conscious, with other 18 officials within the department, were sometimes in 19 receipt of press notices and things like that. 20 Q. Did you know with whom he was in contact at News 21 Corporation? 22 A. Not by name. I personally did not know by name at that 23 stage. 24 Q. Did you know the role of the person with whom he was in 25 contact?</p> <p style="text-align: center;">Page 29</p>	<p>1 first one is follow up on matters of process and 2 procedure. I'm exploring that one with you. Why was 3 that necessary? 4 A. Well, just to ensure that if there were any questions or 5 any areas of doubt or uncertainty, that those could be 6 resolved and answered. 7 LORD JUSTICE LEVESON: Was that just using a person who was 8 available? Because, on the face of it, one would have 9 thought that process, procedure, those matters was very 10 much a task for officials rather than for a policy 11 adviser to a minister. 12 A. My -- 13 LORD JUSTICE LEVESON: I don't know. I'm asking. 14 A. My experience in these roles is that often there is 15 a mix between roles and that it can often be sometimes 16 useful for similar messages to be passed on both 17 channels. Certainly in this case, most of the contact 18 was through legal advisers, as I would expect. There 19 were some exchanges with policy officials and I thought 20 there were some exchanges of the equivalent nature with 21 Adam Smith. 22 My experience in a number of government departments 23 it is that there is not a rigid distinction between 24 special advisers and officials, necessarily. 25 MR JAY: This is a process, though, which you told us</p> <p style="text-align: center;">Page 31</p>
<p>1 A. Not specifically by title, but I think I assumed it was 2 a person with access to the chief executive. 3 Q. So whether you call that individual a lobbyist or, to 4 give him his exact title, he was Director of Public 5 Affairs, did you have the general idea that Mr Smith was 6 in contact with an individual who carried with him that 7 label? 8 A. As a general idea, it would be someone of that. 9 I didn't know that particular label. 10 Q. But the concept which underlies it was familiar to you? 11 A. Yes. 12 Q. Why did you think Mr Smith was in contact with that 13 individual? 14 A. To follow up on matters of process and procedure, to 15 reinforce, on occasions, messages that the Secretary of 16 State had delivered personally or in correspondence to 17 News Corporation. 18 Q. To follow up on matters of process and procedure. Why 19 couldn't that all be done more formally by email or by 20 letter from within the department straight out either to 21 News Corp's lawyers or, in extremis, I suppose, to 22 Mr Michel personally? 23 A. Sorry, are you asking why -- 24 Q. Why is it necessary for Mr Smith, a special adviser, to 25 have this role? You've given it two categories. The</p> <p style="text-align: center;">Page 30</p>	<p>1 15 minutes ago needed to be put on a more formal 2 relationship and Mr Hunt was advised he needed to be 3 careful. This is paragraph 20 of your statement. 4 A. Yes. 5 Q. It's quite possible for all these exchanges to take 6 place formally between lawyers or preferably by public 7 pronouncements by the Secretary of State or his 8 officials. Why is it necessary for matters of doubt or 9 uncertainty, to use your terminology, to be discussed 10 informally between a special adviser and a News Corp 11 lobbyist? 12 A. It's not particularly necessary but it, in my 13 experience, was not unusual for these sorts of issues. 14 There were matters of process and procedure and were 15 matters of reinforcing messages that the Secretary of 16 State had already sent to be passed on in this way, and 17 as I say, the way that this operated was that Adam Smith 18 was a part of this small team that was handling the bid 19 and sometimes, in many cases when the Secretary of State 20 was reviewing next steps, action would be passed out, 21 action would often be picked up by legal advisers, by 22 policy officials, and sometimes by special adviser. 23 Some of the examples of that is when he, for example, 24 became involved in issues over redactions of documents 25 prior to their publication.</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 Q. Certainly. You said it was not unusual that matters of 2 process and procedures should be dealt with in this way, 3 but are you not referring there to the more orthodox 4 policy context, which would be food and drink to this 5 department, rather than this particular quasi-judicial 6 role? You see the distinction? Are you saying that in 7 a quasi-judicial function it would be usual for there to 8 be these informal exchanges?</p> <p>9 A. My experience in a number of government departments is 10 that on any issue of central significance to a minister, 11 the special adviser would very often be involved and 12 might handle issues of process and procedure and 13 presentation like this.</p> <p>14 Q. Process, procedure and presentation, the special 15 adviser, of course, having political experience but not 16 necessarily much Civil Service experience; is that 17 right?</p> <p>18 A. Yes.</p> <p>19 Q. You explained it as being a matter of central 20 significance to the minister, so the special adviser 21 then would be expected to follow his minister's 22 political lead, wouldn't he?</p> <p>23 A. I'm not quite sure what you mean by that.</p> <p>24 Q. Well, that the minister had a policy view or political 25 view, the special adviser, to the extent to which he</p> <p style="text-align: center;">Page 33</p>	<p>1 worked for the Secretary of State for a long time, but 2 even to me, that was a marked change in natural style 3 and approach for the Secretary of State that I was 4 confident would be picked up, was being picked up by 5 everyone.</p> <p>6 Q. You said earlier on that the special adviser would also 7 be expected in his interactions with News Corp to 8 reinforce messages given.</p> <p>9 A. Mm.</p> <p>10 Q. Would that necessarily be limited in the natural and 11 ordinary course of things to the narrow issue of legal 12 and procedural messages?</p> <p>13 A. Well, and the messages of substance that the Secretary 14 of State was giving in the course of process. So, for 15 example, the messages that he conveyed in the meetings 16 directly with News Corporation.</p> <p>17 Q. But the special adviser inevitably would get to learn 18 things which went beyond that which had been transmitted 19 in a formal meeting, wouldn't he?</p> <p>20 A. Yes.</p> <p>21 Q. So there was a risk here, to put it at its lowest, that 22 the special adviser might start communicating those 23 things in the context of reinforcing messages to his 24 interlocutor, would you agree?</p> <p>25 A. There was a risk that anyone privy to that sort of issue</p> <p style="text-align: center;">Page 35</p>
<p>1 expressed a view, would be expected to follow his 2 minister's view, wouldn't he?</p> <p>3 A. Well, if you're meaning to suggest there the Secretary 4 of State had a policy or political view that was apart, 5 once he entered into this process, the view he was 6 forming on the basis of the evidence in front of him, 7 then no, because the Secretary of State was careful to 8 enter the process with an open mind.</p> <p>9 I mean, I was particularly struck by the way in 10 which, as soon as he became responsible, the Secretary 11 of State very quickly focused on the requirements of the 12 process, understood very clearly the requirements of the 13 process. In my experience, rather more so than perhaps 14 some if not many ministers would in this -- in 15 an equivalent case, and became very insistent on the 16 importance of abiding by the requirements of the process 17 and in particular following legal advice at every stage.</p> <p>18 Q. What was the basis for your confidence that Mr Smith 19 would follow the same rigorous approach?</p> <p>20 A. My confidence was that he was hearing the same advice in 21 all the meetings and also that he was well attuned to 22 the Secretary of State and the Secretary of State was 23 very clearly saying there must be a rigorous process 24 here, we must follow legal advice at every stage, and 25 was actively seeking that, and at that stage I hadn't</p> <p style="text-align: center;">Page 34</p>	<p>1 could do so.</p> <p>2 Q. Wasn't it almost inevitable, though, particularly in the 3 context of a process which had to be kept rigorously 4 clear and transparent, that over the course of what 5 became a lengthy process the boundary lines would become 6 blurred?</p> <p>7 A. I don't think so and, in respect of officials, I don't 8 think they did become blurred.</p> <p>9 Q. Clearly, it's your view that they did in relation to 10 Mr Smith, otherwise you wouldn't have written the last 11 sentence of your witness statement; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. But I think my point is this: that you would expect 14 an official who is impartial and, insofar as opinion may 15 be held, to suppress it, because that's what civil 16 servants do, to behave in a certain sort of way, but why 17 would you expect a special adviser not inhibited by the 18 same self-denying ordinances to behave in exactly the 19 same way?</p> <p>20 A. Because those were clearly the requirements that were 21 reinforced in every main meeting that the Secretary of 22 State had and that were the subject of repeated direct 23 legal advice, not just from our own legal advisers but 24 from expert counsel in the course of those meetings, and 25 that was the bread and butter of those discussion, the</p> <p style="text-align: center;">Page 36</p>

9 (Pages 33 to 36)

<p>1 bread and butter of those discussions was asking when 2 can we meet News Corporation, when do we need to meet 3 other people, what can we share, when whom, at what 4 stage, what are our obligations, if we show this to one 5 side, do we have an obligation to show it to others? 6 That was the constant discussion in all these meetings. 7 Q. Did you ever hear feedback from Mr Smith in relation to 8 any particular discussions he'd had with Mr Michel? 9 A. I don't recall doing so, no. 10 Q. You refer to various emails, and we've seen them earlier 11 this morning with Mr Smith, which it's clear that 12 departmental officials were aware that he was 13 interacting with Mr Michel. Were these matters ever 14 drawn to your attention? 15 A. No. As far as I can see from what I've been able to 16 observe, the sort of issues that departmental officials 17 were aware of, where there was a degree of contact with 18 Mr Michel, were issues such as I've described, matters 19 of process, of procedure or otherwise unexceptional. 20 Q. Would you have expected Mr Smith's interactions with 21 News Corp to have within noted or evidenced in some way, 22 in case disputes arose as to what happened? 23 A. I would have thought that to be incredibly wise. 24 Q. Was Mr Smith given any advice to such effect, to your 25 knowledge?</p> <p style="text-align: center;">Page 37</p>	<p>1 MR JAY: If you look at what others were doing, the lawyers, 2 naturally enough, would have taken a full note of 3 whatever communication they had with News Corp and 4 BSKyB. The officials evidently would have done the 5 same; is that right. 6 A. Yes. 7 Q. You'd expect the special advisers to do the same. Were 8 you not surprised then that there was no evidence, or 9 very little evidence, coming back from Mr Smith of his 10 interactions with News Corp? 11 A. I thought that the evidence we were seeing was by and 12 large the extent of his interactions. 13 Q. Which therefore would evidence very limited interaction; 14 is that right? 15 A. Yes. 16 Q. Did you think that surprising, though, with Mr Smith's 17 task to be the point of contact with News Corp on 18 matters of practice and procedure and to reinforce and 19 follow up messages that there was so little evidence of 20 that which was coming back to the department? 21 A. I didn't understand that he was the single point of 22 contact. He was one of a number of points of contact, 23 and what I understood and observed was that most of the 24 contact I and the officials were aware of was conducted 25 through legal advisers.</p> <p style="text-align: center;">Page 39</p>
<p>1 A. I don't recall on that specific occasion. I think there 2 was a general expectation that it's sensible in external 3 dealings when you're having exchanges to record and 4 share it with the department. 5 Q. Did you receive a general message from Mr Smith, 6 directly or indirectly, that he in his terminology had 7 been bombarded with material from Mr Michel? 8 A. No. 9 LORD JUSTICE LEVESON: If he had been talking to Mr Michel, 10 as he was, would you have expected a note to be 11 circulated? 12 A. Yes. Yes, I would. Unless it was a completely anodyne 13 matter or a matter sort of simply of arranging to 14 receive a document or something completely anodyne. 15 LORD JUSTICE LEVESON: Well, you've seen these emails. 16 A. Yes. 17 LORD JUSTICE LEVESON: Some of them may be described as 18 anodyne, but that's not the first word that would come 19 to mind to describe them. 20 A. No. No. 21 LORD JUSTICE LEVESON: Is there a process -- take it away 22 from the bid -- whereby special advisers do write 23 memoranda or notes for the benefit of officials of their 24 communications with people? 25 A. Sometimes, yes.</p> <p style="text-align: center;">Page 38</p>	<p>1 Q. Were you aware of the general position within the 2 department regarding the bid and what the ultimate 3 objective might be? 4 A. The very clear objective set by the Secretary of State 5 was to conduct the process in a fair and robust manner. 6 Q. If the message or the inferences which may be drawn from 7 the materials we've been looking at in the 163-page 8 exhibit bundle is along the lines of positivity 9 emanating from Mr Smith. Just imagine that as 10 a hypothesis. Are we to draw the inference that that 11 positivity does not reflect the underlying view of the 12 department at the material time? 13 A. The very strong view of the department throughout this 14 process led by the Secretary of State was that our job 15 here was to conduct a scrupulous process, to consider 16 the issues on the basis of the evidence in front of us, 17 to reach a fair and unbiased decision, and that was the 18 Secretary of State's overriding concern, to my 19 observation, at every stage throughout this, and he was 20 very concerned about how to manage and achieve that, 21 given that he well understood that the process would 22 almost -- almost whatever he did, come under sustained 23 political and press attack, and that is why he chose to 24 go down the road of seeking independent advice from the 25 independent regulators at every stage before every</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 substantive decision, and also seeking to clear every</p> <p>2 significant move he made at every stage with legal</p> <p>3 advisers, and indeed he was most insistent we brought in</p> <p>4 external expert counsel.</p> <p>5 Q. Can I ask you about paragraph 29 of your statement. You</p> <p>6 rightly say his approach was influenced by the</p> <p>7 circumstances in which he assumed responsibility for the</p> <p>8 bid:</p> <p>9 "He considered that these required him to take</p> <p>10 particular care to remove any perception of unfairness</p> <p>11 to News Corporation."</p> <p>12 Why was there a need for that, Mr Stephens?</p> <p>13 A. Well, the circumstances in which he had taken over</p> <p>14 responsibility for the bid and the comments by Dr Cable</p> <p>15 which brought that about was obviously uppermost in</p> <p>16 everywhere's mind.</p> <p>17 Q. The reality is, that you were well attuned to the</p> <p>18 politics of this, that Dr Cable had said something</p> <p>19 extremely unfortunate which indicated possibly an</p> <p>20 anti-Murdoch stance and that was well understood. But</p> <p>21 you knew that the Secretary of State wasn't in that camp</p> <p>22 at all or within a million miles of it. That's the</p> <p>23 truth, wasn't it, Mr Stephens?</p> <p>24 A. I knew the fact of his public statement, which I thought</p> <p>25 was again quite a considered and careful judgment that</p> <p style="text-align: center;">Page 41</p>	<p>1 knew full well where he understood. This perception of</p> <p>2 unfairness to News International, although extant before</p> <p>3 21 December, was no longer remotely feasible, was it?</p> <p>4 A. No, I think that's completely unrealistic, to be honest.</p> <p>5 This was the big dominant political issue. Although</p> <p>6 this is a Coalition government, two parties in it, the</p> <p>7 government is a single government. The Secretary of</p> <p>8 State is notionally a single person, although</p> <p>9 responsibility was transferred from one Secretary of</p> <p>10 State to another, and I think it was very palpable that</p> <p>11 there might be a perception of unfairness to News</p> <p>12 Corporation.</p> <p>13 This was within the context of ensuring a fair and</p> <p>14 overall objective process and ensuring that the issues</p> <p>15 were properly considered on their merits.</p> <p>16 Q. But all the political commentary when Mr Hunt acquired</p> <p>17 the bid on 21 December wasn't on the basis, "Oh, there</p> <p>18 might now be unfairness to News International. It was</p> <p>19 more along the lines, as you well know, he might be</p> <p>20 favourably disposed to News International. I'm still</p> <p>21 not understanding this line in paragraph 29 of your</p> <p>22 statement.</p> <p>23 A. What I'm understanding there is that -- you know, and</p> <p>24 I emphasise that this was within the context of care and</p> <p>25 concern to achieve an overall fair process to all those</p> <p style="text-align: center;">Page 43</p>
<p>1 was particularly careful to emphasise that he wasn't</p> <p>2 second guessing the regulators, and once he assumed</p> <p>3 responsibility and it was the advice to him, and which</p> <p>4 he readily accepted, that he must put previous views to</p> <p>5 one side, he must approach the matter with an open mind</p> <p>6 on the basis of the evidence in front of him, and that</p> <p>7 was, to my observation, the approach he took.</p> <p>8 Q. Test it in this way. If we're in BIS before 21 December</p> <p>9 2010, one can quite imagine the Permanent Secretary, of</p> <p>10 there well understanding what Dr Cable's position might</p> <p>11 be because he would possibly write about it and warning</p> <p>12 him not to be unfair to News International, but it's</p> <p>13 rather odd that the Secretary of State now changes, we</p> <p>14 know the position of the Secretary of State, you knew</p> <p>15 the position of your Secretary of State, and you're</p> <p>16 still concerned to avoid a perception of unfairness to</p> <p>17 News Corporation. Is that really the position?</p> <p>18 A. I think it's a rather natural concern, given all the</p> <p>19 furere and focus on the comments that were made, that</p> <p>20 that could give rise to a perception of unfairness.</p> <p>21 Q. But to News International rather than the other way</p> <p>22 around. Shouldn't that have been the greater concern?</p> <p>23 A. Dr Cable's comments were about News International.</p> <p>24 Q. Of course they were, but we now had a new Secretary of</p> <p>25 State who was from a different political party and you</p> <p style="text-align: center;">Page 42</p>	<p>1 considered but, given Dr Cable's comments, it seemed</p> <p>2 natural to think that they gave rise to the possibility</p> <p>3 that News Corporation could, for example, cite those in</p> <p>4 a future JR as reasons for challenging the outcome.</p> <p>5 Q. Okay. The last point in paragraph 29, you say your</p> <p>6 Secretary of State was determined, amongst other things,</p> <p>7 to hear directly their points of view rather than deal</p> <p>8 with them only through written representations, so that</p> <p>9 includes the possibility of meetings which occurred --</p> <p>10 A. Yes.</p> <p>11 Q. -- and the possibility of more informal communications,</p> <p>12 doesn't it?</p> <p>13 A. Well, he was focused on meetings. That was what he</p> <p>14 was -- he sought advice on -- he thought it was right,</p> <p>15 once he'd received the Ofcom report, to meet with News</p> <p>16 Corporation as one of the merging parties to hear their</p> <p>17 views directly.</p> <p>18 Q. Can I ask you, please, about paragraph 36 now, because</p> <p>19 you've covered the intervening matters in your earlier</p> <p>20 evidence. You say:</p> <p>21 "The overall conduct of the bid, including what it</p> <p>22 was appropriate to discuss or consult with News</p> <p>23 Corporation was overseen through the process the</p> <p>24 Secretary of State and I had established, particularly</p> <p>25 his regular meetings."</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 Be absolutely clear what the process was. It was 2 what was discussed at the meeting on 22 December, what 3 was discussed at subsequent meetings, but did it include 4 any supervision of the special adviser? 5 A. No. 6 Q. You say, towards the end of this paragraph: 7 "Separate from these meetings and the advice offered 8 in written submissions and orally in meetings, I was not 9 asked for and did not offer separate advice on contacts 10 with News Corporation." 11 But that presupposes, indeed as you've explained, 12 the existence of such contacts, doesn't it? 13 A. Yes. 14 Q. I suppose the real point is how you assessed the risks, 15 if any, which emanated from the fact of such contacts. 16 Would you agree? 17 A. Yes. 18 Q. Are we to deduce from your evidence that you assessed 19 those risks to be either nugatory or minimal? 20 A. I assessed that those risks were mitigated very 21 significantly by a number of factors. First of all, the 22 very public way which responsibility had been 23 transferred to us, which brought home, in a way that was 24 unmissable, the consequences of private comments 25 becoming public.</p> <p style="text-align: center;">Page 45</p>	<p>1 its differentiation from the standard policy function 2 which the Secretary of States ordinarily undertake. 3 Would you accept that one? 4 A. I really struggle to see that, to be honest, because in 5 these discussions the requirements of the process, the 6 Enterprise Act, the quasi-judicial obligations was meat 7 and drink of the discussion, and with expert counsel 8 there making the points, and I can still -- this was 9 something I experienced myself. I can still see in my 10 mind's eye, as the Secretary of State would ask, "What 11 can I meet, when can I share with one side" that counsel 12 Daniel Beard would lean forward and say, "Let's start 13 with the first principles here: you have to be seen to 14 exercise your functions on the basis of relevant 15 considerations, not irrelevant considerations; you have 16 to be seen to behave in an even-handed way, without bias 17 or the appearance of bias", and in this particular case 18 that means -- I mean, I summarise, but that happened 19 repeatedly and over a number of occasions, and left me 20 in no doubt that the requirements were clear. 21 Q. The third point out of my four: the power of advocacy 22 and sophistication of the lobbyist. Although you didn't 23 know him personally, or know his exact title, you knew 24 the sort of role he was occupying and that it was his 25 job, really, to push as hard as he can to extract as</p> <p style="text-align: center;">Page 47</p>
<p>1 Second, the Secretary of State's very strong and 2 marked insistence on following a rigorous and scrupulous 3 process and acting in a way that was fair and 4 even-handed. 5 Third, the presence and availability within the room 6 for these discussions of our own legal advisers and the 7 presence of expert legal counsel. 8 All of those factors together gave me confidence 9 that all those involved in the process, Secretary of 10 State, officials, special advisers, all understood the 11 importance of following this scrupulous process. 12 Q. Can I suggest three factors which possibly you 13 underestimated, Mr Stephens, just for you to comment. 14 First, you put excessive faith, perhaps, in the 15 experience and good judgment of the special adviser. 16 Would you accept that? 17 A. With the benefit of hindsight, clearly, yes. As I said, 18 and as his appraisal reflects, which I strongly agreed 19 with, at the time I thought he showed good understanding 20 of the role and good judgment and was careful in how he 21 undertook the role. 22 Q. Okay. There are four risk factors I want to identify. 23 The second is that the special adviser would not 24 necessarily understand exactly what the term 25 quasi-judicial meant and what it entailed, in particular</p> <p style="text-align: center;">Page 46</p>	<p>1 much as he possibly could. Nothing necessarily 2 inappropriate in that, but there was a particular risk, 3 therefore, that the special adviser needed to be alive 4 to and perhaps warned about. Do you accept that issue? 5 A. Certainly with the benefit of hindsight I wish we had 6 warned him, and indeed I think one would necessarily 7 want to warn anyone in contact with him. 8 Q. The fourth point: the special adviser, apart from 9 self-evidently to advise the Secretary of State, is 10 speaking on behalf of his Secretary of State and would 11 regard it as reasonable, indeed second nature, when 12 speaking on his Secretary of State's behalf to express 13 his Secretary of State's opinion, because that, after 14 all, is what he does. But in this situation, where he 15 to do that, obviously dangers might ensue. Would you 16 agree with that risk factor? 17 A. Well, that applies to anyone in the department. I mean, 18 that is -- you know, any relatively senior official 19 engaging on an issue with an outside party, would be 20 seen and thought of as speaking on behalf of or acting 21 on behalf the Secretary of State. 22 Q. It doesn't quite work like that as a civil servant. The 23 civil servant, of course, understands and it bound to 24 fulfil the Secretary of State's policy objective, but 25 everybody understands, speaking to a civil servant, this</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 is someone who is neutral and impartial and will always 2 play it absolutely with a bat face up, as it were. But 3 a special adviser is not constrained by that 4 self-denying ordinance, as I put it earlier. The 5 special adviser properly could speak politically on 6 behalf of the Secretary of State, and that is 7 a particular risk in this situation, would you not 8 accept?</p> <p>9 A. Well, not within the requirements of this process. 10 Within the requirements of this process, those 11 requirements applied to everyone: the Secretary of 12 State, the special adviser and the official. No more 13 could the Secretary of State, in his meetings with News 14 Corporation, express a political objective than could 15 a special adviser or indeed an official.</p> <p>16 Q. Do you think that it was really part of Mr Smith's 17 function in interacting with News Corporation to, as it 18 were, keep them happy over an increasingly lengthy and 19 tense process, which was, after all, taking much longer 20 than everybody thought or hoped would occur?</p> <p>21 A. Well, to the extent that it was part of his role to 22 explain matters of process and procedure, you know, and 23 I don't know whether that made them happy or not, but in 24 that sense of explaining matters of process and 25 procedure that was part of his role.</p> <p style="text-align: center;">Page 49</p>	<p>1 however he approached it, whatever decision he took, 2 that there would be huge and intense criticism from one 3 side or the other.</p> <p>4 What he was most concerned about was how to buttress 5 and reinforce the fairness of the process as a whole 6 and, therefore, its wider public and political support, 7 and that is what led him to take the initiative beyond 8 what was required in statute of seeking to act always on 9 the advice of independent regulators to such an extent 10 that actually the fairly regular discourse in meetings 11 was whether he was so emphasising that he would act on 12 their advice that he was in danger of fettering his 13 discretion, and, indeed, in practice he created 14 a process in which the opportunity left to him, had he 15 wanted it, and he didn't want it, to manipulate it, you 16 know, for political or other end, was in practice 17 vanishingly small.</p> <p>18 In practice, also, I mean I think it's also perhaps 19 not helpful to characterise this as sort of for or 20 against the bid. His approach was to consider it on the 21 merits under the powers available to him, which were 22 concerned with plurality, and what he -- and he was 23 concerned to reach a proper decision on the basis of 24 plurality, and of course the decision and the outcome 25 and the various decisions along the way that he was</p> <p style="text-align: center;">Page 51</p>
<p>1 Q. Did you understand it to be part of your Secretary of 2 State's objective not to lose the bid through delay, 3 because that would not be advantageous to the interests 4 of this country?</p> <p>5 A. No, I understood the opposite from the Secretary of 6 State. I understood him explicitly and repeatedly in 7 meetings and particularly with the regulators to say 8 that it was important that they took as much time as 9 they needed to properly consider the issue and that what 10 he wanted from them most was clear and unambiguous 11 advice, regardless of what that advice was.</p> <p>12 Q. I'm sure the Secretary of State correctly understood 13 that it was essential that he took advice and that 14 advice was given in such time as appropriate for it to 15 be provided in, but I'm looking in terms of the overall 16 policy objective of the Secretary of State. Wasn't it 17 your understanding that the Secretary of State certainly 18 did not want to lose this bid through delay?</p> <p>19 A. No, that was not my understanding, and I perhaps give 20 the expression that the Secretary of State understood. 21 In fact, the Secretary of State took the initiative of 22 seeking independent advice. I mean, his approach, 23 I recall him discussing this, was, as we've discussed 24 before, this was an extremely hot potato to handle. He 25 was conscious that, with the best will in the world and</p> <p style="text-align: center;">Page 50</p>	<p>1 taking was actually that, in respect of plurality, 2 understood to be news and current affairs, the bringing 3 together of the Times, Sun, News of the World newspapers 4 with Sky News, it was clear that that was, and the 5 position he took up on the advice of independent 6 regulators, was that he was not going to allow that to 7 happen, but the bid, the wider bid could only proceed on 8 the basis that that bid, in respect of news and current 9 affairs, did not proceed and that News Corporation 10 voluntarily, in effect, divested themselves of Sky News.</p> <p>11 So, in that sense, the decisions he took were all 12 about actually blocking and frustrating that aspect of 13 the bid.</p> <p>14 LORD JUSTICE LEVESON: Okay. I give the shorthand writer 15 a break, so we'll just have a few minutes. Thank you. 16 (3.07 pm) 17 (A short break) 18 (3.14 pm)</p> <p>19 MR JAY: Mr Stephens, the circumstances of Mr Smith's 20 resignation -- 21 A. Yes.</p> <p>22 Q. -- there was a meeting on the morning of 25 April, which 23 was a Tuesday. Were you involved in that meeting? 24 A. This is the day of his resignation? 25 Q. That's right.</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 A. Yes. This is, sorry, a meeting with the Secretary of 2 State? 3 Q. I believe so. 4 A. Yes. 5 Q. Was it your advice that Mr Smith should be asked to go? 6 A. Yes. I said to the Secretary of State, having reflected 7 on it overnight and having discussed it with others, 8 that I thought that the nature, content, extent, depth 9 of the contact suggested by the emails revealed the 10 previous day meant that this was far beyond what could 11 be considered appropriate. 12 Q. Given that Mr Smith's position was, and he'd expressed 13 it, that the emails did not, in fact, truly reflect the 14 nature of his contact with Mr Michel, why did you act on 15 the basis of their appearance rather than Mr Smith's 16 version of events, is it were? 17 A. There were clearly a number of issues and disputes 18 around the emails, not least -- I mean, the obvious one, 19 they all claim to be speaking to Jeremy Hunt when they 20 weren't. There were a number of other areas of 21 uncertainty around them, but even allowing for all of 22 that, it was clear that there was an undisputed degree 23 of contact that was -- that hugely surprised me. It was 24 far beyond what I considered appropriate or defensible 25 in the circumstances, and I'd -- I mean, I'd discussed Page 53</p>	<p>1 heard about? 2 A. We were in touch with them, as I would expect to be in 3 a situation of this sort. They made a couple of 4 suggestions on a draft, that was no more. 5 Q. I think the amendment which Mr Smith took issue with was 6 the addition of the words "I believe it was part of my 7 role", which Mr Smith resisted, and I think you accepted 8 that Mr Smith could retain his wording, as it were. Is 9 his evidence right about that? 10 A. Yes. In fact, I recall very clearly this. I was very 11 concerned. It was a very difficult traumatic situation 12 for Adam, and indeed for the department who had worked 13 closely with him and respected him, and I recall wanting 14 to meet with him myself, specifically, to ensure he 15 understood and was happy with the final version of the 16 resignation statement. I drew his attention to the 17 extra suggestions and I actually suggested to him that 18 I thought most probably "I believe" was one that he 19 wouldn't want to accept, and he agreed with that. 20 LORD JUSTICE LEVESON: Mr Stephens, of course I am 21 concerned, I repeat again, with the relationship between 22 the press and politicians and the conduct of each, for 23 those are the terms of reference with which I know you 24 are extremely familiar. But circumstances have caused 25 me inevitably to have to look at this, and I think Page 55</p>
<p>1 and reflected on that with others, other officials 2 within the department, who were also surprised, and 3 indeed discussed it with the Cabinet Secretary and 4 others. 5 Q. Did you have the chance at least to skim read some of 6 the emails yourself? 7 A. Yes, I did. 8 Q. Was there material you saw which you felt could only 9 have come from within the department, in other words 10 could not have been made up by Mr Michel, because he 11 would not have known about it from any other source? 12 A. I did not have the time or the ability at that stage to 13 conduct a sort of detailed examination, investigation of 14 the document, but what I saw that was undisputed, as it 15 were, was a degree of contact and about subjects that 16 are just clearly inappropriate from my view. 17 Q. In terms of the extent to which the emails appeared to 18 express the Secretary of State's own view, did you feel 19 that those emails incorrectly set out that view? 20 A. I -- to -- I didn't conduct an examination in that 21 degree of depth. The Secretary of State said to me very 22 clearly that the nature and extent of the contacts had 23 not been known to him and were not authorised by him. 24 Q. In relation to the resignation statement, was it the 25 Cabinet Office who wanted to make the amendment which we Page 54</p>	<p>1 really reflecting what you've just said to Mr Jay this 2 could probably be described for the department and 3 certainly for Mr Smith as a calamity. Would you agree? 4 A. Yes. 5 LORD JUSTICE LEVESON: I'm sure, in the interests of good 6 administration of justice, quite apart from my asking 7 these questions, that led to the statement, you will 8 have considered what went wrong. You have an extremely 9 able, highly regarded young man, who isn't in any sense 10 mischievous -- and if I'm expressing judgments here, 11 then they're subject to anything anybody may want to 12 say -- who is very keen to do the right thing, but who 13 has got into a degree of contact which you yourself have 14 described -- and I don't need to express a view at this 15 stage -- in the context of a comparatively small office, 16 where people know what's going on. How has this 17 happened? 18 A. I, if I may say so, very much share your views of 19 Adam Smith. I had a high regard for him. We worked 20 very closely with him and very successfully, I think, 21 over two years or so. It's a matter of intense regret 22 to me that this happened. 23 You ask my opinion as to how it happened. I suppose 24 the -- I don't know, is the immediate answer, but the 25 judgment I've formed is that, sadly, Mr Smith -- Page 56</p>

<p>1 I personally believe against his will and against his 2 intentions -- was drawn into almost what seems to me to 3 be a sort of web of manipulation and exaggeration, and 4 was inadvertently, I think, drawn beyond what he 5 intended to do or wanted to do, but unfortunately he was 6 drawn beyond it.</p> <p>7 LORD JUSTICE LEVESON: Presumably you've expressed at least 8 concern or thought about how this wasn't picked up in 9 some way. Do you have any views to offer on that?</p> <p>10 A. I struggle with that, to be honest, because, as I have 11 said in my evidence, I was present myself in the key 12 meetings, certainly in the early days, and was very 13 conscious from those of what, in my judgment, were clear 14 requirements established and a very clear explanation of 15 the legal obligations.</p> <p>16 As you say, it is a small office, and one in which, 17 certainly, I seek to make myself regularly available, 18 certainly to ministers, special advisers, senior 19 officials. I meet with them weekly. So I struggle to 20 understand why, as, you know, what seems to be -- he 21 came under intense pressure, he didn't talk to someone 22 about that. It didn't need to be me, it could have been 23 someone else.</p> <p>24 LORD JUSTICE LEVESON: Of course what he says, and you may 25 not have had the chance to hear him as I have, is that</p> <p style="text-align: center;">Page 57</p>	<p>1 judgment, clearly inappropriate and not just in one or 2 two disputed cases. I think that's a judgment I just 3 have to place on the record.</p> <p>4 In respect of the lessons to be learned, I'm sure 5 there are important lessons to be learned. Indeed, 6 already and, in my experience, for the first time within 7 government, the Cabinet Office, Cabinet Secretary and 8 head of the Home Civil Service have issued guidance to 9 departments on quasi-judicial procedures, which includes 10 covering the behaviour and conduct of special advisers, 11 if they're involved in such decisions, the need for 12 guidance for them, the need for them to record external 13 contacts --</p> <p>14 LORD JUSTICE LEVESON: So you're way ahead of me?</p> <p>15 A. -- and if it would help, we can provide, obviously, 16 a copy of such guidance, which was issued in the 17 immediate aftermath of this, and which, I think -- it 18 was immediate guidance, but it will no doubt be 19 reviewed, you know, in due course, to see if there are 20 other further lessons to be considered in due course.</p> <p>21 LORD JUSTICE LEVESON: I'd certainly like to see what has 22 emanated. Secretaries of State are obviously extremely 23 busy people. They have many calls upon their time, and 24 enormous pressures about their daily lives. 25 I appreciate that their special advisers come with</p> <p style="text-align: center;">Page 59</p>
<p>1 actually he believes that he was -- in having the 2 contact that he had, the extent of the contact, he was 3 acting as a buffer for the Secretary of State -- I think 4 that was his word, not mine -- and that although he may 5 go along with things, he wasn't actually saying anything 6 ever that was inappropriate, and that if one picks 7 through the language, there are some things that he 8 positively disagrees with, but others that he explains, 9 well, he may have said something like this, and then 10 I would have said, "Yes, I see that", and then that's 11 been translated to he's on side with it and that's 12 a possibility which I'll obviously have to consider, to 13 such extent as necessary for my terms of reference.</p> <p>14 But it does raise questions also about the 15 relationship between departments and their special 16 advisers. That's certainly outside my terms of 17 reference, but is there anything, on the basis that all 18 this is being played out in public, and I'm obviously 19 going to have to say something, is there anything that 20 you would want to offer on steps that can be taken to 21 ensure that able young advisers have ways of avoiding 22 this sort of problem in the future?</p> <p>23 A. The first thing I think I would say is that I have to be 24 clear that I think, as I've said, the extent, the 25 number, the nature of these contacts was, in my</p> <p style="text-align: center;">Page 58</p>	<p>1 a political perspective, which is why they are exempt 2 from the normal requirements of impartiality within the 3 Civil Service and, again, it might be said this is 4 outside my terms of reference, but I'll ask it anyway: 5 is there room for some mechanism for management which 6 doesn't just jump straight from the special adviser, as 7 it were, climbing straight up the ladder of a snakes and 8 ladder board up to the Secretary of State, not because 9 I'm there by expressing criticism of the Secretary of 10 State or indeed the special adviser, but simply for good 11 HR management personnel purposes?</p> <p>12 A. I think you make a powerful case. What I've observed is 13 that in every department -- what you say about 14 Secretaries of State or ministers in charge of 15 departments is true and, in my experience, they do not 16 provide, could not possibly be expected to provide, the 17 sort of line management care and supervision in practice 18 that you would expect within a large organisation and 19 I would expect to see in respect of permanent civil 20 servants within the department. That, as I tried to say 21 earlier, is in the nature, to some extent, of the job.</p> <p>22 I do think that this is an area worth continuing to 23 look at. I think special advisers, as a group, bring 24 enormous benefits do their Secretaries of State and to 25 their departments, and I think -- I'm not aware of the</p> <p style="text-align: center;">Page 60</p>

<p>1 details, but I am conscious that, centrally, more 2 efforts have been made, I think particularly since the 3 last election, for example, to try to offer training 4 centrally to special advisers and, to my knowledge, for 5 the first time ever, in my experience, there has been 6 an appraisal system -- 7 LORD JUSTICE LEVESON: The 360 degrees. 8 A. -- around special advisers. I think the problem in 9 terms of actually inserting a line manager is the 10 problem of that line manager, I suppose, could 11 conceivably be another special adviser at the centre or 12 something like that, but then that would be quite 13 a remote presence not actually actively involved. I'm 14 not saying that rules it out, but I'm considering some 15 of the possibilities. 16 LORD JUSTICE LEVESON: I'm not seeking to solve this problem 17 and I just don't think it is my job to do so, but 18 I would be very unhappy if some good didn't come out of 19 this calamity. I am very conscious that civil servants 20 at different grades have mentors in grades above them. 21 It just seems that nothing like that exists for special 22 advisers and I understand the problems -- and I suppose 23 that if I were to conclude that some of the aspects of 24 this part of the terms of reference can be explained in 25 that way, I can link recommendations to it without</p> <p style="text-align: center;">Page 61</p>	<p style="text-align: center;">I N D E X</p> <p>1 2 3 4 MR ADAM SMITH (continued)2 5 Questions by MR JAY (continued)2 6 MR JONATHAN STEPHENS (sworn)119 7 Questions by MR JAY119 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 63</p>
<p>1 exceeding the terms of my brief, but whatever I do, 2 I think it certainly, in my view, repays consideration. 3 A. I agree. 4 LORD JUSTICE LEVESON: Right. Mr Stephens, thank you very 5 much indeed. 6 Thank you. It's 10 o'clock on Monday. 7 (3.34 pm) 8 (The hearing adjourned until 10 o'clock on 9 Monday, 28 May 2012) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 62</p>	

A	53:5	anybody 7:9 56:11	assumed 30:1 41:7 42:2	57:4,6	14:14	60:3,19 61:19
abides 9:8,10	advise 4:19	anyway 60:4	attack 40:23	bias 25:4,5,6 47:16,17	care 41:10 43:24 60:17	claim 53:19
abiding 20:8 34:16	advised 32:2	apart 34:4 48:8 56:6	attended 7:2	bid 1:19 2:1 6:19 6:24 7:3,25 8:11 14:7 17:25 18:8 22:17,20 23:11 24:7 29:11 32:18 38:22 40:2 41:8,14 43:17 44:21 50:2,18 51:20 52:7,7,8,13	careful 23:3,5,11 23:24 32:3 34:7 41:25 42:1 46:20	clear 1:22 2:17 10:20 14:7 16:6,10,13 19:5 21:6,11 28:10,13,19,21 29:7 36:4 37:11 40:4 41:1 45:1 47:20 50:10 52:4 53:22 57:13,14 58:24
ability 54:12	adviser 2:11 3:13 4:12,23 9:7,21 9:25 10:3,5,7,9 28:22 30:24 31:11 32:10,22 33:11,15,20,25 35:6,17,22 36:17 45:4 46:15,23 48:3 48:8 49:3,5,12 49:15 60:6,10 61:11	appear 19:3	attention 3:14,20 4:16 6:3 15:18 19:19 20:1 37:14 55:16	big 9:18 43:5	carefully 24:24	29:7 36:4 37:11 40:4 41:1 45:1 47:20 50:10 52:4 53:22 57:13,14 58:24
able 16:15 17:17 26:14 37:15 56:9 58:21	absolutely 12:12 17:19 18:5 45:1 49:2	appearance 25:4 25:6 47:17 53:15	attuned 10:9 18:13 34:21 41:17	BIS 11:5,12 12:19,20,20 15:10,18 18:1 24:7,16 25:12 42:8	carried 11:25 30:6	clearly 1:20 4:25 8:25 15:21 19:15 34:12,23 36:9,20 46:17 53:17 54:16,22 55:10 59:1
academic 16:8	accepted 42:4 55:7	appeared 54:17	authorised 54:23	bit 16:19	carries 11:9	52:4 53:22 57:13,14 58:24
accept 12:12 16:25 24:1 46:16 47:3 48:4 49:8 55:19	access 30:2	appended 1:13	availability 46:5	blocking 52:12	case 9:5,5 27:25 31:17 34:15 37:22 47:17 60:12	climbing 60:7
accord 21:24	account 25:2	application 26:9	available 31:8 51:21 57:17	blurred 36:6,8	cases 13:15 32:19 59:2	close 5:8 8:23,25 56:20
accountability 7:24	accountable 8:1	applies 48:17	avoid 42:16	board 60:8	categories 30:25	closely 55:13 56:20
accounting 2:17	achieve 17:3 18:11 40:20 43:25	approach 16:24 18:4 25:1,14 34:19 35:3 41:6 42:5,7 50:22 51:20	avoidance 25:6	boiling 7:22	category 2:16 6:20	CMS 15:9
acted 17:25	act 16:4 26:10 47:6 51:8,11 53:14	approached 51:1	avoiding 58:21	bomb 18:23	caused 55:24	Coalition 43:6
acquired 17:25 43:16	act 16:4 26:10 47:6 51:8,11 53:14	appropriate 25:15,23 44:22 50:14 53:11,24	aware 3:12 4:17 13:3 14:1,5,8 19:5,16 29:13 37:12,17 39:24 40:1 60:25	bombarded 38:7	central 6:17,20 12:18 33:10,19	code 2:22,22 5:1 6:1
act 16:4 26:10 47:6 51:8,11 53:14	acting 11:9 46:3 48:20 58:3	appropriately 4:6	back 8:20 17:8 17:20 28:7,17 39:9,20	bombard 60:8	centrally 61:1,4	commentary 17:7 17:17 19:2 21:7 46:13
action 16:15 29:2 32:20,21	actively 34:25 61:13	April 52:22	backed 11:7	boiled 7:22	centre 61:11	59:25 61:18
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	area 21:2 60:22	background 12:21	bound 48:23	certain 26:10 36:16	comfortable 17:3
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	areas 12:15 31:5 53:20	bailed 11:7	boundary 36:5	caused 55:24	coming 39:9,20
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	arose 37:22	background 12:21	bread 12:5 36:25 37:1	central 6:17,20 12:18 33:10,19	comment 17:7 17:17 19:2 21:7 46:13
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	arrangements 27:13	backing 12:21	break 52:15,17	centrally 61:1,4	59:25 61:18
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	arranging 38:13	backing 12:21	brief 62:1	centre 61:11	commentary 43:16
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	arrive 20:21	backing 12:21	bring 20:15 60:23	certain 26:10 36:16	comments 19:11 19:20 20:11 41:14 42:19,23 44:1 45:24
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	arrived 9:14	backing 12:21	bringing 52:2	caused 55:24	Commission 15:13
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	ascertain 10:8	backing 12:21	brought 41:3,15 45:23	central 6:17,20 12:18 33:10,19	communicating 35:22
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	aside 23:19	backing 12:21	BSkyB 6:19 18:8 39:4	centrally 61:1,4	communication 23:14,18 39:3 38:24 44:11
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buffer 58:3	centre 61:11	comparatively 56:15
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	bundle 3:3 20:17 40:8	certain 26:10 36:16	Competition 15:13
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	business 4:13 11:8 12:19	caused 55:24	completely 17:16 17:21 38:12,14 43:4
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	busy 59:23	centre 61:11	conceivably 61:11
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	butter 12:6 36:25 37:1	central 6:17,20 12:18 33:10,19	concept 11:18 12:17 24:21 30:10
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	but 49:2	caused 55:24	concern 6:20
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14	asked 3:8 7:17 17:1,18 19:8 19:15 45:9 53:5	backing 12:21	buy 20:25	centre 61:11	
action 16:15 29:2 32:20,21	act 16:4 26:10 47:6 51:8,11 53:14					

11:11 40:18 42:18,22 43:25 57:8 concerned 6:22 14:12 24:4 40:20 42:16 51:4,22,23 55:11,21 concerning 7:14 concerns 26:24 27:15 conclude 61:23 conclusion 15:7 conclusions 21:9 conduct 1:24 2:22 3:12 4:10 4:12,17 5:1,16 6:2 8:11 40:5 40:15 44:21 54:13,20 55:22 59:10 conducted 8:18 39:24 conducts 4:23 confidence 34:18 34:20 46:8 confident 35:4 confidentiality 26:2 conflict 19:16 connection 2:1 conscious 29:17 50:25 57:13 61:1,19 consequences 45:24 consider 27:24 28:5 40:15 50:9 51:20 58:12 consideration 6:24 22:20 28:1 62:2 considerations 15:12 24:17 25:3 47:15,15 considered 41:9 41:25 43:15 44:1 53:11,24 56:8 59:20 considering 26:22 61:14 constant 37:6 constrained 49:3 consult 6:14 27:24 44:22 consultation 27:8,23 consulted 26:13 contact 29:5,8,12 29:20,25 30:6 30:12 31:17 37:17 39:17,22 39:22,24 48:7 53:9,14,23 54:15 56:13	58:2,2 contacts 45:9,12 45:15 54:22 58:25 59:13 content 53:8 context 1:23 13:19 14:13 18:4,7 20:18 33:4 35:23 36:3 43:13,24 56:15 continued 63:3,4 continuing 60:22 contribute 3:9 11:6 conversation 22:4 convey 16:3,10 conveyed 16:17 35:15 copied 10:18,22 copy 59:16 core 4:13 Corp 32:10 35:7 37:21 39:3,10 39:17 Corporation 23:4,15 29:6,9 29:12,15,17,21 30:17 35:16 37:2 41:11 42:17 43:12 44:3,16,23 45:10 49:14,17 52:9 Corp's 30:21 correct 11:24 28:6 correctly 9:17 24:5 50:12 correspondence 30:16 counsel 36:24 41:4 46:7 47:7 47:11 country 50:4 couple 8:24 55:3 course 3:19 8:3 10:13 11:11 14:10 19:21 33:15 35:11,14 36:4,24 42:24 48:23 51:24 55:20 57:24 59:19,20 covered 44:19 covering 59:10 covers 8:3 created 51:13 criticism 51:2 60:9 crystal 16:10 28:19 Culture 2:5 current 52:2,8 currently 2:4	<hr/> D D 63:1 daily 59:24 danger 51:12 dangers 48:15 Daniel 47:12 dashes 16:19 date 10:13 dated 1:12 day 21:20 22:6 24:6 52:24 53:10 days 57:12 day-to-day 8:12 DCMS 6:10 11:3 11:19,19,23 12:14 17:24 18:2 deal 6:4 44:7 dealing 6:9 dealings 23:3 38:3 deals 8:4 dealt 27:15 33:2 December 3:3 10:12 11:23 15:24 17:25 18:22 24:10 42:8 43:3,17 45:2 decision 11:8,10 15:11 16:11 21:9,23 22:2 25:1 40:17 41:1 51:1,23 51:24 decisions 17:18 26:13 51:25 52:11 59:11 decision-making 21:6 deduce 45:18 defensible 53:24 define 2:10 defined 12:9 definitive 21:5 degree 29:11 37:17 53:22 54:15,21 56:13 degrees 61:7 delay 50:2,18 delivered 30:16 demonstrated 21:5 department 2:5 2:13 4:2,13 5:10,25 6:10 6:11,18,21,25 8:2,4 9:9,14 10:4,21 15:3 20:13 22:16 23:19,21 25:18 29:18 30:20 33:5 38:4 39:20 40:2,12 40:13 48:17	54:2,9 55:12 56:2 60:13,20 departmental 37:12,16 departments 11:22 12:6,7 17:16 31:22 33:9 58:15 59:9 60:15,25 depth 53:8 54:21 describe 38:19 described 37:18 38:17 56:2,14 desire 16:23 detail 13:21 22:20 28:20 detailed 54:13 details 61:1 determined 44:6 devil 28:20 devised 1:18 different 17:16 42:25 61:20 differentiation 47:1 difficult 19:25 20:3 55:11 dimension 7:21 7:21 direct 5:18 36:22 directly 8:10 35:16 38:6 44:7,17 director 15:4,25 20:23 30:4 disagrees 58:8 discharge 12:7 discipline 2:24 4:10 5:5 disclosed 20:16 discourse 51:10 discretion 51:13 discuss 44:22 discussed 13:11 22:8 32:9 45:2 45:3 50:23 53:7,25 54:3 discussing 50:23 discussion 12:25 14:22 17:11 18:10 27:2 36:25 37:6 47:7 discussions 11:4 37:1,8 46:6 47:5 dismiss 4:11 disposed 14:7 43:20 disputed 59:2 disputes 37:22 53:17 distinction 31:23 33:6 divested 52:10	document 38:14 54:14 documents 32:24 doing 37:9 39:1 dominant 43:5 doubt 31:5 32:8 47:20 59:18 Downing 21:23 Dr 12:24 13:22 14:14 16:10 18:16 41:14,18 42:10,23 44:1 draft 55:4 draw 3:13 4:15 19:18 21:7 40:10 drawn 3:20 8:20 15:18 20:1 37:14 40:6 57:2,4,6 drew 6:3 55:16 drink 33:4 47:7 due 59:19,20 duties 12:9 duty 4:18,22	<hr/> E E 63:1 earlier 9:16 17:8 35:6 37:10 44:19 49:4 60:21 early 28:16 57:12 effect 37:24 52:10 effective 9:8 effectively 7:25 efforts 61:2 either 6:14,16,16 7:6 30:20 45:19 elaborate 25:10 election 61:3 element 21:3 email 13:7,17 15:1,24 22:3 24:9 30:19 emails 3:18 37:10 38:15 53:9,13,18 54:6,17,19 emanated 45:15 59:22 emanating 40:9 emanation 23:22 emphasise 42:1 43:24 emphasising 51:11 engaging 23:9 48:19 enormous 59:24 60:24 ensue 48:15 ensure 4:23 31:4	55:14 58:21 ensuring 4:5 5:10 43:13,14 entailed 46:25 enter 34:8 entered 34:5 Enterprise 26:10 47:6 entitled 13:13 equal 27:8 equally 27:17 equivalent 17:18 26:15 31:20 34:15 essential 50:13 essentially 16:16 establish 27:5 established 44:24 57:14 evening 21:24 22:5 event 16:5 events 53:16 even-handed 25:4,14 46:4 47:16 everybody 28:12 48:25 49:20 everywhere's 41:16 evidence 1:13 11:7 20:16 21:10 24:8 29:7 34:6 39:8 39:9,11,13,19 40:16 42:6 44:20 45:18 55:9 57:11 evidenced 37:21 evidently 39:4 exact 13:21 30:4 47:23 exactly 36:18 46:24 exaggeration 57:3 examination 54:13,20 example 5:22 12:4 32:23 35:15 44:3 61:3 examples 32:23 exceeding 62:1 exchange 26:12 exchanges 31:19 31:20 32:5 33:8 38:3 exclude 25:17 exclusive 27:2 executive 30:2 exempt 60:1 exercise 11:20,23 12:2,15 47:14 exhibit 40:8	existence 45:12 exists 61:21 expect 5:23 8:5 31:18 36:13,17 39:7 55:2 60:18,19 expectation 38:2 expected 29:13 33:21 34:1 35:7 37:20 38:10 60:16 experience 3:6 9:2 31:14,22 32:13 33:9,15 33:16 34:13 46:15 59:6 60:15 61:5 experienced 47:9 expert 36:24 41:4 46:7 47:7 explain 22:11,19 49:22 explained 24:21 26:7 33:19 45:11 61:24 explaining 49:24 explains 58:8 explanation 57:14 explicitly 50:6 exploring 31:2 explosion 18:23 express 13:5,13 13:19 14:4,24 48:12 49:14 54:18 56:14 expressed 34:1 53:12 57:7 expressing 12:24 56:10 60:9 expression 11:21 50:20 expressly 11:15 15:15 extant 43:2 extent 3:24 12:23 13:12 33:25 39:12 49:21 51:9 53:8 54:17,22 58:2 58:13,24 60:21 external 11:4 29:14 38:2 41:4 59:12 extra 55:17 extract 47:25 extremely 41:19 50:24 55:24 56:8 59:22 extremis 30:21 eye 47:10
					<hr/> F	face 31:8 49:2 fact 17:9 41:24 45:15 50:21	

53:13 55:10 factor 48:16 factors 45:21 46:8,12,22 facts 11:6 fair 3:22 5:15 8:16 17:5 18:17 22:9 40:5,17 43:13 43:25 46:3 fairly 51:10 fairness 51:5 faith 46:14 fall 3:23 4:14 familiar 11:19 11:22 12:18 30:10 55:24 far 21:4 37:15 53:10,24 fatal 21:8 favourably 14:7 43:20 feasible 43:3 feature 1:20 feedback 37:7 feel 6:19 9:17 25:7 54:18 fell 6:19 29:2 felt 13:15 54:8 fettering 51:12 figure 14:9 final 11:8 55:15 find 8:20 first 3:6 16:9,20 19:15 20:4 21:20 31:1 38:18 45:21 46:14 47:13 58:23 59:6 61:5 focus 19:19 20:8 42:19 focused 34:11 44:13 follow 2:23 3:17 4:21 30:14,18 31:1 33:21 34:1,19,24 39:19 following 22:6 24:6 29:16 34:17 46:2,11 food 33:4 footing 23:24 form 28:12 formal 4:8 16:5 22:12 23:12,24 32:1 35:19 formality 14:17 formally 15:8 30:19 32:6 formed 8:25 28:17 56:25 forming 34:6 forward 1:14 6:7 8:6 18:22	47:12 forwarded 21:22 four 46:22 47:21 fourth 48:8 Friday 1:1 front 22:1 34:6 40:16 42:6 fruits 3:17 frustrating 52:12 fulfil 48:24 full 1:9 5:16 39:2 43:1 function 12:10 33:7 47:1 49:17 functions 2:12 4:1 11:20,25 12:2,5,8 18:2 24:24 47:14 furore 42:19 further 7:19 13:12,17 16:5 20:12 59:20 future 44:4 58:22	43:6,7,7 59:7 grades 61:20,20 grateful 2:2 greater 42:22 group 60:23 guess 21:6 guessing 42:2 guidance 59:8,12 59:16,18 guide 10:6	9:17 18:15 hypothesis 3:11 40:10 hypothetical 19:25 20:4	I idea 30:5,8 identified 26:24 identify 46:22 ignored 55:3 imagine 40:9 42:9 immediate 19:1 56:24 59:17,18 immediately 7:1 impact 15:14 impart 13:22 impartial 36:14 49:1 impartiality 60:2 impinge 3:25 impinged 4:13 implications 22:15 implicit 15:17 imply 26:15 importance 6:17 22:8 34:16 46:11 important 2:1 5:9 50:8 59:5 inadvertently 57:4 inappropriate 3:12 4:17,23 48:2 54:16 58:6 59:1 include 2:13 19:11 23:18 45:3 included 13:7 includes 44:9 59:9 including 12:3 28:11,13 44:21 incorrectly 54:19 increasingly 49:18 incredibly 37:23 independent 40:24,25 50:22 51:9 52:5 indicate 23:6 26:1 indicated 41:19 indirectly 38:6 individual 8:5,6 30:3,6,13 inevitable 36:2 inevitably 35:17 55:25 inference 40:10 inferences 40:6 influenced 41:6	inform 15:10 informal 23:14 23:18 33:8 44:11 informally 32:10 information 13:12 informed 26:12 inhibited 36:17 initial 27:15 initiative 50:21 51:7 Inquiry 1:14,19 inserting 61:9 insistence 46:2 insistent 34:15 41:3 insofar 5:13 36:14 intended 57:5 intense 7:14 51:2 56:21 57:21 intention 20:25 intentions 57:2 interact 9:3 interacting 37:13 49:17 interaction 14:19 39:13 interactions 10:4 35:7 37:20 39:10,12 interest 4:4 5:8 5:10 7:15 11:18 15:12 17:13 19:17 interests 50:3 56:5 interim 15:2 interlocutor 35:24 internal 6:8 16:13,18 19:21 28:16 International 20:25 23:15 42:12,21,23 43:2,18,20 interpretation 26:8 intervening 44:19 introduced 3:8 intuitively 10:9 investigation 54:13 involve 1:21 6:15 6:23 involved 1:22 6:14 8:19 12:23 28:2 32:24 33:11 46:9 52:23 59:11 61:13 irrelevant 25:3 47:15	issue 6:16,19 7:14 17:15 18:19 20:2 21:4 33:10 35:11,25 43:5 48:4,19 50:9 55:5 issued 59:8,16 issues 8:4,6 9:7 9:18 14:12 32:13,24 33:12 37:16,18 40:16 43:14 53:17 items 8:5	J January 26:20 Jay 1:3,4,8,9 2:4 28:6 31:25 39:1 52:19 56:1 63:4,6 Jeremy 19:1 21:18 53:19 JH 16:2,7,22,24 20:24 21:2 JH's 18:6 job 40:14 47:25 60:21 61:17 Jonathan 1:4,7 1:10 13:11,15 63:5 JR 44:4 JS 16:2,21 judgment 28:12 28:18 41:25 46:15,20 56:25 57:13 59:1,2 judgments 56:10 judicial 7:5,9 jump 60:6 June 20:11 justice 1:3,6,16 21:16 27:10 28:5 31:7,13 38:9,15,17,21 52:14 55:20 56:5,6 57:7,24 59:14,21 61:7 61:16 62:4	K keen 56:12 keep 49:18 kept 36:3 key 23:9 25:11 57:11 knew 17:4,6 29:5 29:11 41:21,24 42:14 43:1 47:23 know 13:18,22 20:3,3,12 22:13 28:1 29:8,20,22,24 30:9 31:13 42:14 43:19,23	47:23,23 48:18 49:22,23 51:16 55:23 56:16,24 57:20 59:19 knowing 13:21 14:3 knowledge 37:25 61:4 known 14:18 18:12,15 20:5 54:11,23 KRM 3:18
---	---	---	--	--	---	--	---	--	---

27:25	42:5 56:21	35:8,12,13,15	necessarily 3:25	49:14 50:2,16	opinion 25:17	46:25 47:17
limited 12:15	matters 22:18	35:23 39:19	4:12,20 11:25	obligation 26:19	36:14 48:13	48:2 49:7
35:10 39:13	30:14,18 31:1	Michel 30:22	12:7 31:24	28:2 37:5	56:23	particularly 1:17
line 5:22,24	31:9 32:8,14	37:8,13,18	33:16 35:10	obligations 37:4	opponents 26:16	6:22 8:17
16:20 20:4	32:15 33:1	38:7,9 53:14	46:24 48:1,6	47:6 57:15	opportunity 6:18	14:10 18:18
43:21 60:17	37:13,18 39:18	54:10	necessary 27:1	observation 9:12	22:19 25:15	32:12 34:9
61:9,10	44:19 49:22,24	miles 41:22	27:22 28:7	40:19 42:7	51:14	36:2 42:1
lines 13:18 36:5	mean 8:3 17:1	million 41:22	30:24 31:3	observe 37:16	oppose 18:7	44:24 50:7
40:8 43:19	23:5,21 25:19	mind 17:13 25:2	32:8,12 58:13	observed 20:6	opposite 50:5	61:2
link 61:25	25:20 26:7	34:8 38:19	need 22:23 23:3	39:23 60:12	opposition 8:24	parties 26:12
little 39:9,19	27:10 33:23	41:16 42:5	25:1 28:10	obtained 20:12	orally 45:8	27:3,3,9,12,18
lives 59:24	34:9 47:18	minded 26:14	37:2 41:12	obvious 7:1 9:24	ordinance 49:4	27:19,24 43:6
lobbyist 30:3	48:17 50:22	minds 22:21	56:14 57:22	24:1 53:18	ordinances	44:16
32:11 47:22	51:18 53:18,25	mind's 47:10	59:11,12	obviously 2:1 7:8	36:18	party 25:18 26:3
long 21:16 35:1	meaning 34:3	mine 58:4	needed 23:6,11	7:18 9:16 27:3	ordinarily 47:2	26:4 42:25
longer 43:3	means 47:18	minimal 45:19	25:14 32:1,2	27:12 41:15	ordinary 35:11	48:19
49:19	meant 23:6	minister 5:2,14	48:3 50:9	48:15 58:12,18	organisation	passed 31:16
look 28:21 39:1	25:21 46:25	5:20 10:3	needs 10:7	59:15,22	60:18	32:16,20
55:25 60:23	53:10	19:22 24:13	neutral 49:1	occasion 24:2,19	original 17:12	passing 13:2
looking 40:7	meat 47:6	31:11 33:10,20	neutron 18:23	25:7 29:3,15	originally 1:18	Pause 20:21
50:15	mechanism 60:5	33:24	never 5:21 12:20	38:1	originated 13:6	people 5:23 29:2
LORD 1:3,6,16	media 2:5 7:14	Ministerial 2:21	new 3:8 22:14	occasions 17:16	orthodox 33:3	37:3 38:24
21:16 27:10	7:16 13:5	5:1	42:24	30:15 47:19	other's 28:3	56:16 59:23
28:5 31:7,13	14:24,25 15:15	ministers 2:20	news 20:25 23:4	occupied 11:12	outcome 44:4	perception 41:10
38:9,15,17,21	23:8,9	2:24 3:10 4:6	23:15,15 29:6	occupy 18:20	51:24	42:16,20 43:1
52:14 55:20	meet 26:23 27:6	5:6,19 6:17,21	29:8,12,15,17	occupying 47:24	outlined 24:16	43:11
56:5 57:7,24	37:2,2 44:15	9:3 34:14	29:20 30:17,21	occur 4:24 49:20	outside 48:19	performance 3:2
59:14,21 61:7	47:11 55:14	57:18 60:14	32:10 35:7,16	occured 44:9	58:16 60:4	performing 4:6
61:16 62:4	57:19	minister's 4:16	37:2,21 39:3	October 2:6	overall 7:24	period 26:22
lose 50:2,18	meeting 24:6,22	33:21 34:2	39:10,17 41:11	odd 42:13	43:14,25 44:21	27:23
Lottery 12:3,13	24:23 25:12	minute 16:14	42:12,17,21,23	Ofcom 15:15	50:15	permanent 2:4,9
lowest 35:21	35:19 36:21	minutes 32:1	43:2,11,18,20	26:24 44:15	overnight 53:7	3:11,13 4:3 5:7
	45:2 52:22,23	52:15	44:3,15,22	offer 27:4,6 45:9	overriding 40:18	18:14,24 42:9
	53:1	mischievous	45:10 49:13,17	57:9 58:20	overseen 44:23	60:19
	meetings 28:11	56:10	52:2,3,4,8,9,10	61:3	over-arching	person 29:24
main 11:11	28:15,16,18	misunderstood	newspapers 52:3	offered 45:7	4:22	30:2 31:7 43:8
36:21	29:14 34:21	17:14	normal 5:19	office 54:25	o'clock 62:6,8	personal 12:25
making 9:11	35:15 36:24	mitigated 45:20	29:14 60:2	56:15 57:16		personally 6:3
15:9 16:9,11	37:6 44:9,13	mix 31:15	normally 8:5	59:7		6:14 10:20
47:8	44:25 45:3,7,8	mixed 21:17	note 16:18 17:9,9	officer 2:17	page 6:8 10:23	14:22 29:22
man 56:9	49:13 50:7	Mm 35:9	38:10 39:2	official 8:7,10	palpable 43:10	30:16,22 47:23
manage 4:9 5:4	51:10 57:12	moment 15:1	noted 37:21	10:21 24:13	paragraph 2:10	57:1
40:20	memoranda	16:17 20:17	notes 38:23	25:21 36:14	6:13 9:6 18:25	personnel 60:11
managed 5:22,24	38:23	Monday 62:6,9	notice 1:12,18	48:18 49:12,15	22:4 25:9,13	perspective 60:1
5:25	memorandum	money 7:8	6:23	officials 6:14	28:8,21 29:4	phones 18:25
management	11:16 12:21	monitor 6:18	notices 29:19	13:3,10 14:22	32:3 41:5	picked 32:21
2:13,20 4:8 5:2	19:21	morning 37:11	notionally 43:8	24:6,16,23	43:21 44:5,18	35:4,4 57:8
5:16 7:24 60:5	mention 15:16	52:22	November 10:18	29:10,18 31:10	45:6	picks 58:6
60:11,17	mentioned 11:16	move 6:7 18:22	11:16 12:21	31:19,24 32:8	paragraphs 6:7	picture 5:17
manager 61:9,10	24:19 25:7	23:12 41:2	15:4 17:9	32:22 36:7	10:15	23:23
managerial 3:25	mentors 61:20	Murdoch 7:20	19:23	37:12,16 38:23	parity 18:1	place 32:6 59:3
manifest 22:23	merely 17:2		nugatory 45:19	39:4,24 46:10	Parliament 2:17	play 49:2
manipulate	merge 27:12		number 12:2	54:1 57:19	part 1:19 4:18	played 58:18
51:15	merger 11:5		13:10 18:24	Oh 43:17	5:9 20:15	players 23:9
manipulation	14:25 15:12,15	N 63:1	31:22 33:9	Okay 15:1 18:22	27:22 29:10	please 1:5,9 6:7
57:3	19:2 22:9	name 1:9,10	39:22 45:21	25:9 44:5	32:18 49:16,21	25:9 44:18
manner 40:5	26:11	names 21:17	47:19 53:17,20	46:22 52:14	49:25 50:1	plenty 9:2
marked 35:2	merging 26:12	narrow 35:11	58:25	Olympics 2:5	55:6 61:24	plurality 15:15
46:2	27:2,19 44:16	National 12:3,13	numbering 6:9	once 3:21 18:2	participating	20:9 26:24
material 27:17	merits 43:15	natural 35:2,10	numbers 10:23	21:16 26:21	28:10,18 29:13	51:22,24 52:1
27:18 38:7	51:21	42:18 44:2		34:5 42:2	particular 1:19	pm 1:2 52:16,18
40:12 54:8	message 13:23	naturally 39:2		44:15	6:16 7:16	62:7
materials 40:7	15:21 38:5	nature 31:20	O	open 25:2 27:8	12:10 25:1	point 9:16 16:9
matters 3:11,14	40:6	48:11 53:8,14	object 27:17	27:20,23 34:8	26:12 30:9	16:19 17:24
6:2 13:6 16:7,8	messages 30:15	54:22 58:25	objecting 27:18	42:5	33:5 34:17	25:10 26:8
18:4 22:6	31:16 32:15	60:21	objective 40:3,4	operated 32:17	37:8 41:10	27:7 36:13
33:19 38:13,13			43:14 48:24			

<p>39:17,21 44:5 45:14 47:21 48:8 points 16:9 29:2 29:16 39:22 44:7 47:8 policy 8:5,6 9:18 12:24 14:6 21:2 22:18 24:13 31:10,19 32:22 33:4,24 34:4 47:1 48:24 50:16 political 7:2,12 33:15,22,24 34:4 40:23 42:25 43:5,16 49:14 51:6,16 60:1 politically 49:5 politicians 1:24 7:15 55:22 politics 41:18 position 4:25 18:15 26:11 40:1 42:10,14 42:15,17 52:5 53:12 positively 58:8 positivity 40:8 40:11 possibilities 61:15 possibility 44:2,9 44:11 58:12 possible 13:1,16 27:5 32:5 possibly 3:10 16:2,22 17:3 41:19 42:11 46:12 48:1 60:16 post 5:20,21 posts 5:18,18,25 potato 7:20,22 23:23 24:4 50:24 power 47:21 powerful 60:12 powers 51:21 practice 39:18 51:13,16,18 60:17 precludes 15:9 preferably 32:6 presence 46:5,7 61:13 present 24:12,12 24:13 57:11 presentation 33:13,14 press 1:23 29:19 40:23 55:22 pressure 57:21 pressures 59:24 presumably 7:1</p>	<p>15:21 18:6 57:7 presupposes 45:11 previous 13:15 17:15 42:4 53:10 pre-judging 19:3 21:4 Prime 19:22 principal 2:11 principle 26:5,6 principles 12:4 47:13 prior 32:25 private 13:8 17:10 19:11 25:17,19 45:24 privileged 26:11 privy 35:25 probably 10:24 17:4 21:8 24:1 26:1 55:18 56:2 problem 58:22 61:8,10,16 problems 61:22 procedural 35:12 procedure 29:6,9 29:16 30:14,18 31:2,9 32:14 33:12,14 37:19 39:18 49:22,25 procedures 33:2 59:9 proceed 22:24 52:7,9 process 5:20 8:18 11:3 13:14 24:17 25:22,23 26:18 27:23 28:24 29:6,9,16 30:14,18 31:1 31:9,25 32:14 33:2,12,14 34:5,8,12,13 34:16,23 35:14 36:3,5 37:19 38:21 40:5,14 40:15,21 43:14 43:25 44:23 45:1 46:3,9,11 47:5 49:9,10 49:19,22,24 51:5,14 processes 16:5 professional 5:23 17:20 pronouncements 32:7 proper 9:9,10 51:23 properly 6:25 43:15 49:5</p>	<p>50:9 proposed 19:2 protect 26:2 proved 17:14 provide 27:4 59:15 60:16,16 provided 1:11 11:7 50:15 provides 6:18 provisions 20:8 public 12:4,9 14:8 15:11 19:2,5,19 20:11,18 27:8 30:4 32:6 41:24 45:22,25 51:6 58:18 publication 32:25 purpose 14:18 18:6 purposes 60:11 push 47:25 put 10:24 23:24 32:1 35:21 42:4 46:14 49:4 putting 1:14</p> <hr/> <p style="text-align: center;">Q</p> <p>quasi-judicial 11:12,15,18,20 12:1,10,15 15:17 18:2 24:18 33:5,7 46:25 47:6 59:9 quasi-judicially 16:4 18:5 question 17:18 19:25 26:9 questions 1:8 29:6,9 31:4 56:7 58:14 63:4,6 quickly 18:24 29:12 34:11 quite 17:19 22:13 23:10 24:24 29:12 32:5 33:23 41:25 42:9 48:22 56:6 61:12</p> <hr/> <p style="text-align: center;">R</p> <p>raise 58:14 range 2:12 8:4 22:17 reach 40:17 51:23 reached 24:25 read 54:5 readily 42:4 real 45:14 reality 41:17</p>	<p>really 7:6 16:19 18:9 42:17 47:4,25 49:16 56:1 reason 6:15 8:20 reasonable 14:17 48:11 reasonably 8:15 11:22 12:17 reasoned 21:8 reasoning 18:1 reasons 44:4 recall 12:25 13:2 14:3,21,21,22 17:10,11,12 18:9,10 24:3 24:22 37:9 38:1 50:23 55:10,13 receipt 29:19 receive 38:5,14 received 44:15 recognises 11:7 recollection 15:19 18:18 21:25 22:2 recommend 11:4 recommendati... 10:25 recommendati... 15:10 61:25 record 38:3 59:3 59:12 recorded 17:8 recruitment 5:19 redactions 32:24 refer 15:11 37:10 reference 55:23 58:13,17 60:4 61:24 referred 20:19 referring 33:3 refers 17:8 reflect 40:11 53:13 reflected 17:22 53:6 54:1 reflecting 56:1 reflects 20:9 46:18 regard 4:18 48:11 56:19 regarded 56:9 regarding 40:2 regardless 50:11 regret 56:21 regul 23:10 44:25 51:10 regularly 57:17 regulator 21:6 regulators 40:25 42:2 50:7 51:9 52:6 regulatory 11:24 12:2 rehearsed 25:1</p>	<p>reinforce 30:15 35:8 39:18 51:5 reinforced 28:9 36:21 reinforcing 32:15 35:23 relates 3:3 relation 3:4 4:2 18:1 20:2 36:9 37:7 54:24 relationship 1:23 5:11 8:21,23 9:1,8 23:7,12 32:2 55:21 58:15 relatively 6:10 48:18 relevant 6:1 19:17 21:10 25:3 47:14 reliable 10:5 remedies 2:6 remembered 17:15 remote 61:13 remotely 43:3 remove 41:10 repays 62:2 repeat 55:21 repeated 36:22 repeatedly 28:17 47:19 50:6 report 8:7 44:15 reported 8:10 representation 25:20 26:3 representations 25:16,18,22 26:2,14,16 28:3 44:8 request 1:18 19:12 required 4:15 25:24 29:11 41:9 51:8 requirement 25:25 requirements 28:9,13,17,19 34:11,12,16 36:20 47:5,20 49:9,10,11 57:14 60:2 resides 5:13,14 resignation 52:20,24 54:24 55:16 resisted 55:7 resolved 31:6 respect 3:7 4:6,7 4:8 36:7 52:1,8 59:4 60:19 respected 55:13 responding 1:17 responsibilities</p>	<p>17:15 responsibility 2:18,19 3:22 4:14 5:14 6:23 7:18 8:12 14:11 17:25 22:15,16,17,22 23:11 27:11 41:7,14 42:3 43:9 45:22 responsible 2:12 2:16 4:10 5:4 18:20,21 21:2 34:10 rest 7:16 25:11 retain 55:8 revealed 53:9 review 7:6,10 reviewed 59:19 reviewing 32:20 right 1:14 2:7,8 6:5 10:1 12:14 12:19 16:12 19:9,10,18,23 19:24 23:1,16 26:15 28:20 33:17 36:11 39:5,14 44:14 52:25 55:9 56:12 62:4 rightly 10:17 12:13 17:19 41:6 rigid 31:23 rigorous 34:19 34:23 46:2 rigorously 36:3 rise 42:20 44:2 risk 7:5,9 22:22 35:21,25 46:22 48:2,16 49:7 risks 7:2,12 11:9 22:11 45:14,19 45:20 risky 23:16 road 40:24 robust 22:9,24 40:5 robustness 11:10 role 3:4 4:5 9:9 9:11,21 11:3 11:12 12:15 13:5 14:24 15:17 17:14 24:16 29:24 30:25 33:6 46:20,21 47:24 49:21,25 55:7 roles 2:9 31:14 31:15 room 46:5 60:5 routinely 29:2 rules 61:14 run-up 26:20</p> <hr/> <p style="text-align: center;">S</p>	<p>sadly 56:25 satisfied 8:18 satisfy 6:24 27:14 saw 7:1 54:8,14 saying 7:8 14:23 16:16 24:2 33:6 34:23 58:5 61:14 says 15:25 57:24 screen 10:24 20:15,20 scrupulous 40:15 46:2,11 scrutiny 7:18 22:24 23:1 second 16:19 21:5 42:2 46:1 46:23 48:11 Secretaries 17:17 59:22 60:14,24 secretary 2:5,10 2:11 3:11,13 3:14 4:4,19 5:8 6:4 9:19,22,25 10:6,8,18 11:8 11:12 12:22 13:1,3,4,8,13 13:14,18 14:6 14:13,14,23 15:9,10,17 17:4,10,11,23 18:10,13,14,24 20:10 23:8,14 23:19,22 24:12 24:16,23 26:13 26:19,21 27:7 27:11 28:9,23 30:15 32:7,15 32:19 34:3,7 34:10,22,22 35:1,3,13 36:21 40:4,14 40:18 41:21 42:9,13,14,15 42:24 43:7,9 44:6,24 46:1,9 47:2,10 48:9 48:10,12,13,21 48:24 49:6,11 49:13 50:1,5 50:12,16,17,20 50:21 53:1,6 54:3,18,21 58:3 59:7 60:8 60:9 sector 14:25 see 3:3,21 16:17 17:7 19:21 20:7 21:11,19 21:21 25:12 27:20 33:6 37:15 47:4,9 58:10 59:19,21 60:19</p>
---	--	--	--	--	---	---

<p>37:19 unfair 42:12 unfairness 41:10 42:16,20 43:2 43:11,18 unfortunate 41:19 unfortunately 57:5 unhappy 61:18 unhelpful 21:7 unique 5:18,18 unmissable 45:24 unofficial 25:20 unrealistic 43:4 unusual 32:13 33:1 unwise 15:13 uppermost 22:21 41:15 use 32:9 useful 31:16 usual 33:7 usually 6:16 8:7 26:2 utterance 19:6 20:18</p> <hr/> <p style="text-align: center;">V</p> <p>vanishingly 51:17 various 24:17 37:10 51:25 vary 9:5 VC 16:4,6,7,24 18:7 version 53:16 55:15 view 10:9,10 12:24 13:5,13 13:18 14:1,4 14:24 19:1 21:4 23:16 33:24,25 34:1 34:2,4,5 36:9 40:11,13 44:7 54:16,18,19 56:14 62:2 views 42:4 44:17 56:18 57:9 voluntarily 52:10</p> <hr/> <p style="text-align: center;">W</p> <p>want 11:5 16:2 46:22 48:7 50:18 51:15 55:19 56:11 58:20 wanted 12:23 13:19,22,23 14:2,4 16:22 17:3,4 18:16 50:10 51:15 54:25 57:5</p>	<p>wanting 14:13 55:13 warn 48:7 warned 48:4,6 warning 42:11 wasn't 4:9 11:13 12:18 14:11 19:15 22:12,19 36:2 41:21,23 42:1 43:17 50:16 57:8 58:5 watershed 10:13 way 5:22,24 8:3 22:9,24 27:20 32:16,17 33:2 34:9 36:19 37:21 42:8,21 45:22,23 46:3 47:16 51:25 57:9 59:14 61:25 ways 6:9 58:21 web 57:3 weekly 57:19 went 19:22 21:22 35:18 56:8 weren't 14:19 53:20 we'll 15:1 28:6 52:15 we're 6:12 20:14 42:8 we've 16:16 37:10 40:7 50:23 Whilst 15:8 Whitehall 6:11 wider 27:8 51:6 52:7 wise 37:23 wish 21:5 48:5 wished 27:12 witness 1:4,11 11:1 36:11 word 12:12 38:18 58:4 wording 55:8 words 54:9 55:6 work 48:22 worked 8:24 12:20 35:1 55:12 56:19 working 5:18 6:9 8:23,25 28:23 works 5:10 9:9 world 23:9 50:25 52:3 worth 60:22 wouldn't 33:22 34:2 35:19 36:10 55:19 write 11:5,6 38:22 42:11 writer 52:14 written 36:10</p>	<p>44:8 45:8 wrong 17:21 56:8</p> <hr/> <p style="text-align: center;">X</p> <p>X 63:1</p> <hr/> <p style="text-align: center;">Y</p> <p>years 8:25 56:21 young 56:9 58:21</p> <hr/> <p style="text-align: center;">Z</p> <p>Zeff 8:8,13</p> <hr/> <p style="text-align: center;">1</p> <p>1.45 1:2 10 6:7,13 18:24 62:6,8 10001 20:15 119 63:5,6 12 10:18 11:16 12:21 13563 6:8 13573 10:24 13575 13:7 13576 17:9 13579 15:6 13581 15:7 13582 15:25 13583 24:9 15 9:6 17:9 20:11 32:1 163 3:18 163-page 40:7 17 10:15 17.30 20:13 17.44 24:10 18 3:18 10:15 19 15:4 18:25 19:23</p> <hr/> <p style="text-align: center;">2</p> <p>2 6:8 63:3,4 20 22:4 32:3 2006 2:6 2010 9:12 10:12 10:18 11:23 15:24 42:9 2011 3:4 2012 1:1 62:9 21 10:12 11:23 17:25 18:22 42:8 43:3,17 22 1:12 24:10 45:2 23 25:9,13 24 28:8 25 1:1 26:20 52:22 25c 28:21 25g 29:1 28 62:9 29 41:5 43:21 44:5</p>	<hr/> <p style="text-align: center;">3</p> <hr/> <p>3 2:10 3.07 52:16 3.14 52:18 3.34 62:7 36 44:18 360 61:7 38 29:4</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 15:24</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 6:7</p>			
--	---	--	--	--	--	--