



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - CABINET OFFICE

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 5 June 2023, the Inquiry opened Module 4 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 30 June 2023.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 4, which states that this module will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 30 June 2023 the Inquiry received an application from the Cabinet Office ("the Applicant") for Core Participant status in Module 4. This Notice sets out my determination of 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 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 4.

Summary of Application

6. The Applicant is the Chancellor of the Duchy of Lancaster, who applies to be designated as a Core Participant in order to represent the interests of the Cabinet Office. The application is put on the basis that the Applicant satisfies the criteria in Rule 5(2)(a) and (b).
7. It is said that the Applicant satisfies Rule 5(2)(a) because the Cabinet Office (and the bodies falling under its umbrella, including the Office of the Prime Minister) played a direct and significant role in Module 4 matters by: coordinating the cross-government response to the pandemic, including in relation to vaccines and therapeutics; taking a leading role in the formation of UK government policy concerning vaccines and their rollout among the UK population; establishing structures to promote the development, manufacture, procurement and deployment of the vaccines on a mass scale; and direct involvement in the vaccine procurement process.
8. The Applicant points to its work establishing the Vaccine Taskforce (VTF) in May 2020. The application sets out that, in addition to vaccine deployment, pace and projecting vaccine uptake, the Prime Minister's meetings with the VTF focused on where there

were lower areas of uptake and how to address this in specific cohorts. The Applicant also states that a separate Covid-19 Taskforce was established within the Cabinet Office in May 2020. This Taskforce assisted ministers, including the Prime Minister, to make decisions in relation to vaccines and contained a team focusing on vaccines and therapeutics. It also included a team looking at disproportionately impacted groups, including by reference to uneven uptake and effectiveness of vaccines.

9. In respect of procurement, the application notes that the Cabinet Office was centrally involved in the commercial and financial approvals for vaccine procurement contracts. In addition, the Cabinet Office Commercial Complex Transactions team provided direct support to the Vaccines Taskforce UK Biologics Manufacturing workstream, which concerned the onshoring of the manufacture of vaccines. The application contends that Rule 5(2)(b) is satisfied because any recommendations made by the Inquiry in relation to the development, manufacture, procurement and subsequent deployment of vaccines are likely to be of significant interest to the Cabinet Office which continues to play a leading role in coordinating the government's response to civil emergencies, which would include any future pandemic.

Decision for the Applicant

10. 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 Applicant as a Core Participant in Module 4.
11. Module 4 will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. Thematic issues relating to unequal vaccine uptake will be examined, to include the identification of groups which were the subject of unequal uptake, potential causes of such unequal uptake and the Government response. The module will address issues of public concern relating to vaccine safety and the current system for financial redress under the Vaccine Damage Payment Scheme.

12. I consider that the Applicant satisfies the criteria in Rule 5(2)(a). The Applicant played a direct and significant role in relation to the matters to which Module 4 relates because of its role in formulating UK government policy in relation to vaccines and their rollout, and promoting the development, manufacture and procurement of the vaccines (including through the VTF). Further, I consider that the Applicant also has a significant interest in these important aspects of Module 4 and therefore satisfies the criteria in Rule 5(2)(b).

Legal Representation

13. 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.

14. I am satisfied that the Cabinet Office has appointed Ms Sharanjeet Sidhu of the Government Legal Department as its qualified lawyer in relation to this Module. I

therefore designate Ms Sidhu as the Cabinet Office's recognised legal representative in accordance with Rule 6(1).

15. 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's Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

17 July 2023