



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2C - GARY MIDDLETON MLA**

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 22 September 2022 the Inquiry received an application from Gary Middleton MLA (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 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 Applicant was Junior Minister at the Executive Office from 2 February 2021 to 8 March 2021 and again from 17 June 2021 to 5 May 2022.

Decision for the Applicant

10. 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.
11. The focus of Module 2C is on the key decisions which were made by the government in Northern Ireland in response to the Covid-19 Pandemic. The Applicant was a Junior Minister at the Executive Office from 2 February 2021 to 8 March 2021 and again from 17 June 2021 to 5 May 2022. Beyond that, the application provides little detail as to why he fulfils the statutory criteria for designation. The application does not explain the role of the Junior Minister within the Executive Office, what his specific areas of responsibility were during the Covid-19 pandemic or identify any particular decisions for which he was responsible, in relation to the key decision-making in response to the Covid-19 Pandemic.
12. Having regard to the criteria set out in Rule 5 that whilst the Applicant, as Junior Minister, may have had a role in the high level response to the Covid-19 Pandemic, there is no information upon which I could conclude that the applicant had a direct or significant role in the core political and administrative decision-making (Rule 5(2)(a)).
13. I recognise that the Applicant has an interest in the matters to be investigated but absent any information about decisions for which he had specific responsibility, his interest does not meet the threshold of being significant for the purposes of Rule 5(2)(b)).
14. Further, the Applicant has not suggested that he might face explicit or significant criticism by reason of the advice he provided (Rule 5(2)(c)).
15. 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 that the former First Ministers and deputy First Minister have sought and will be granted Core Participant status and will be able to account for those decisions which were made by them or on their behalf within the Executive Office.

16. I am 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.
17. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant 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.
18. 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.
19. 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 him 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