



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2A - HM TREASURY**

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 2A 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. The [Provisional Outline of Scope for Module 2A](#) provides that this module will examine the decision-making by the Scottish 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.
3. On 23 September 2022 the Inquiry received an application from HM Treasury for Core Participant status in Module 2A.
4. I made a provisional decision not to designate HM Treasury as a Core Participant in Module 2A, thereby declining HM Treasury's application ("the Provisional Decision"), on 13 October 2022. HM Treasury was provided with an opportunity to renew the application in writing by 12 noon on 20 October 2022.
5. The Applicant did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.

Application

6. 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.*

7. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have 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 2A.
8. I have taken into account all of the information which the Applicant has relied upon. The fact that I have not, in making this determination, referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

Summary of Application

9. The application is put on the basis that HM Treasury has a significant interest in the examination of what impact, if any, funding had on the decision making of the devolved administrations ("DAs") in relation to the imposition or non-imposition of NPIs. They accept that HM Treasury did not play a direct role in the decision making of

the DAs in relation to the imposition or non-imposition of NPIs, but state that HM Treasury played an important role in respect of providing funding to the DAs. Responsibility for fiscal policy, macroeconomic policy and funding allocation across the United Kingdom rests with HM Treasury. UK government funding for the DAs, as well as DA self-financing, is determined within the wider UK public expenditure framework, for which HM Treasury is responsible. The DAs are also required to act within the provisions of the annual Consolidated Budgeting Guidance published by HMT.

10. The application states that HM Treasury can provide information regarding what funding was made available to the DAs to support the pandemic response, when that funding was provided and the reasons why that funding was provided.

Decision for the Applicant

11. I have considered with great care everything that is said in HM Treasury's application. Having done so, in my discretion, I consider that HM Treasury does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2A and, therefore, I have decided not to designate HM Treasury as a Core Participant in Module 2A.
12. Having regard in particular to the need to manage the Inquiry effectively and efficiently, I do not consider that its role, as set out in the application, was sufficiently significant as to grant HM Treasury Core Participant status in this Module. As stated in the application, HM Treasury did not play a direct role in decision making in Scotland in response to Covid-19. Detailed examination of central government funding to Scotland and the other DAs falls outside the proportionate scope of Module 2A of the Inquiry.
13. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. HM Treasury may wish to consider applying for Core Participant status in relation to future modules which are of relevance to them.

14. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. HM Treasury may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
15. For all of those reasons, having considered all of the information provided by HM Treasury, in light of the Provisional Outline of Scope for Module 2A, I consider that HM Treasury did not play a direct and significant role in relation to the matters sought to be investigated in Module 2A, nor does HM Treasury have a significant interest in an important aspect of the matters to which Module 2A relates. I have therefore decided that HM Treasury should not be designated as a Core Participant in Module 2A and I confirm that this is my final decision.
16. I will keep the scope of Module 2A under review. My decision not to designate HM Treasury as Core Participants in Module 2A does not preclude it from making any further applications in respect of any later modules. HM Treasury may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with the matters which have been referred to in the application. I will consider any future applications HM Treasury 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
26 October 2022