



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 2 - NI COVID-19 BEREAVED FAMILIES FOR JUSTICE**

**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 31 August 2022, the Inquiry opened Module 2 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 23 September 2022.
2. On 23 September 2022 the Inquiry received an application from the NI Covid-19 Bereaved Families for Justice ('NI CBFJ') ("the Applicants") for Core Participant status in Module 2. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 2, which states that this module will examine the decision-making by the UK Government during the 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 2.

### **Summary of Application**

6. NI CBFJ is a branch of the wider UK group Covid-19 Bereaved Families for Justice (CBFJ) and represents bereaved relatives of individuals who died from Covid-19 in Northern Ireland. NI CBFJ states that the Applicants individually and collectively have significant interests in important aspects to which Module 2 relates, and that this is particularly so when considered together with the Inquiry's duty to act with fairness and the obligations imposed by Article 2 and Article 3. The application states that the principle of fairness requires that groups of bereaved individuals from each jurisdiction are designated as core participants to Module 2, including bereaved families from Northern Ireland. The Applicants also submit that they have a particular significant interest in ensuring that the unique geographic location and political settlement in Northern Ireland is considered and addressed in Module 2.

### **Decision for the Applicant**

7. I wish to reiterate my deep sympathy to each and every individual who has experienced the tragic loss of a loved one as a consequence of the Covid-19 pandemic. 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. 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.

8. I have considered with great care everything that is said in the application. Having done so, I am minded, in my discretion, to designate NI CBFJ as a Core Participant in Module 2. For a number of reasons I consider that the NI CBFJ group is well 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 Northern Ireland, in relation to Module 2, having regard to the need to manage the Inquiry effectively and efficiently. This is because NI CBFJ can assist the Inquiry in understanding the perspective of the bereaved in Northern Ireland, when it examines the UK's core political and administrative decision-making in response to the Covid-19 pandemic, without considering in detail any individual cases of harm or death.
9. 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.

### **Legal Representation**

10. 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.*

11. I am satisfied that NI CBFJ has appointed Conal McGarrity of PA Duffy & Company Solicitors as its qualified lawyer in relation to this Module. I therefore designate Conal McGarrity as NI CBFJ's recognised legal representative in accordance with Rule 6(1).

12. 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](#).

**Rt Hon Baroness Heather Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**13 October 2022**