



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

**MODULE 1 - Department for Business and Trade (representing former Department
of Business, Energy and Industrial Strategy (“BEIS”))**

1. On 7 September 2022, I designated BEIS as a Core Participant in Module 1.
2. On 7 February 2023 a “Machinery of Government change” took place, which resulted in a transfer of the responsibilities of what was formerly BEIS to three new Departments. BEIS ceased to exist as a Government Department.
3. On 1 June 2023, I received an application for Core Participant status in Module 1 from one of those new Departments, the Department for Business and Trade. This Notice sets out my determination of that application. The application also asks me to revoke the Core Participant status of former BEIS.

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 1.

Summary of Application

6. The application from DBT states that the responsibilities of the former BEIS have been transferred to three new Departments. One of those Departments is the DBT which the application states has incorporated “*the Department for International Trade and BEIS Director General-led Groups for Business Sectors, Trade & Opportunities and Market Frameworks.*”
7. The application therefore asks that I revoke the core participant status of former BEIS and designate the DBT in its place.

Decision for the Applicant

8. My determination of BEIS' application for core participant status includes the following summary:

“The application states that BEIS is one of the UK Government departments responsible for risk management and civil emergency planning. BEIS is designated as the lead government department for emergencies affecting the Critical National Infrastructure sectors. As part of its pandemic preparations, BEIS worked with the Critical National Infrastructure sectors to develop and exercise contingency plans, including for managing large scale workforce absences due to sickness. The application states that the BEIS Economic Shocks Team is responsible for monitoring business sectors for potential economic shocks and considers responses to such shocks.”

9. I was therefore satisfied, at that time, that I should, in my discretion, designate the Secretary of State for BEIS as a core participant. I considered that BEIS played, or may have played, a direct and significant role in relation to the UK's resilience and preparedness for the Covid-19 pandemic and that it has a significant interest in Module 1 of the Inquiry.
10. Having considered the application from DBT, I am satisfied that it has taken on a number of the core functions of BEIS. Therefore, I consider it appropriate to exercise my discretion to designate DBT as a Core Participant in Module 1 for the same reasons as before. I consider that the Applicant played, or may have played, a direct and significant role in relation to the UK's resilience and preparedness for the Covid-19 pandemic and that it has a significant interest in Module 1 of the Inquiry.
11. I am also asked to revoke former BEIS' core participant status. BEIS of course no longer exists but to the extent that it is necessary for me to formally revoke former BEIS' core participant status, I do so.

Legal Representation

12. 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.

13. I am satisfied that DBT has appointed Laura Zanchi of the Government Legal Department as its qualified lawyer in relation to this Module. I, therefore, designate Ms Zanchi as recognised legal representative in accordance with Rule 6(1).

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

7 June 2022