



## **NOTICE OF DETERMINATION CORE PARTICIPANT APPLICATION MODULE 4 - WELSH GOVERNMENT**

### **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 26 June 2023 the Inquiry received an application from the Welsh Government ("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 Welsh Government. The application notes that healthcare has been a devolved function since 1999 and sets out how the Welsh Government has relevant duties, functions and interests in relation to the various aspects of Module 4. The Applicant states that the Welsh Government made key decisions concerning vaccine delivery in Wales, including determining issues around distribution, prioritisation, eligibility and public messaging. The application explains its role in facilitating Welsh involvement in vaccine studies and also states that advice to clinicians in NHS Wales on the use of therapeutics to treat Covid-19 was issued by either the Chief Medical Officer for Wales or the Chief Pharmaceutical Officer for Wales within the Welsh Government.
7. The Applicant sets out its involvement in addressing barriers to vaccine uptake, which included the establishment of a Wales Vaccine Equity Committee and a Vaccination Equity Strategy for Wales. The application states that although policy responsibility for the Vaccine Damage Payment Scheme (VDPS) resides with the UK Department for Health and Social Care, the Applicant has a clear interest in the development of that policy and how VDPS decisions impact upon Welsh citizens. The application notes that the Senedd and Welsh Ministers will be responsible for legislating and making policy

revisions for any changes that are required following recommendations from the Inquiry.

8. The application is made on the basis that the Applicant played a direct and significant role in relation to the matters to which Module 4 relates (Rule 5(2)(a)) and has a significant interest in all aspects of the matters to which Module 4 relates (Rule 5(2)(b)). The Applicant also says that, given its statutory powers and responsibilities concerning devolved matters, including healthcare, it may be the subject of explicit or significant criticism during Module 4 or in the Inquiry's report (Rule 5(2)(c)).

### **Decision for the Applicant**

9. 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 Welsh Government as a Core Participant in Module 4.
10. 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 VDPS.
11. I consider that the Welsh Government meets the criteria in Rule 5(2)(a) in that it played a direct and significant role in the matters to which Module 4 relates, in particular through its decision-making in relation to the delivery of vaccines, the development of new therapeutics and use of existing medications, and addressing barriers to vaccine uptake in Wales. I also consider that the Applicant meets the criteria in Rule 5(2)(b) as it has a significant interest in these important aspects of Module 4. I agree with the Applicant that it may be subject to explicit or significant criticism during Module 4 and therefore also satisfies the criteria in Rule 5(2)(c).

## 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 the Welsh Government has appointed Ms Stephanie McGarry of Browne Jacobson LLP as its qualified lawyer in relation to this Module. I therefore designate Ms McGarry as the Welsh Government's recognised legal representative in accordance with Rule 6(1).

14. 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**