



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

**MODULE 4 - THE RT HON BARONESS ARLENE FOSTER OF AGHADRUMSEE DBE AND  
PAUL GIVAN MLA**

**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 Rt Hon Baroness Arlene Foster of Aghadrumsee DBE and Paul Givan MLA ("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 Applicants are The Rt Hon Baroness Foster of Aghadrumsee DBE, who was First Minister of Northern Ireland from 11 January 2020 to 14 June 2021, and Paul Givan MLA, who was First Minister of Northern Ireland from 17 June 2021 to 4 February 2022. The application is submitted under Rule 5(2)(a), (b) and (c). The application states that the applicants played a direct and significant role in political and administrative decision-making in Northern Ireland in relation to Module 4 matters, including in the areas of vaccine delivery in Northern Ireland, including roll-out procedures such as arrangements on the ground and public messaging; JCVI recommendations on eligibility/prioritisation and decisions taken by policy makers; the ethics of prioritisation decisions and impact on particular groups such as those with comorbidities; barriers to vaccine uptake, including vaccine confidence; and the effectiveness, timeliness and adequacy of Government planning for and response to inequalities relevant to vaccine uptake.

## **Decision for the Applicant**

7. 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 Applicants as a Core Participant in Module 4.
8. 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.
9. I consider that the Applicants satisfy the criteria in Rule 5(2)(a). The Applicants played a direct and significant role in political and administrative decision-making in Northern Ireland including in relation to vaccine delivery, public messaging and vaccine uptake. Further, I consider that the Applicants also have a significant interest in these important aspects of Module 4 and therefore satisfy the criteria in Rule 5(2)(b). I agree with the Applicants that they may be subject to explicit or significant criticism during Module 4 and therefore they also satisfy the criteria in Rule 5(2)(c).

## **Legal Representation**

10. 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.*

11. I am satisfied that the Applicants have appointed John McBurney of John McBurney Solicitors, as their qualified lawyer in relation to this Module. I therefore designate Mr McBurney as their recognised legal representative in accordance with Rule 6(1).
12. 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**