



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - THE DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL
AFFAIRS OF NORTHERN IRELAND**

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a 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 18 April 2023 the Inquiry received an out of time application from The Department of Agriculture, Environment and Rural Affairs ('DAERA') of the Northern Ireland Government ("the Applicant") for Core Participant status in Module 1. This notice sets out my decision on the application.

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 have firstly considered whether the Applicant has provided an acceptable explanation as to why they did not submit their application within the relevant timeframe.

Summary of Application

6. The application states that DAERA has responsibility for food, farming, environmental, fisheries, forestry and sustainability policy and the development of the rural sector in Northern Ireland. DAERA states that three areas of the Module 1 Provisional Outline of Scope are relevant to its function and responsibility. They are paragraphs 2, 3 and 6. I need not set out each issue in full. In summary they state that:
- a. DAERA is responsible for the development of animal health and welfare policy for farmed and non-farmed animals, including policy and control strategies in relation to zoonotic diseases. It is said this is relevant to paragraph 2 of the Provisional List of Issues;
 - b. DAERA is the lead department for the control of animal diseases and for responding to epizootic disease outbreaks, some of which can also be zoonotic. It is said that DAERA collaborates with DEFRA and counterparts in Scottish, Irish and Welsh Governments in relation to such outbreaks. It is said this is relevant to paragraph 3 of the Provisional List of Issues;

- c. DAERA is a member of the Civil Contingencies Group NI, the Human Animal Infections and Risk Surveillance group and its Chief Veterinary Officer is a member of the UK Surveillance Forum. It is said this is relevant to paragraph 6 of the Provisional List of Issues;
7. DAERA submits that taking the above matters and the Inquiry's List of Issues for Module 1 into account, it has a significant interest in the matters which will be investigated by the Inquiry.
8. The application states that *"In order to provide the Inquiry with adequate and properly prepared evidence, DAERA requires access to the Inquiry's disclosure. As a material provider, DAERA has no access to Inquiry Discovery and is therefore hampered in its preparation and ability to assist the Inquiry in examining the Issues flagged. In order to ensure that DAERA has parity of arms in terms of preparation for and appearance before the Inquiry it would be prudent to have Core Participant status at this stage, to prevent any witnesses not being sighted on relevant documents prior to finalising statements or giving oral evidence."*
9. The Applicant states that it makes the application now in light of the List of Issues document which was provided by the Inquiry to DAERA on 4 April 2023.

Decision for the Applicants

10. As is acknowledged by the Applicant, the deadline for applications for Core Participant Status in Module 1 was 16 August 2022, meaning that this application was received eight months after the deadline expired. The application window was open for three weeks from 21 July 2022 to 5pm on 16 August 2022.
11. I remind myself that paragraph 10 of the Inquiry's Core Participant protocol states: *"...The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe"*.
12. The aim of this Inquiry is to enquire into the matters set out within the Terms of Reference and ensure that by identifying any lessons to be learned from the

pandemic, that recommendations for change can be made swiftly. To do that I must impose firm deadlines for different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also consider the need to be fair to all Applicants who have made their application for Core Participant status within the time period available and more generally the need to ensure there is no unfair advantage obtained by a late application.

13. I therefore have to consider whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed for applications.
14. The Provisional Outline of Scope for Module 1 was published when the window for receipt of core participants applications opened. The application is based upon DAERA having a significant interest in relation to matters covered by three paragraphs of Module 1's Provisional Outline of Scope. No explanation is provided as to why an application was not submitted within the original window if DAERA considers that it properly has such an interest.
15. Whilst the application refers to the Provisional List of Issues for Module 1, which was provided to core participants and material providers (including DAERA) more recently, the application substantially focuses upon DAERA's interest in matters that were already covered by the Outline of Scope. The List of Issues did not add so significantly to the information contained in the Provisional Outline of Scope such as to make any material difference in the information available to DAERA. No acceptable explanation has been provided for the application being made at this late stage.
16. Even if the original delay could be excused, DAERA received a Rule 9 request from the Inquiry in mid-December. It therefore had a further, albeit still belated, opportunity to consider at that stage whether to apply for core participant status. It did not do so.
17. Whilst I remain grateful for the assistance afforded to the Inquiry by DAERA in providing evidence, I do not consider that the Applicant has provided an acceptable explanation of why they did not submit their application within the relevant timeframe. I therefore decline to consider the application at this time and so decline the application for Core Participant status.

18. I add that designating DAERA as a core participant at this late stage of Module 1 would place significant burden upon the Inquiry team to ensure that DAERA is provided with sufficient information and access to enable it to participate as a core participant at a time when the Inquiry team is focusing upon preparations for the Inquiry's public hearing.

19. I also do not accept that the need to provide witnesses with disclosure prior to them giving evidence is a reason in itself to grant core participant status. The Inquiry legal team will be preparing evidence proposals that will list documents that witnesses should see before they give evidence. Where a witness is not employed or supported by a core participant, copies of those documents will be provided to the witness.

Rt Hon Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry
4 April 2023