

Case No.:

No.

4. The Notes provided appear to number in excess of five hundred pages, with a significant additional volume of material not yet provided (see para 7, below)—I assume by oversight. Although in light of what has been said about the claim of confidentiality redaction no longer appears to be necessary, the nature of the applicant's case may well require the respondent to tender a significant volume of the documentary material in addition to that tendered by the applicant. It is not possible to sensibly predict, therefore, the actual number of documents which will ultimately go into evidence until, at least, after the applicant has indicated those which he relies on and the respondent has had the opportunity to consider what response he needs to make.
5. Having regard to the volume of documents and the necessarily uncertain scope of the extent to which reference will need to be made to them during and following the trial, I have reluctantly concluded that it is not practically open for me to do more than case manage this matter to that point and abandon the attempt to conduct a hearing on the merits before my impending departure from the Tribunal on 18 May 2010. The unfortunate consequence of my not being able to hear this matter is in large part due to the failure of the respondent to comply with my orders in a timely way, which required the Tribunal to provide extensions which should not have been necessary. Indeed, as pointed out, there are a significant number of documents which have not been produced, despite my order.

I make the following orders—

6. The directions given by me at the hearing of 15 April 2010 remain current and the documents which the respondent is required to produce by close of business 23 April 2010 should be taken to mean all documents not already provided.
7. The Notes, as provided by the respondent to the Tribunal, appear to be missing approximately eighteen interview notes (ROCs) and their annexes. These are to be provided to the Tribunal and the applicant by close of business 27 April 2010.

(Signed)

Judge Adams

Dated this 23rd day of April 2010