



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2C - CATHERINE EDGAR**

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 2C 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 2C provides that this module will examine the decision-making by the government in Northern Ireland 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 20 September 2022 the Inquiry received an application from Catherine Edgar (the **"Applicant"**) for Core Participant status in Module 2C.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 2C, thereby declining the Applicant's application, on 13 October 2022. The Applicant was provided with an opportunity to renew the application in writing by 12pm 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 2C.
8. I have taken into account all of the information upon which the Applicant has relied. In making this determination, the fact that I have not 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 Applicant sets out that she is recovering from a brain injury, which has caused her to suffer from various impairments. The Applicant's submission is that various public authorities in Northern Ireland, including the Department of Health ("**DoH**") and the Police Service of Northern Ireland ("**PSNI**"), failed in their duty (owed pursuant to s.75 Northern Ireland Act 1998) to have due regard to the need to promote equality of opportunity between persons with a disability and persons without a disability in

relation to the use of face masks. Further, the Applicant contends that the Equality Commission for Northern Ireland (“**ECNI**”) failed to ensure the DoH and PSNI complied with their equality duties.

10. The application maintains that exemptions to the legal requirement to use face masks, specifically those contained in Regulation 5 of the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 (as amended), were not communicated to the public or business owners. The Applicant states that she suffered disability discrimination because she was unable to wear a face covering and was also prevented from entering premises as a result.

Decision for the Applicant

11. I have considered with great care everything that is said in the Applicant’s application. Having done so, in my discretion, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2C and, therefore, I have decided not to designate the Applicant as a Core Participant in Module 2C.
12. The foundation of the Applicant’s application relates to her concern about how the government in Northern Ireland communicated the legal requirement to use face masks, the exemptions from these requirements and the equality implications of the way in which these matters were communicated. However, the purpose of Module 2C is to examine the high-level decision-making of the government in Northern Ireland in response to the Covid-19 Pandemic, including the use of non-pharmaceutical interventions. It will also consider how public health messages were communicated, but at a high level. It will not consider the impact of such interventions or communications on specific individuals. I consider that the application does not therefore meet the criteria set out in Rule 5(2)(a) or (b) of the Inquiry Rules 2006.
13. Whilst 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. It is relevant in this regard that it is not necessary for the Applicant to be a Core Participant in order to provide evidence to the Inquiry. Furthermore, the Inquiry will hear and consider carefully the experiences of those who have suffered hardship or loss as a result of the pandemic, through the

listening exercise. The Applicant may wish to contribute to the Inquiry through this process. As I made clear in my Opening Statement this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic to be used as evidence during the Inquiry's module hearings.

14. In making this decision to decline, I have also had regard to the need to manage the Inquiry effectively and efficiently, and to the requirements of proportionality. Given the vast numbers of people who were affected, many profoundly, by the Covid-19 pandemic, a significant proportion of the population could potentially have an interest in it. I must therefore assess very carefully whether, in reality, the Applicant needs to have Core Participant status in order to assist the Inquiry in meeting its terms of reference. For all of the reasons set out above, I do not consider that the Inquiry would be assisted by the Applicant having Core Participant status.
15. For all of those reasons, having considered all of the information provided by the Applicant, in light of the Provisional Outline of Scope for Module 2C, I consider that the Applicant did not play a direct and significant role in relation to the matters sought to be investigated in Module 2C, nor does the Applicant have a significant interest in an important aspect of the matters to which Module 2C relates. I have therefore decided that the Applicant should not be designated as a Core Participant in Module 2C and I confirm that this is my final decision.
16. I will keep the scope of Module 2C under review. My decision not to designate the Applicant as Core Participant in Module 2C does not preclude her from making any further applications in respect of any later modules. The Applicant 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 the Applicant 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