



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 2 - OFFICE OF THE CHIEF MEDICAL OFFICER**

**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 20 September 2022 the Inquiry received an application from the Office of the Chief Medical Officer ('CMO') ("the Applicant") 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. The application is made on the basis that the applicants satisfy Rule 5(2)(a) and (b). The application states that by reference to the Provisional Outline of Scope for Module 2, the Office of the CMO:
- a. is part of a central government body concerned with the UK response to the pandemic and its relationships and communications with the devolved administrations and regional and local authorities. The role of the Office of the CMO is to provide advice to Ministers in the Department of Health and Social Care, to the Prime Minister and Ministers across Government and to policy officials across Government;
  - b. was an important part of the initial understanding of, and response to, the nature and spread of Covid-19. The CMO and DCMOs gave advice to Government from early 2020 when the emergency of Covid-19 was first noted;
  - c. provided advice to the Government at the time of the imposition of non-pharmaceutical interventions;
  - d. was and is involved in providing scientific expertise and data to the Government. In addition to providing individual advice, the CMO was co-chair, alongside the Government Chief Scientific Adviser, of SAGE for Covid-19;

- e. was and is involved in public health communications in relation to steps being taken to control the spread of the virus. The CMO and deputies played a role in public communication appearing alongside the Prime Minister and other Ministers during the press conferences broadcast on national television. At the request of Ministers they separately attended some press briefings of a technical nature; and
- f. provided public health advice at the time that public health and coronavirus legislation and regulations were proposed and enacted.

### **Decision for the Applicant**

- 7. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate the Office of the Chief Medical Officer as a Core Participant in Module 2. Having regard to the provisions of Rule 5(2), I am satisfied that the Applicant played, or may have played, a direct and significant role in relation to the core political and administrative decision-making in response to the Covid-19 pandemic, that it has a significant interest in Module 2 of the Inquiry and that it may be subject to explicit or significant criticism.

### **Legal Representation**

- 8. 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.*

9. I am satisfied that CMO has appointed Warwick Olsen of the Government Legal Department as its qualified lawyer in relation to this Module. I therefore designate Warwick Olsen as CMO's recognised legal representative in accordance with Rule 6(1).

10. 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**