



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - SCOTTISH COVID 19 BEREAVED FAMILIES FOR JUSTICE GROUP**

Introduction

1. In my [Opening Statement](#) on 21 July 2022, I explained that Modules would be announced and opened in sequence, with those wishing to take a formal role in the Inquiry invited to apply to become Core Participants for each module. On the same day, the Inquiry opened Module 1 and invited anyone who wished to be considered as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 16 August 2022.
2. On 15 August 2022 the Inquiry received an application from the Scottish Covid 19 Bereaved Families For Justice Group ('the Applicant Group') and a number of individual bereaved family members in their own right ('the Applicant Individuals') for Core Participant status in Module 1. This Notice sets out my decision on the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 1, which states that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.

Application

4. Applications for Core Participant status are considered in accordance with Rule 5 of the Inquiry Rules 2006, which provides:



5.—(1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.

(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—

- (a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*
- (b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or*
- (c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*

(3) A person ceases to be a core participant on—

- (a) the date specified by the chairman in writing; or*
- (b) the end of the inquiry.*

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I considered whether the application fulfils the requirements set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.

Summary of Application

6. The Applicant Group is the Scottish branch of the Covid-19 Bereaved Families for Justice (CBFJ) representing the interests of Scottish bereaved families of individuals who died from Covid-19. The Applicant Group was said to have been part of the CBFJ for the purposes of campaigning for a UK public inquiry concerning the Covid-19 pandemic. The Applicant Individuals consist of a number of unnamed Scottish bereaved individuals.

7. The Application sets out that both the Applicant Group and Applicant Individuals have a significant interest in the preparedness of the Scottish Government for a Coronavirus pandemic and that this is primarily derived from their wish to understand how and why their loved ones died. The application further deals with the wish of the Applicant



Group and the Applicant Individuals to effectively participate in the Inquiry and arguments that granting Core Participant status would be consistent with the Inquiry's duty to act with fairness and in line with Article 2 rights of the bereaved.

8. I wish to extend my deep sympathy to each of the supporters of the Applicant Group and each of the Applicant Individuals regarding the deaths of their loved ones.

Decision for the Applicant Group

9. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters and I am also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
10. I have considered with great care everything that is said in the application. Having done so, I am minded, in my discretion, to designate the Applicant Group as a Core Participant in Module 1. I consider that the Applicant Group is best placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those bereaved by Covid-19 in Scotland in relation to Module 1, having regard to the need to manage the Inquiry effectively and efficiently. This is because the Applicant Group can assist the Inquiry in understanding the perspective of the bereaved in Scotland when it examines the UK's resilience and preparedness for the Covid-19 pandemic, without considering in detail any individual cases of harm or death.



Provisional Decision for the Applicant Individuals

11. The Inquiry will listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. It will be run in such a way that as many people as possible who wish to share their experience may do so.

12. However, I am also determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in this country could potentially have an interest in it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

13. As with the Applicant Group, I have considered with great care everything that is said in the application, as well as the factors I have set out above. Having done so, I am minded, in my discretion, not to designate any of the Applicant Individuals as Core Participants in Module 1 because the link between any potential failings in the UK's resilience and preparedness for the Covid-19 pandemic is too far removed from the particular circumstances of the deaths of their family members and it is not the purpose of the Inquiry, including Module 1, to explore individual deaths. For that reason, I consider that the application does not meet the criteria set out in Rule 5(2)(a) or (b) for the Applicant Individuals as core participants in Module 1 of the Inquiry.

14. Having already designated the Applicant Group as a Core Participant for Module 1, I consider that the individual interests of the Applicant Individuals are best represented



by the Applicant Group, having regard to its ability to represent the collective interests of a broad spectrum of those bereaved by Covid-19 in Scotland and also to the need to manage the Inquiry effectively and efficiently.

15. It is not necessary for an individual or organisation to be a Core Participant in order to contribute to the Inquiry. The Applicant Individuals will all have an opportunity to make important contributions to the Inquiry without being designated as Core Participants in Module 1, both through the listening exercise and the Applicant Group if they choose.

Legal Representation for the Applicant Group

16. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.



(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

17. I am satisfied that the Applicant Group has appointed Aamer Anwar and Co as its qualified lawyer in relation to this module. I therefore designate Aamer Anwar of Aamer Anwar and Co as the Applicant Group's recognised legal representative in accordance with Rule 6(1).

18. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry' Costs Protocol](#).

19. As I am minded to decline the application in relation to the 1,453 Applicant Individuals, I will offer Aamer Anwar and Co an opportunity to renew the application on their behalf collectively. If Aamer Anwar and Co wishes to renew the application, they must notify the Solicitor to the Inquiry and provide any additional supporting information in writing by **4pm on 13 September 2022**. Renewed applications should not repeat information provided in the original application but should provide any additional information that may assist me in considering the renewed application. I intend to determine any applications on paper without oral submissions, other than in exceptional circumstances. If the application is not renewed, I will confirm this Provisional Decision has become final.

20. I will keep the scope of Module 1 and the designation of Core Participants under review. My provisional decision not to designate each of the 1,453 Applicant Individuals as Core Participants in Module 1 does not preclude BJC Solicitors from making any further applications on their behalf in respect of any later modules.



Similarly, my decision to designate the Applicant Group as a Core Participant in Module 1 has no bearing on their Core Participant Status in any other module, for which the Applicant Group will have to make further applications for each module in due course.

21. I have considered the representation made in the application that both the Applicant Group and the Applicant Individuals should be designated as Core Participants for the whole Inquiry. I decline to do so at this stage. Core Participant applications will be factually sensitive to the Outline of Scope for each specific module. For that reason, I consider that consistency of decision-making and fairness to all applicants for Core Participant status is best served by individual decisions made in respect of each individual module. I will consider any future applications that the Applicant Group or the Applicant Individuals may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

7 September 2022