



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - MINISTERS AND FORMER MINISTERS OF THE NORTHERN IRELAND
ASSEMBLY, FORMER FIRST MINISTERS, AND FORMER SPECIAL ADVISORS TO THE FIRST
MINISTER

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. The Provisional Outline of Scope for Module 2 provides 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.
3. On 22 September 2022 the Inquiry received an application on behalf of a number of Ministers and Former Ministers of the Northern Ireland Assembly, including Former First Ministers, as well as former Special Advisers to the First Minister for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Applicants as a Core Participant in Module 2, thereby declining the Applicants's application ("the Provisional Decision"), on 13 October 2022. The Applicants were provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.

5. The Applicants 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 2.

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 the Applicants were involved at various stages and in various ways in the Northern Ireland Executive Office and in Northern Ireland Government Departments, during the relevant time period and therefore played a key and significant role in matters to which the Inquiry relates and may be subject to criticism. The application sets out that the First Minister and deputy First Minister supported by Junior Ministers have overall political responsibility and accountability for all the Executive Office's activities and Executive decision-making and that they were supported by Special Advisers. The application provides further details of the roles of the Applicants who were Ministers in Northern Ireland Government Departments during the relevant period. Information is also provided in relation to the Applicants who were committee members of the Ad Hoc Committee for the Covid-19 response for various periods.

Decision for the Applicant

10. I have considered with great care everything that is said in the Applicants' application. Having done so, in my discretion, I consider that the Applicants do not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2 and, therefore, I have decided not to designate the Applicants as a Core Participant in Module 2.
11. The focus of Module 2 is on the core political and administrative decision making within the UK in response to the Covid-19 Pandemic. The application fails to address or meet the criteria set out in Rule 5 of the Inquiry Rules 2006. Whilst the Applicants may have played a role of some nature and degree in the high level response to the Covid-19 Pandemic in Northern Ireland, there is insufficient information upon which I could conclude that the Applicants played a direct or significant role in the core political and administrative decision-making in the UK (Rule 5(2)(a)).
12. I recognise that the Applicants have an interest in the matters the Inquiry is examining but in the absence of information do not consider that interest to be significant in the context of Module 2 (Rule 5(2)(b)). Further, the Applicants have not suggested that they might face explicit or significant criticism (Rule 5(2)(c)). 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 the Executive Office of Northern Ireland have sought and will be granted Core Participant status in Module 2 and will be able to account for those decisions that were made by them or on their behalf within the Executive Office.

13. Furthermore, I do not consider, in any event, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its interest in decision making by the UK Government is sufficiently significant as to grant it Core Participant status in this Module. 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.
14. 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. The applicant is encouraged to consider making an application for Core Participant status in relation to future modules which are of relevance to them.
15. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants 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.
16. For all of those reasons, having considered all of the information provided by the Applicants, in light of the Provisional Outline of Scope for Module 2, I consider that the Applicants did not play a direct and significant role in relation to the matters sought to be investigated in Module 2, nor do the Applicants have a significant interest in an important aspect of the matters to which Module 2 relates. I have therefore decided that the Applicants should not be designated as a Core Participant in Module 2 and I confirm that this is my final decision.

17. I will keep the scope of Module 2 under review. My decision not to designate the Applicants as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules the Applicants 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 Applicants 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