

**IN THE UK COVID-19 PUBLIC INQUIRY  
BEFORE BARONESS HEATHER HALLETT  
IN THE MATTER OF:**

**THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK**

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**SUBMISSIONS ON BEHALF OF COVID-19 BEREAVED FAMILIES FOR  
JUSTICE CYMRU IN ADVANCE OF THE SECOND PRELIMINARY HEARING  
FOR MODULE 2**

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**Introduction**

1. Submissions are made on behalf of Covid-19 Bereaved Families for Justice Cymru (CBFJ Cymru) on:
  - (i) Scope of/Issues to be covered in Module 2
  - (ii) Rule 9 requests
  - (iii) Disclosure
  - (iv) Expert witnesses
  - (iv) Evidence proposal procedure and Rule 10
  - (v) Every Story Matters and Commemoration

**Scope / Issues**

2. CBFJ Cymru notes that the CTI proposes that a list of key issues that fall to be explored in the oral hearing for Module 2 will be circulated in April 2023. It is noted that it is intended that this is to be done taking into account the aim of ensuring broad consistency of approach with Modules 2A, 2B and 2C. CBFJ Cymru agrees that consideration as to the scope and compilation of the list of issues for Module 2 requires consideration of the 4 modules to ensure that key issues will be adequately covered, in particular as to the communications between Governments, and in order to ensure a consistent approach.

3. CBFJ Cymru notes that Module 2 includes in its provisional scope “*The central government structures and bodies concerned with the UK response to the pandemic and their relationships and communications with the devolved administrations in Scotland, Wales and Northern Ireland and regional and local authorities*”. CBFJ Cymru submits that it will be important that the list of issues in Module 2 includes the following matters, which fall within the above paragraph of the provisional scope:

- (i) To what extent was there a sharing of knowledge between the Welsh and UK Governments, in particular, scientific, medical and other expert knowledge;
- (ii) Why did the actions taken, or not taken, by the Welsh Government differ from those taken by the UK Government;
- (iii) The relationship and communications between the Welsh and UK Governments before and after January 2020 in relation to pandemic planning and response (including the frequency and quality of meetings). This should include requests made by the Welsh Government to the UK Government for additional funding and the efforts made to secure the same.

4. CBFJ Cymru submits that the list of issues to be examined should also include:

- a. Whether any senior ministers of the Crown considered or attempted to use the emergency powers contained within s.21 of the Civil Contingencies Act 2004 to make emergency regulations;
- b. If no consideration was given to these powers, why not;
- c. Whether it was necessary to use these emergency powers to protect life, or whether the Government was right to wait for the Coronavirus Act 2020 to go through parliament via the normal route;
- d. In going through parliament via the normal route, whether any time was lost that might have been saved by using the powers already contained within the Civil Contingencies Act 2004; and
- e. Whether the enactment of the Coronavirus Act 2020 impacted on the extent to which the devolved nations made their own decisions about emergency powers.

5. Further, CBFJ Cymru adopts and supports the proposal that was made at the first preliminary hearing in relation to Module 2, on behalf of the TUC, that a short hearing be listed after the hearings in Modules 2A, 2B and 2C to take account of the lessons learned across these modules, in which it would be open to core participants in Module 2 to make submissions relating to Module 2 with the benefit of reflecting on the evidence in all 4 modules. CBFJ Cymru agrees this is likely to assist the Chair and the Inquiry in their work.

### **Rule 9 Requests**

6. CBFJ Cymru welcomes the opportunity to indicate where it considers that an individual who does not appear in Annex A but whose evidence would benefit Module 2. It proposes that if not already served, consideration of service of a Rule 9 request the Director-General of Covid-10 Crisis Co-ordination for the Welsh Government, Mr Reg Kilpatrick. It is anticipated that the Director-General would be able to give important relevant evidence about intergovernmental co-operation between the Wales and UK Governments.

### **Disclosure to Core Participants**

7. CBFJ Cymru is grateful for the updating information as to the progress of disclosure to CPs. CBFJ Cymru requests that when a new tranche of disclosure is uploaded onto the database that an email is sent to CPs/their legal representatives to notify them. This has been the case for Module 1. Without such notification it is difficult to know when new documents are being received.

### **Expert witnesses**

8. CBFJ Cymru is grateful for the information about the sharing of draft expert reports with CPs and welcomes the opportunity to raise points of clarification or additional relevant matters with each expert. CBFJ Cymru looks forward to receiving further information as to how CPs can engage in this process. It requests that there is sufficient time for CPs to give full consideration to the draft reports before the time by which questions/new matters are to be raised.

## **Evidence proposal procedure and Rule 10**

9. CBFJ Cymru notes and welcomes the CTI's support for additional procedure referred to at paragraphs 47-48 of its note, that CPs may be permitted to meet Counsel to the Inquiry, following the submission of their observations on the evidence proposal which is to be provided in respect of each witness to be called to give oral evidence, so as to have the chance to better explain the rationale for the observations – an informal route to highlight the importance of the issues and why then need to be raised with the witness.
10. The provisional time-table for this process is welcomed.
11. CBFJ Cymru suggests that in line with other Public Inquiries there ought also be a short period of time set aside after the CTI's questions so that further follow up questions arising from the evidence can be considered with the CPs.

## **Every Story Matters and Commemoration**

12. CBFJ Cymru is grateful to the Solicitor to the Inquiry for the update as to both the above matters and very much welcomes the work being done in both areas and the opportunity to continue working with the Inquiry Team to assist in the development of Every Story Matters.

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24<sup>th</sup> February 2023