



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - GROUP OF MEMBERS OF HM MILITARY BACKGROUND SAID TO HAVE
EXPERIENCED AN ADVERSE REACTION AFTER THE PROVISION OF THE COVID-19
VACCINE

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 8 November 2022, the Inquiry opened Module 3 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 5 December 2022
2. The Inquiry has published the Provisional Outline of Scope for Module 3, which states that this Module will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. Further Modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 1 December 2022 the Inquiry received an application from a group described as those of a British military background, who suffered an adverse reaction after provision of a Covid-19 vaccine ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 13 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining the application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 20 January 2023.

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 3.

Summary of Application

8. The application is made on behalf of a group described as being those of a British military background, who suffered an adverse reaction after provision of a Covid-19 vaccine. It is not clear precisely who forms part of the group. The application is put on the basis that at least one member of the group has given consent, that others from the group have expressed an interest in assisting the Inquiry if the application is successful, and that the Applicant is willing to take on other individuals that fall within its remit. The application explains that a number of individuals who may wish to assist

the Inquiry will not wish to be publicly identified, or identified to the Ministry of Defence (“MoD”) due to sensitivities. It is also said that the group should not be represented by the MoD as there may be a conflict or unwillingness to engage.

9. The application is put on the basis that there is evidence available that supports a claim that members of the military have suffered a disproportionate reaction to the Covid-19 vaccination, that they have a significant interest in a core issue of Module 3 and have played a direct and significant role in the issues to which the Module relates.

Decision for the Applicant

10. I have considered with great care everything that is said in the application. Having done so, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 3 and, therefore, I have decided not to designate the Applicant as a Core Participant in Module 3.
11. Module 3 will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. This will include consideration of the healthcare consequences of how the governments and the public responded to the pandemic. It will examine the capacity of healthcare systems to respond to a pandemic and how this evolved during the pandemic. It will consider the primary, secondary and tertiary healthcare sectors and services and people’s experience of healthcare during the pandemic, including through illustrative accounts. It will also examine healthcare-related inequalities (such as in relation to death rates, PPE and oximeters), with further detailed consideration in a separate designated Module.
12. The application does not set out how the Applicant played a direct and significant role in relation to the matters to which Module 3 relates (i.e. healthcare systems) and thus does not satisfy Rule 5(2)(a). While the Applicant may be said to have an interest in healthcare systems, I do not consider the Applicant to have a significant interest in an important aspect of the matters to which Module 3 relates, within the meaning of Rule 5(2)(b). The focus of the application is on vaccination and adverse reactions to Covid-19 vaccines; vaccines will be considered in a separate Module later in the Inquiry.

13. While 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 factors. I am not obliged to designate any particular person or organisation as a Core Participant. 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 and organisations in the UK could potentially have an interest in the Inquiry and not everyone can be granted Core Participant status for the purpose of the Inquiry hearings.
14. The Inquiry will hear and consider carefully the experiences of bereaved families and others who have experienced hardship or loss as a result of the Covid-19 pandemic, through the listening exercise. Members of the Applicant group and those it represents may wish to contribute to the work of the Inquiry through this process. I made clear in my Opening Statement that 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.
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 3, I have decided that the Applicant should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.
16. I will keep the scope of Module 3 under review. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude it 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
13 February 2023

