

consider that the statements of Witnesses 'A' and 'B' (not concerned about who they are) but we respectfully say that we are entitled to those. We have sought them and, as I say, that's the reply by the Department together with, adding on:- *It is considered that Counsel's notes have legal privilege.*

We never sought Counsel's notes; we simply sought the two original statements, with any identifications or names or whatever scored out or blackened out.

So that's the matter that concerns us in relation to those two witnesses, my Lord.

LORD JUSTICE McCOLLUM: Well are you intending to bring an application?

MR [REDACTED]: Well it may... I mean, if it had been a case, as I say, one thing - that the reasons are given. No case is made by the Crown that they are sensitive, so it's not a case that they have brought or intend to bring any ex parte application of their own.

LORD JUSTICE McCOLLUM: No, no.

MR [REDACTED]: So what we respectfully say is that perhaps those two statements could be provided to the judge who considers the ex parte in respect of the medical aspect of the case.

LORD JUSTICE McCOLLUM: Yes, I think you could make a combined application.

MR [REDACTED]: Yes, exactly.

LORD JUSTICE McCOLLUM: And if both sides were represented then, and everything was available to the judge, then he could rule on these matters.

MR [REDACTED]: Yes, indeed, that's what we're seeking.

LORD JUSTICE McCOLLUM: Yes.