Neutral Citation Number: [2026] EWHC 330 (Admin)

Case No: AC-2025-LON-004716

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 17/02/2026

Before :

MR JUSTICE CHAMBERLAIN

- -

Between :

THE KING

on the application of

(1) UNITED GRAND LODGE OF ENGLAND (an unincorporated association, acting by ADRIAN MARSH)

(2) THE ORDER OF WOMEN FREEMASONS (an unincorporated association, acting by JEAN MICHELE KNIGHT)

(3) HFAF LIMITED (o/a THE HONOURABLE FRATERNITY OF ANCIENT FREEMASONS)

(4) FSK

(5) IPS

Claimants

- and -

THE COMMISSIONER OF POLICE OF THE METROPOLIS

Defendant

- -

Claire Darwin KC, Aidan Wills and Frederick Powell (instructed by **Veale Wasbrough Vizards LLP**) for the **Claimants**

James Berry KC and Aaron Rathmell (instructed by the **Metropolitan Police Service**) for the **Defendant**

Hearing date: 11 February 2026

- -

Approved Judgment

This judgment was handed down in Court 73 at 10am on 17 February 2026.

Mr Justice Chamberlain:

Introduction

1. The first claimant is the governing body of Freemasonry in England and some other parts of the British Islands. The second and third claimants are the two women's orders of Freemasons. The fourth and fifth claimants are Freemasons who are also officers in the Metropolitan Police Service ("MPS"). I made temporary anonymity and restricted reporting orders in their favour. For the time being, no report of or in connection with these proceedings may identify them or include material likely to lead to their identification.

2. The claimants describe Freemasonry as "a long-established fraternal organisation (for men and women, through separate governing bodies) which is open to adults of all backgrounds, races and religions. Its stated aim is to help members become 'the best they can be' and to make positive contributions to their local communities through charitable fundraising and volunteering, grounded in values such as integrity, respect, friendship and service". Freemasons are not required to keep their membership secret. However, no member is required to publicise his or her membership. The claimants' evidence is that:

> "Some members, including in policing and other public-facing roles, prefer not to disclose membership at work because they worry that their achievements may be attributed to connections rather than merit or be negatively prejudiced (given we are a minority)."

3. The defendant is the Commissioner of Police of the Metropolis ("the Commissioner"), who is responsible for the MPS. On 18 November 2025, the MPS decided to amend its Declarable Associations Policy ("the Policy"). The effect of the amendment was to introduce a requirement that all police officers and staff of the MPS who are or have been members of "an organisation that has confidential membership, hierarchical structures and requires members to support and protect each other" to declare that fact, confidentially, to the local professional standards unit ("PSU") which holds integrity assurance and vetting information. I refer to this as the "disclosure requirement". It is not disputed that the organisation the MPS had in mind when introducing it was the Freemasons.

4. The introduction of the disclosure requirement was announced on 11 December 2025. The announcement made clear that officers and staff would be required to declare any association with "Masonic orders or appendant bodies (or orders) of Freemasonry". For police officers, deliberate non-compliance with a force policy can amount to misconduct and lead to disciplinary proceedings: see rr. 2, 4 and 5 of and Sch. 2 to the Police (Conduct) Regulations 2020 (SI 2020/4). The position is similar for staff who are not police officers, though the source of the obligation and mechanism for enforcement are different.

5. The announcement explained that the disclosure requirement had its origin in a recommendation made by the Daniel Morgan Independent Panel in its initial report in 2021. This panel had been established with Baroness O'Loan as chair to inquire into allegations of corruption in the police inquiries into the 1987 murder of Daniel Morgan

in south London. While finding no evidence that Masonic connections were a factor in the murder or the investigations into it, the panel recommended that:

> "All police officers and police staff should be obliged to register in confidence with the Chief Officer of their police force, at either their point of recruitment to the police force or at any point subsequent to their recruitment, their membership of any organisation, including the Freemasons, which might call their impartiality into question or give rise to the perception of a conflict of loyalties."

6. A letter before claim was sent on 16 December 2025 on behalf of the first four claimants. One of the points made in that letter was that the consultation was unfair, among other reasons, because the MPS had not consulted the organisations responsible for women Freemasons. On 19 December 2025, the defendant agreed to consider representations from the second and third claimants and any further representations from the first claimant before taking a further decision whether the Policy should be "altered, withdrawn or remain in place as it stands". The Policy was to remain in place while this process took place. On 30 January 2026, after considering representations from the second and third claimants, the defendant decided that the Policy would not be altered or withdrawn and would remain in place.

7. By this time, the first four claimants had filed this claim and sought interim relief to prohibit the defendant from implementing or otherwise giving effect to the decision to amend the Policy. I had given directions for permission to apply for judicial review and interim relief to be considered together at a hearing, which was listed for hearing on 11 February 2026. I had also added a fifth claimant, another serving officer in the MPS.

8. The issues for determination at this stage are whether:

   (a) to grant permission to apply for judicial review in respect of some or all of the claimants' grounds;

   (b) to grant the claimants' application for interim relief; and

   (c) to vary or discharge the anonymity and restricted reporting orders made in respect of the fourth claimant FSK.

9. The hearing on these matters lasted for over half a day. Submissions for the claimants were made by Claire Darwin KC. Submissions for the defendants were made by James Berry KC and Aaron Rathmell. I am grateful to all counsel for their helpful submissions.

The reasons for the disclosure requirement

10. The defendant has served evidence in the form of a detailed witness statement from Commander Simon Messinger. It explains why the disclosure requirement was introduced. This evidence is relevant both to permission and to interim relief. I summarise it here.

11. Historically, concerns had been expressed that Freemasonry in the police was "an issue relevant to independence, transparency and a potential factor in corruption": see, for

example, the House of Commons Home Affairs Select Committee's reports in 1997 and 1999, entitled *Freemasonry in Public Life*. The Daniel Morgan Independent Panel returned to this issue in its report in 2021. It said that Masonic membership among officers was a "source of recurring suspicion and mistrust" and concluded:

> "Although the Panel has seen no evidence that Masonic connections were a factor in the murder, or that they were improperly deployed to frustrate the investigations into it, the documentation shows that suspicions were entertained by investigating officers over several decades."

12. The Panel's recommendation 14 is set out at [5] above.

13. In the light of this report, a working group called Operation Drayfurn was established, consisting of representatives of the College of Policing, the Home Office, the National Counter-Corruption Advisory Group and the MPS. This group found evidence of one case where a police sergeant had been dismissed from British Transport Police for providing confidential information to Freemason associates, but concluded that there was no evidence base that Freemasonry is a significant factor in police corruption. Its report continued as follows:

> "It was concluded that to comply with the wording of the recommendation would require new legislation – to make officers and staff be 'obliged to register' goes beyond that which is in place currently within Police Regulations, Standards of Professional Behaviour, Code of Ethics and force specific Notifiable Association policies."

14. The MPS reconsidered the position in 2025 in the wake of the renewed focus on professional standards following the murder of Sarah Everard by an officer in the MPS and reports of racist, homophobic and misogynistic conduct by some MPS officers.

15. A report was prepared on 30 April 2025 by Detective Superintendent Hale, who commissioned a review by the Professionalism Intelligence Bureau of intelligence reports received since 2022. This found 27 intelligence reports relating to Freemasons, the vast majority of which were anonymous reports relating to officers who were said to have used their Masonic associations to secure or grant unwarranted overtime or other benefits, failed to challenge poor behaviour or performance of Freemason colleagues, influenced promotion processes involving Freemason colleagues or received lower sanctions in disciplinary procedures as a result of being Freemasons. In addition, the Directorate of Professional Standards has a live investigation into an officer who is a Freemason, concerning alleged concealment of police-perpetrated sexual crime.

16. Commander Messinger says this:

> "Freemason-related intelligence represents a very small amount of the information received within the Professionalism Intelligence Bureau. There is however a sufficient amount of intelligence to suggest that internally there is significant number of individuals who believe that Freemasonry has a negative effect on policing in terms of bias and transparency. To what extent this perception is accurate is difficult to quantify. While corruption may be unproven, there is at least some basis for concern about bias and transparency

> in relation to Freemason police officers and staff. It is plausible that membership of organisations such as the Freemasons between two officers, or between an officer and a member of the public they are dealing with, may give rise to a conflict of loyalties or otherwise be relevant to independence, equality, transparency and trust in police."

17. To Commander Messinger's knowledge, the MPS is the only police force in the UK, other than the Police Service of Northern Ireland, which requires officers or staff to declare their Masonic associations.

18. The decision to extend the disclosure requirement to staff as well as officers is explained as follows:

> "While police officers hold the public office of Constable, and members of police staff are subject to terms and conditions of employment, many staff roles are similar to police officer roles and have access to the same confidential information as police officers. For instance, the role of a Police Community Support Officer is largely to be deployed for front line policing, and staff call handlers and Intelligence Analysts will have access to very sensitive information about colleagues and members of the public who can be affected by their decisions. Staff are also involved in promotions, disciplinary and procurement decision making, in which transparency has to be promoted and maintained. Police staff are of course also associated with the MPS and their conduct and associations in their private lives may have implications for public confidence in the police. It is therefore appropriate that the Policy apply to both officers and staff. The MPS imposes the same minimum vetting requirement (for both police and national security vetting) on officers and staff."

19. Commander Messinger adds:

> "The need for transparency and accountability is prevailing, and may become urgent in unpredictable ways. For example, a declaration could be relevant to a live criminal or misconduct investigation, or could shed light on the appropriateness of an officer or member of staff participating in a current posting, workforce planning decisions, sitting on a panel about conduct or promotions, or taking procurement decision. If we do not have the declaration information, we cannot assess or mitigate the risks of actual or perceived bias impacting such decisions."

20. On 29 September 2025, the MPS began a consultation on the proposed change to the Policy. The announcement included these passages:

> "Officers and staff already have to declare any association with an individual, group or organisation that might compromise their integrity, pose a risk to operations or intelligence or that could damage the reputation of the Met and, as a result, public confidence. Doing so allows for risks to be assessed, managed and mitigated.
>
> …

> Until now, the Met had been of the view that the existing policy on declarable associations was sufficient. However, we continue to receive intelligence reports and general expressions of concern from officers and staff who worry about the impact that membership of such an organisation could be having on investigations, promotions and misconduct. The number of such reports is relatively low, but they must still be taken seriously."

21. As part of the consultation, the MPS conducted an intranet survey, which was completed by only 4.3 per cent of the workforce. Of these, 64 per cent either agreed or strongly agreed that membership of hierarchical organisations such as Freemasonry affects public trust in the MPS, 66 per cent either agreed or strongly agreed that membership affects how the public view impartiality and 66 per cent either agreed or strongly agreed that Freemasonry should be included in the Policy.

22. The announcement on 11 December 2025 began by saying that "we have decided that now is the right time to address long-standing concerns and that public and staff confidence must take precedence over the secrecy of any membership organisation". Referring to the results of the internet survey, it explained that the MPS had "acted on feedback that involvement in these types of organisations could call impartiality into question or give rise to conflict of loyalties".

Issue (1): Permission to apply for judicial review

23. The claimants originally challenged the decision to impose the disclosure requirement on seven grounds. However, in light of the defendant's further decision of 30 January 2026, an additional ground 8 was added, challenging the further decision on the ground of predetermination. Ground 7 (which challenged the original decision on the ground of inadequate consultation) is not now pursued. I therefore address grounds 1-6 and 8 only.

Ground 1

24. Ground 1 is that the defendant had no power to impose the disclosure requirement on police officers, as opposed to other staff.

25. The claimants note at the outset that this was the initial view of the MPS, the College of Policing and the Home Office, as recorded in its response in 2022 to the Daniel Morgan Independent Panel's report. As Ms Darwin accepted, however, this is no more than a presentational point. Ground 1 advances an argument about the interpretation of the law. The fact that the defendant and/or others once expressed an unreasoned view that accords with his argument will not assist a claimant, even at the permission stage, if he cannot independently demonstrate, by reference to the law, that the point is reasonably arguable.

26. The claimants' case under this ground is based on reg. 6 of the Police Regulations 2003 (SI 2003/527). Regulation 6(1) provides that the general, permanent restrictions on private life contained in Schedule 1 are to apply to all members of a police force. Paragraph 1(1) of that schedule requires that each member of a police force "at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere".

27. Regulation 6(2) provides as follows:

> "No restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the local policing body or the chief officer on the private life of members of a police force except—
>
> (a) such as may temporarily be necessary, or
>
> (b) such as may be approved by the Secretary of State after consultation with the Police Advisory Board for England and Wales."

28. The Court of Appeal considered this paragraph in *R (Philpot) v Commissioner of Police of the Metropolis* [2023] EWCA Civ 66, [2023] ICR 466. At [49], Bean LJ (with whom Thirlwall and Nicola Davies LJJ) agreed, said that the purpose of reg. 6(2) was not to confer a power, but to limit the scope of a pre-existing power of the Commissioner in cases where that power was being used to do things that restrict the private lives of members of a police force. In such cases, the exercise of power would only be lawful "if it falls into one of the three categories identified by the judge, the relevant one in this case being where the restriction is designed to secure the proper exercise of the functions of a constable".

29. Ms Darwin for the claimants submits that the requirement under challenge here is "a coercive condition of service requiring an officer to divulge and thereby surrender control over personal information about a lawful and off-duty association". She submits that such a requirement is a restriction on one's private life within the meaning of reg. 6(2). This is, in my judgment, arguable. But to succeed on this ground, even at the permission stage, Ms Darwin would have to show in addition that it is arguable that the requirement is not "designed to secure the proper exercise of the functions of a constable".

30. Every police officer and every police staff member is required to undergo some type of vetting. As Ms Darwin accepts, that involves a requirement to disclose various kinds of sensitive personal data. The information that has to be disclosed depends on the level of vetting, which itself depends on the precise role the officer or staff member holds, but it may include information about health (including mental health), finances, lawful hobbies and interests, current and past sexual partners, children, wider family and friends.

31. Ms Darwin accepted that the defendant has a general power to operate a vetting system. She also accepted that a requirement to provide information relevant to vetting processes is "designed to secure the proper exercise of the functions of a constable" and so is compatible with reg. 6(2), even though officers and staff have to give information about aspects of their private lives which are entirely lawful. This is because those responsible for vetting need to have a holistic picture of an officer's private life, so that they can make an accurate assessment of the risk that that the officer might be inclined or pressurised to exercise his or her powers improperly.

32. Ms Darwin's case against the disclosure requirement depends on distinguishing it from the requirement to provide general vetting information. In my judgment, when the matter is considered through the prism of reg. 6(2), there is no material distinction. In this respect, it is important to bear in mind that reg. 6(2) requires only that restrictions be

"designed to secure the proper exercise of the functions of a constable" (emphasis added). In other words, the focus is on the purpose for which the restriction has been imposed, as distinct from whether it is necessary or proportionate for that purpose (an issue which may arise under some of the other grounds of challenge).

33. The evidence explains the purpose for which the disclosure requirement was imposed: if the MPS knows which officers and staff are Freemasons, it will be better placed to take action to avoid situations of actual or perceived bias, for example by removing them from an investigation or a promotion board or from involvement in a procurement decision which might affect the interests of a fellow Mason (see especially the passage from Commander Messinger's witness statement set out at paragraph 18 above).

34. When applied to police officers, the purpose of such action, and therefore the purpose of the requirement to disclose the information, is the dual one of eliminating the potential for actual bias (where officers discharge their functions improperly) and perceived bias (where there is a perception or suspicion that officers are discharging their functions improperly). In both cases, the requirement is, in my judgment, "designed to secure the proper exercise of the functions of a constable". The contrary is not reasonably arguable.

Grounds 2-4

35. Grounds 2-4 allege that the disclosure requirement is an unlawful interference with the rights of the fourth and fifth claimants under Articles 8, 10 and 11 ECHR and the rights of the first three claimants under Articles 10 and 11.

36. The disclosure requirement is not imposed on the general public, but on those who choose to serve in particular positions, i.e. in a context that for the purposes of the ECHR can be regarded as akin to employment. Anyone currently serving as an officer or staff member of the MPS who does not wish to disclose whether he or she is a Freemason can resign. Anyone considering applying for a position as an officer or staff member is under no obligation to do so if he or she objects to the disclosure requirement. In these circumstances, it is by no means obvious that the requirement gives rise to an interference with Articles 8, 10 or 11. For the purposes of permission, however, I am prepared to assume (without deciding) that it does.

37. I accept that, once the court concludes that a decision arguably interferes with ECHR rights, it is for the defendant to show that the decision serves a legitimate aim and was proportionate. It does not follow, however, that permission to apply for judicial review must be granted in every case where a claimant establishes that the challenged decision involves an arguable interference with ECHR rights. At the permission stage, the question is whether there is a real prospect that the Court will find any interference with ECHR rights not to be justified. That question falls to be answered on the basis of the evidence available at the permission stage, including any evidence the defendant has chosen to file.

38. Ms Darwin made clear that there is no dispute that maintaining and enhancing public confidence in policing are legitimate aims for the purposes of Articles 8(2), 10(2) and 11(2). The key question, therefore, is whether any interference with Articles 8, 10 and 11 rights is proportionate. In my judgment, it is possible to answer that question confidently in the affirmative, even at this early stage.

39. On the one hand, the extent of the interference is relatively modest. The challenged decision does not stop Freemasons from continuing to serve as police officers or staff. It does not make the fact of their membership (on its own) relevant to promotion. It simply requires confidential disclosure of that fact to the officer's PSU. The information is then passed to the Professionalism Integrity Assurance Unit ("PIAU"), where, as Mr Berry explained on instructions, it is held securely and can be accessed by only five security-vetted officers/staff. There is no routine disclosure to line managers or colleagues and no reason to suppose that the information would become known generally within the MPS, let alone to the public at large, unless it were relevant to criminal or misconduct proceedings. If it were necessary to remove an officer from a promotion board or investigation to avoid the risk of actual or perceived bias (for example), that could be done without publicising the reason.

40. On the other hand, significant weight must be given to the assessment of the defendant and other senior officers about what is necessary to maintain and enhance public confidence in the police. Moreover, the disclosure requirement implements a recommendation of the Daniel Morgan Independent Panel. I accept that the panel's recommendation related only to officers, whereas the requirement applies to both officers and staff. However, Commander Messinger's evidence explains cogently why the decision was taken to extend the requirement to all staff (see the passage set out at paragraph 18 above). The review of intelligence undertaken by Detective Superintendent Hale showed that, in a small number of cases, there was at least a perception that Masonic connections had influenced decisions. Despite the low proportion of officers and staff who responded to it, the intranet survey provided some further evidence of a perception among officers and staff that membership of the Freemasons affected public trust in the police.

41. Ms Darwin criticised the review of intelligence reports on the basis that the number of such reports was low and the reports were often in the form of anonymous tip-offs with no supporting evidence. I do not regard this criticism as well-founded. The defendant has now disclosed a summary of the 27 reports with some redactions. Intelligence reports, by their nature, come from a variety of sources, some more reliable than others. The 27 do, however, include some where there was considerably more than just an anonymous tip-off, for example:

> "current criminal investigation into an officer has identified a WhatsApp message from another officer who purports to be an active Freemason who states 'it's a brotherhood and that's where a lot of people tend to bend it a bit when it comes to promotions as work and helping each other out in that sense, if you catch my drift.'"

42. In any event, the purpose for which these intelligence reports were reviewed was not to assess whether any individual report provided evidence of wrongdoing connected to membership of the Freemasons, but to assess more generally the extent of concerns within and outside the MPS about membership of the Freemasons. The defendant has been careful not to overstate the cumulative value of the intelligence evidence. Nonetheless, he and his senior officers were entitled to conclude that it provided some evidence of the concerns the disclosure requirement was introduced to address.

43. If the claims proceeded to a substantive hearing it would no doubt be necessary to consider applications for public interest immunity in respect of some of the redactions. I do not consider that this alone is a reason to grant permission or defer the refusal of permission, because the redactions are minor and it can be judged with confidence from the extensive material that has been disclosed that the redacted material is likely to add little of substance to the claimants' case.

44. Ms Darwin placed considerable reliance on the fact that the defendant accepts that membership of the Freemasons, on its own, is regarded as "low risk". This misunderstands the concerns which prompted the disclosure requirement. The risks flow not from membership of the Freemasons as such but from undisclosed membership. The disclosure requirement was imposed because, in some situations—notably where an officer or staff member who is a Freemason has to take a decision affecting, or comes into possession of sensitive information about, a fellow Freemason—there is a risk of an actual or perceived conflict of interest if membership is undisclosed.

45. Whilst it is true that the disclosure requirement may be said to operate as a "blanket policy" (in the sense that it applies to every police officer and constable), that does not on its own make it disproportionate. As Commander Messinger explains, all police officers and staff are subject to minimum vetting requirements; that too is a "blanket policy". Given that it is not possible to foresee all the situations in which an actual or perceived conflict of interest might arise, it is difficult to see how the requirement could be more narrowly tailored, while still performing its function. The claimant has not identified any class of officers or staff in relation to whom the risk of actual or perceived bias could not in principle apply.

46. Finally, the fact that the policy singles out Freemasonry as an example of the organisations to which it applies does not seem to me to be objectionable or unduly stigmatising. The disclosure requirement was framed generally, so that it applies to any hierarchical organisation with confidential membership which requires members to support and protect each other. The defendant's evidence candidly accepts that the historic and current concerns which prompted the introduction of the disclosure requirement relate to Freemasonry, because that it the most prominent example of a group with the features identified. In those circumstances, it would have been artificial not to give the Freemasons as an example of an organisation to which the disclosure requirement applied. Indeed, clarity and fairness to officers and staff required no less.

47. For these reasons, on the assumption that the disclosure requirement interferes with the rights of any of the claimants under Articles 8, 10 or 11, the interference served a legitimate aim and was proportionate. The contrary is not reasonably arguable.

Ground 5

48. Ground 5 is that the disclosure requirement involves or will result in the processing of the personal data of the fourth and fifth claimants that is unlawful under the UK General Data Protection Regulation and/or the Data Protection Act 2018, because:

    (a) the Policy and associated materials do not identify the lawful basis for the processing, the purposes for which it will be done or the limits to the use of the information;

(b) it is not necessary to impose a disclosure requirement in respect of past membership or to impose such a requirement on all officers and staff;

(c) the evidence indicates uncertainty and concern about how the data will be used; and

(d) in circumstances where the disclosure requirement will give rise to the systemic collection of sensitive affiliation information across the workforce, no adequate "data by design" safeguards have been identified.

49. I am satisfied that the defendant has answered all these points fully.

50. As to (a) and (c), I am prepared to assume in the fourth and fifth claimants' favour that the information required to be disclosed is "special category" data. Even on that assumption, the MPS has an "appropriate policy document" available on its website relating to the processing of special category data. This document makes clear at the outset that it applies to the processing of "MPS Employee/Contractor etc personal data, for the functions of the MPS as the Employer". It also makes clear that special category data may be processed, among other cases, "where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the Met or the data subject in connection with employment" (UK GDPR Article 9(2)(b) and DPA 2018 s. 10(1)(a) & Sch. 1 para. 1) and "where processing is necessary for reasons of substantial public interest" (Article 9(2)(g) and DPA 2018 s. 10(1)(b) and Sch. 1 paras 6, 7, 10, 11 and/or 12). The Policy itself explains in considerable detail how the MPS proposes to use the data collected pursuant to the disclosure requirement. In my judgment, these documents together provide sufficient clarity as to the legal basis for processing and the uses to which the disclosed information may be put.

51. As to (b), the fourth and fifth claimants are both currently members of the Freemasons. It follows that, even if the requirement contravened data protection law by requiring processing of information about past membership of the Freemasons, they are not affected by that illegality and have no standing to complain about it. In any event, if there is an officer or staff member who was (but is no longer) a Freemason, and who wishes to complain about the processing of his or her data, he or she has an alternative remedy, namely a complaint to the Information Commissioner and, if still dissatisfied, an appeal to the First-tier Tribunal.

52. As to (d), the fourth and fifth claimants have suggested no practical way in which the processing of data could be minimised while still achieving the objectives which the disclosure requirement pursues. Insofar as it is suggested that it could be left to individual officers to decide on an ad hoc basis whether to make declarations (e.g. in the context of specific investigations), this would not achieve the object of maintaining or enhancing public trust, because it would depend on officers' and staff members' own identification of situations where disclosure was warranted. It would also be very difficult to operate and enforce in practice.

53. More generally, as already noted, information collected for the purposes of vetting includes information that is considerably more sensitive and intimate than that to which

the challenged disclosure requirement relates. It is not suggested that the processing of the former gives rise to any breach of data protection law. There is no reason to suppose that the processing of the latter gives rise to any different considerations.

54. Ground 5 is not reasonably arguable.

Ground 6

55. Ground 6 is that the disclosure requirement gives rise to discrimination on the ground of belief contrary to s. 39 and/or s. 29(6) of the Equality Act 2010 ("the 2010 Act").

56. The first thing the claimants have to establish is that the beliefs characteristic of Freemasonry qualify as "beliefs" for the purposes of ss. 4 and 10 of the 2010 Act. As to this, there is in my view some force in the defendant's submission that I should focus on the particular beliefs of the fourth and fifth claimants, rather than the beliefs of Freemasons generally. I am, however, prepared to proceed on the assumption (without deciding) that the fourth and fifth claimants share the core beliefs and principles said to be shared by all Freemasons (in brotherly love, relief and truth) and that these beliefs attain the level of "cogency, seriousness, coherence and importance" and satisfy the other criteria in *Grainger plc v Nicholson* [2010] ICR 360, so as to qualify as "beliefs" for the purposes of the 2010 Act.

57. Even on that assumption, the disclosure requirement does not give rise to direct discrimination against Freemasons because it is framed in facially neutral terms, i.e. it applies to organisations with confidential membership and hierarchical structures which require members to support and protect one another, irrespective of whether they also share the philosophical beliefs said to be characteristic of Freemasonry. The defendant's evidence is that most, but not all, of those who have declared associations under the Policy since 11 December 2025 have been Freemasons.

58. The claimants complain that the disclosure requirement treats Freemasons less favourably than other organisations, such as gentlemen's clubs, university alumni networks and secret societies. The claimants, however, have pointed to no evidence that gentlemen's clubs or alumni networks generally exhibit the characteristics which trigger disclosure under the Policy. If and to the extent that they or "secret societies" do, they too will be caught by the disclosure requirement.

59. In any event, even if the disclosure requirement gave rise to direct discrimination on the ground of belief, the defendant would be entitled to justify it as an occupational requirement pursuant to para. 1 of Sch. 9 to the 2010 Act if he can show that the requirement is a proportionate means of achieving a legitimate aim. For the reasons I have already given in relation to grounds 2-4 at paragraphs 39-47 above, I consider that this test is met. For the same reason, the defendant would be able to justify any indirect discrimination for the purposes of s. 19(2)(d). The contrary is not arguable.

Ground 8

60. Ground 8 is that the further decision announced on 30 January 2026 was predetermined, given that:

(a) when agreeing to consider whether to alter or withdraw the decision to impose the disclosure requirement, the defendant chose not to suspend the effect of the original decision and refused to give an assurance that failure to comply with the requirement pending the reconsideration would not be treated as misconduct; and

(b) when responding to the claimants' challenge to the adequacy of the consultation before the original decision (ground 7), the defendant pleaded that it was "highly likely that the outcome for the applicant would not have been substantially different if the conduct complained of [including the failure to consult the second and third claimants] had not occurred".

61. Claims of predetermination always require an intense focus on the facts. The test is whether a fair-minded and informed observer, having considered those facts, would conclude that there was a real possibility that the [decision-maker] had predetermined the issue": see e.g. *R (QA) v Secretary of State for Foreign, Commonwealth and Development Affairs* [2024] EWHC 3064 (Admin), [34].

62. As noted above, the consultation on introducing the disclosure requirement was announced on 29 September 2025. On the following day, there was a meeting between senior MPS officers and representatives of the first claimant. The MPS then conducted the intranet survey to which I have referred. In those circumstances, and given the disquiet to which they say the proposal gave rise, it is unlikely that the second and third claimants were unaware of the proposal. Jean Michele Knight, the Grand Master of the second claimant, does not say that the second claimant was unaware of the proposal (or that she herself was). She says simply that:

> "Prior to this announcement [of the challenged decision on 11 December 2025], [the second claimant] had not been contacted by the Defendant to discuss the Decision or the proposed amendment. [The second claimant] was not provided with any consultation document, evidence base, or draft policy wording, and was not invited to participate in the Defendant's internal survey (as an organisation)."

63. Similarly, Carol Ann May Cole, director and Grand Master of the third claimant, does not say that the third claimant was unaware of the proposal (or that she herself was). She says simply that:

> "Prior to this announcement, [the third claimant] was not contacted by the Defendant to discuss the proposed policy change or the potential impact on [the third claimant] and its members."

64. There is no mention in Ms Knight's evidence or Ms Cole's—or in the letter before claim or Statement of Facts and Grounds—of any particular points that the second or third claimants would have wished to make had they been consulted. The defendant could properly assume that, if they had points to make which were different from those being made by other consultees, the second and third claimants would have made these points either in advance of the decision on 11 December 2025 or, at least, in their letter before claim. Given that they had not done so, the defendant could properly assume that it was unlikely that they did have any new points.

65. In those circumstances, it was reasonable for the defendant to decide that it would not suspend the disclosure requirement or agree not to treat failure to comply with it as misconduct. There was also a reasonable basis for pleading, in response to the allegation that the consultation was unfair because the second and third claimants had not been consulted, that s. 31(2A), (3C) of the Senior Courts Act 1981 applied. As the defendant made clear, the basis for the latter pleading was that "[t]he [Statement of Facts and Grounds] contains no submissions as to what [the second and third claimants] would have said, had they been consulted (in material addition to anything that had already been said by [the first claimant] or was publicly available)" (see paragraph 100(c) of the defendant's Response to Claimants' Application for Interim Relief and paragraph 96(d) of the Amended Summary Grounds of Defence).

66. Against that background, there was in my judgment no inconsistency between:

    (a) observing (in support of the submission that s. 31(2A) and (3C) applied) that the second and third claimants had not said what new points they had to make; and

    (b) in the unlikely event that there were any new points, offering to consider those points with an open mind.

67. On these facts, in my judgment, it is not arguable that a fair-minded and informed observer would conclude that there was a real possibility that the defendant had predetermined the question whether to alter or withdraw the policy.

68. I note that, even in the Re-Amended Statement of Facts and Grounds, filed after the decision of 30 January 2026 not to alter or withdraw the disclosure requirement, there is no attempt to identify any new points which the second or third claimant had identified in their representations and which had not been considered when making the original decision. That being so, a grant of permission to apply for judicial review on this ground alone would elevate form over substance.

Issue (b): Interim relief

69. It follows from my refusal of permission to apply for judicial review that there is no basis for interim relief.

70. It is, however, right to record that, even if I had granted permission to apply for judicial review on one or more grounds, the balance of convenience would have fallen decisively against the grant of interim relief, applying the test laid down in *R (Ammori) v Secretary of State for the Home Department* [2025] EWCA Civ 848, [29]-[32].

71. The defendant has concluded that the disclosure requirement will bring benefits in maintaining and enhancing public trust in the MPS and in enabling the MPS to take action to avoid situations of actual or perceived bias in individual cases. If interim relief were granted and the claim later succeeded, the defendant would be denied these benefits for at least several months. In my judgment, that would cause some damage to the public interest, though I accept that the evidence does not show that the damage would be very substantial, given that the requirement has been under consideration for some years.

72. On the other side of the balance, if interim relief were refused and the claim later succeeded, the damage that would be caused to the first three claimants, and to any individual officers or staff members who have not yet disclosed their membership seems to me to be very slight.

73. In the first place, some 397 officers and staff have already declared that they are or were Freemasons. The claimants' evidence is that there are 442 serving officers in the MPS and City of London Police. Because the 397 is not broken down between current and past members or between officers and staff and the 442 is not broken down between the MPS and City of London Police, it is not possible to say exactly how many current officers and staff who are Freemasons have not yet declared that fact. What can be said is that a substantial proportion already have. The interim relief sought will provide no benefit to these officers and staff members.

74. Secondly, the interim relief sought by the claimants would have the effect of suspending the operation of the disclosure requirement with effect from the point when the relief was granted. This would provide very little protection to the cohort who have yet to declare their membership. An officer or staff member in this cohort would be aware that he or she has already failed to comply with the disclosure requirement in the period between 11 December 2025 and the date on which interim relief is granted and might still be subject to misconduct proceedings in respect of that failure if the claim ultimately failed. On the evidence, the prospect of anyone being subject to misconduct proceedings before the claim was finally determined is remote, not least because the defendant does not know the identity of the remaining officers and staff members who are Freemasons.

75. Thirdly, the claimants' suggestion that, once made, a disclosure is irrevocable, while technically correct, in practical terms overstates the position. Those who comply with the disclosure requirement will disclose the fact of their membership confidentially to their local PSU, which will transmit the information to the PIAU, where it will be held securely and may be accessed by one or more of five security-vetted staff. If the claim succeeded, the court would be likely to quash the decision to introduce the disclosure requirement and could order the defendant to delete the information received from disclosures made to date. The possibility that this information might be recalled (let alone used) by one or more of the very limited number of staff who had access to it beforehand is remote. In any event, a requirement for deletion would in practical terms remove the information from circulation.

76. For these reasons, I would have refused interim relief even if I had considered the claim reasonably arguable on any of the grounds now pursued by the claimants.

Issue (c): The anonymity and restricted reporting orders in respect of the fourth claimant

77. The fourth claimant applied for anonymity without disclosing to the court that he was a member of a public Facebook group for those with an interest in Freemasonry in London. This fact should have been disclosed pursuant to the claimant's duty of candour because it was potentially relevant to the claimant's application for anonymity and restricted reporting orders: see the Administrative Court Judicial Review Guide, paragraph 15.2.

78. I accept the fourth claimant's apology for his failure to mention this. He has now explained that he thought the Facebook group in question was a private one. In any event,

he has now left the group and there is no evidence that his past membership has been reported or widely noticed. The members of the group in fact included persons with an interest in Freemasonry who were not themselves Freemasons. In those circumstances, neither the fourth claimant's previous membership of the group, nor his failure to mention that membership, on their own justify varying or discharging the anonymity or restricted reporting orders made in his favour.

Conclusions

79. For these reasons:

(a) None of the grounds now pursued (grounds 1-6 and ground 8) is reasonably arguable. Accordingly, permission to apply for judicial review is refused in respect of each of these grounds.

(b) The application for interim relief therefore falls to be refused. However, even if one or more the claimants' grounds had been arguable, the balance of convenience would have fallen decisively against the grant of interim relief.

(c) Neither the fourth claimant's previous membership of a public Facebook group, nor his failure to mention that membership, on their own justify varying or discharging the anonymity or restricted reporting orders made in his favour.

80. I invite the parties to draft an order reflecting these decisions and will consider any submissions on the question whether the temporary anonymity and restricted reporting orders should continue in force in the light of the refusal of permission to apply for judicial review following a hearing.