

RESTRICTION ORDER MADE UNDER SECTION 19 OF THE INQUIRIES ACT 2005

Introduction

1. Section 18 of the Inquiries Act 2005 (“the Act”) imposes an obligation on the Chair to take such steps as he considers reasonable to secure that members of the public (including reporters) are able to obtain or view a record of evidence and documents given, produced or provided to the Inquiry.
2. Section 19(3) of the Act provides that restrictions on the disclosure or publication of such evidence or documents by the Inquiry can be imposed where (i) such restrictions are required by law, or (ii) the Chair considers it to be conducive to the Inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard in particular to the matters mentioned in section 19(4) of the Act.
3. When deciding whether or not to make a restriction order, the Chair will take account of any risk of harm or damage which may be avoided or reduced by issuing a restriction order.
4. The Inquiry concerns the investigation carried out by Strathclyde Police, under the direction of the Crown Office and Procurator Fiscal Service, into the murder of Emma Caldwell. During the Inquiry, it is anticipated that evidence will be provided by protected persons, as defined below, in witness statements and during hearings. It is further anticipated that in order to fulfil its terms of reference the Inquiry will require to disclose, in accordance with its

[protocol for the redaction and disclosure of documents](#), documents that refer to or otherwise concern such protected persons.

5. The Chair has had regard to the sensitive and/or personal nature of many aspects of such evidence and documents, to the interests of protected persons who may be identified by such evidence and/or documents, and the risk of harm and/or damage being occasioned to protected persons through the disclosure or broadcast of such evidence and/or documents.
6. The Chair considers that certain restrictions should be imposed on disclosure and/or publication by the Inquiry of certain evidence and documents given, produced or provided to the Inquiry or to be given, produced or provided to the Inquiry.
7. Therefore, in exercise of the powers contained in Section 19 of the Act, the Chair orders that:

General

8. This Order is made on 15 July 2026 and remains in force indefinitely, unless the Chair orders otherwise.
9. The Chair may vary or revoke this Order by making a further order at any point during the course of the Inquiry.
10. Any person affected by this Order may apply for it to be varied or discharged on giving 24 hours' notice to the Solicitor to the Inquiry by emailing legal@emmacaldwellinquiry.scot.
11. Any breach of this Order, or threat to do so, shall be notified to the Solicitor to the Inquiry by emailing legal@emmacaldwellinquiry.scot immediately.
12. This Order applies to all members of the public, including the core participants, their recognised legal representatives and the media.

Interpretation

13. Within this Order:

- i. “Inquiry” means the Emma Caldwell Public Inquiry established by the Scottish Ministers under the Inquiries Act 2005.
- ii. “Inquiry witness” means a person from whom the Inquiry obtains a witness statement and/or oral evidence.
- iii. “Protected persons” means the following classes of persons:
 - (a) Persons involved, or formerly involved, in prostitution;
 - (b) Persons involved, or formerly involved, in drug misuse;
 - (c) Victims and survivors of sexual violence;
 - (d) Persons who are identified within the Inquiry’s evidence as persons who have purchased sex; and
 - (e) Suspects identified by Strathclyde Police or Police Scotland for the murder of Emma Caldwell, unless those persons were at any stage charged in connection with the murder of Emma Caldwell.
- iv. “Restricted material” has the meaning given by the Inquiry’s [general restriction order](#).

Restriction on disclosure

14. This Order is made in respect of any restricted material relating to protected persons.

15. Subject to the exceptions detailed in paragraph 16 below, the identity of a protected person within restricted material may not be disclosed or published to or by any person without the express written permission of the Chair. The Chair may permit the identities of protected persons to be disclosed and/or

published if he considers it fair and appropriate in all the circumstances to do so.

Exceptions

16. The following exceptions qualify the prohibition on disclosure or publication of the identities of protected persons detailed in this Order. Members of the Inquiry team:

- i. May disclose the identity of a protected person within restricted material to that protected person and/or to the legal representatives of that protected person.
- ii. May disclose or publish the identity of a protected person within restricted material with the express written permission of that protected person.
- iii. May disclose and publish the identity of a protected person within restricted material where the identity of that protected person's identity is in the public domain.
- iv. May disclose the identity of a protected person to any person or organisation whom the Inquiry team believes holds information or evidence relevant to the Inquiry's terms of reference in order to recover such information or evidence. This will include the disclosure of a protected person's identity to an Inquiry witness where it is considered reasonably necessary to do so to obtain evidence from that Inquiry witness in the form of a statement. Such disclosure may only take place on a strictly confidential basis and only for the purpose of progressing the work of the Inquiry.
- v. May disclose the identity of a protected person within restricted material to any person or organisation whom is subject to explicit and significant criticism by that protected person, and to the legal representatives of

any such person or organisation, where the Inquiry team considers that it is necessary for such disclosure of the protected person's identity to take place to permit the person or organisation whom is subject to criticism to respond to that criticism. Such disclosure may only take place on a strictly confidential basis and only for the purpose of progressing the work of the Inquiry.

- vi. May disclose the identity of a protected person within restricted material to an expert witness instructed by the Inquiry where such disclosure is considered necessary to enable that expert witness to carry out work instructed by the Inquiry. Such disclosure may only take place on a strictly confidential basis and only for the purpose of progressing the work of the Inquiry.

Issued under authority of the Chair on 15 July 2026