



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - SCOTTISH MINISTERS**

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 Scottish Ministers ("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 Scottish Ministers and the application is made on the basis that the criteria in Rule 5(2)(a) and (b) are satisfied.
7. The application states that Scottish Ministers, and officials, attended regular meetings with counterparts from the UK Government and devolved administrations where UK-wide decision-making regarding the development and rollout of vaccines was undertaken. The Applicants explain that, while there is no statutory basis for the Joint Committee on Vaccination and Immunisation (JCVI) to provide advice to Ministers in Scotland, Scottish Ministers have accepted JCVI advice and recommendations for the past 30 years. The Scottish Government's Senior Medical Officer attends the JCVI and sub-committee meetings, and receives all Committee papers and recommendations. The application sets out that Scottish Ministers had a significant role in driving the vaccine rollout and uptake of Covid-19 vaccines in Scotland, including communications efforts and monitoring delivery to identify and address barriers to vaccinations. This included collaborative work with the UK Government and Public Health Scotland, and establishing the Vaccine Inclusive Steering Group, which addressed vaccine hesitancy among minority groups in Scotland.

8. In the above context, the Applicants consider that they have played a direct and significant role in the matters relating to Module 4. Further, the Applicants state that any recommendations made in relation to Module 4 will inform future decision-making in Scotland and Scottish Ministers will therefore have a significant interest in the Inquiry's report and recommendations. It is said that being granted Core Participant status will allow the Applicants a greater ability to learn lessons from the decisions made and processes used during the pandemic, which may feed into future preparedness.

Decision for the Applicant

9. 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. 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 also address issues of public concern relating to vaccine safety and the current system for financial redress under the UK Vaccine Damage Payment Scheme. Issues relating to the treatment of Covid-19 through both existing and new medications will also be examined.
10. I have considered with great care everything that is said in the application. Having done so, I am decided, in my discretion, to designate the Scottish Ministers as a Core Participant in Module 4. I consider that the Applicants played a direct and significant role in relation to the delivery of the vaccine in Scotland, including addressing unequal vaccine uptake. I also consider that the Applicants have a significant interest in these aspects of Module 4 of the Inquiry. The Applicant therefore satisfies the requirements of Rule 5(2)(a) and (b).

Legal Representation

11. 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.

12. I am satisfied that Scottish Ministers have appointed Ms Caroline Beattie of the Scottish Government Legal Directorate as their qualified lawyer in relation to this Module. I therefore designate Ms Beattie as Scottish Ministers' recognised legal representative in accordance with Rule 6(1).

13. 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