



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - UK CV, SCOTTISH VACCINE INJURY GROUP, VACCINE INJURED AND
BEREAVED (VIBUK) AND NAMED INDIVIDUALS

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 a joint application for Core Participant status in Module 4 from:
 - a. Three groups: (1) Vaccine Injured and Bereaved UK ("VIBUK"); (2) UK CV; and (3) Scottish Vaccine Injury Group (collectively referred to in this Notice of Determination as "the Vaccine Injured and Bereaved Groups"); and
 - b. The named individuals set out in Appendix 1 to the application ("the Individual Applicants").
4. I made a provisional decision not to designate the Individual Applicants as Core Participants and granted Core Participant status to the Vaccine Injured and Bereaved

Groups. The Individual Applicants were provided with an opportunity to renew the application in writing by 4pm on 24 July 2023.

5. On 24 July 2023, the Inquiry received an email in relation to the designation of the Vaccine Injured and Bereaved Groups as one single Core Participant group, rather than as individual Core Participant groups as part of a joint grant with joint representation. A renewal application was not received on behalf of the Individual Applicants. This Notice sets out my final determination.

Application

6. 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.*

7. 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

8. The Applicants are VIBUK, UK CV, Scottish Vaccine Injury Group and the Individual Applicants.
9. VIBUK describes itself as an organisation made up of individuals and families who have either been severely injured or bereaved as a result of receiving a Covid-19 vaccine in the UK.
10. UK CV describes itself as a UK-based community of individuals that experienced adverse reactions after receiving one or more doses of Covid-19 vaccines, which provides support and advocacy for their members to raise awareness amongst the healthcare system, media and government.
11. Scottish Vaccine Injury Group describes itself as a support group for individuals who have experienced an adverse reaction to Covid-19 vaccines administered in Scotland or who have been bereaved due to vaccines. The Scottish Vaccine Injury Group includes carers of those who have experienced an adverse reaction to a Covid-19 vaccine.
12. The application explains that there is overlap between the membership of VIBUK, UK CV, Scottish Vaccine Injury Group and the Individual Applicants in that some of the Individual Applicants are a member of one or more of the named groups, and some are members of none. The application states that granting the groups Core Participant status will allow the majority views of those who form part of the group to be represented in the most effective way. The Individual Applicants do not wish to be part of a group structure and therefore seek designation as individuals. The application states that the Applicants are from all four nations of the United Kingdom.
13. The application is made on the basis that "*...in line with Rule 5(2) of the Inquiries Rules 2006 those we represent have a significant interest in an important aspect of matters to which this Inquiry, and in particular Module 4 of this Inquiry, relates.*" This is the criteria set out in Rule 5(2)(b), although the application does not specifically refer to subparagraph (b). The application refers in particular to a significant interest in relation to issues 5 and 6 of the provisional outline of scope for Module 4.

14. In relation to issue 5, the application sets out that as a result of receiving the Covid-19 vaccine, a number of applicants have developed significant cardiac and/or neurological problems. Many applicants have been bereaved. In relation to issue 6, the applicants say that they have had direct and extensive personal experience with the Vaccine Damage Payment Act 1979 scheme.

Decision for the Applicants

15. At the outset, I wish to reiterate my deep sympathy to each and every individual who has experienced the loss of a loved one, or who has suffered significant and debilitating health consequences following a Covid-19 vaccine.

16. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is open to me to take into account other relevant matters. I am also not bound to designate a person or organisation which meets the criteria set out in Rule 5 as a Core Participant. I have a wide discretion which I exercise fairly and with an open mind. The Protocol further explains that I particularly invite applications from groups of individuals and organisations with similar interests, which assists the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.

17. I have considered with great care everything that is said in the application and in the Applicants' subsequent email of 24 July 2023. Having done so, I have decided, in my discretion, to designate the Vaccine Injured and Bereaved Groups comprising VIBUK, UK CV and the Scottish Vaccine Injury Group as Core Participants in Module 4. I consider that these organisations are well placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those who have been bereaved or adversely affected following a Covid-19 vaccination, having regard to the need to manage the Inquiry effectively and efficiently.

18. As set out above, the Vaccine Injured and Bereaved Groups comprise three separate organisations: (1) VIBUK; (2) UK CV; and (3) Scottish Vaccine Injury Group. I note the submissions in the Applicants' email of 24 July 2023 that each of these three groups has a distinct identity and organisational structure; and that to avoid undermining the identity of each group, the three groups should individually be granted Core

Participant status, as part of a joint grant with joint representation. I have considered these submissions carefully. I confirm that I have decided, in my discretion, to grant Core Participant status in Module 4 of the Inquiry to the three distinct groups comprised within the Vaccine Injured and Bereaved Groups as part of a joint grant and with joint representation.

19. I have also considered with great care the application made on behalf of the Individual Applicants, alongside the factors I have set out above. I have decided not to designate any of the Individual Applicants as Core Participants in Module 4, because it is not the purpose of the Inquiry, including in Module 4, to explore individual deaths or injuries to individuals following the Covid-19 vaccination. For that reason, I consider that the application on behalf of the Individual Applicants does not meet the criteria set out in Rule 5(2)(a) or (b).
20. If the Individual Applicants wish to contribute to the Inquiry's work, it is not necessary for them to become Core Participants. The Individual Applicants may have relevant evidence to give to the Inquiry. Furthermore, the Inquiry will listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic in the course of its listening exercise "Every Story Matters." I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. It will be run in such a way that as many people as possible who wish to share their experience may do so.
21. For the reasons set out above, I have decided that (i) VIBUK, UK CV and Scottish Vaccine Injury Group should be designated as Core Participants with joint representation; and (ii) the Individual Applicants should not be designated as Core Participants in Module 4 and I confirm that this is my final decision.

Legal Representation

22. 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.

23. I am satisfied that VIBUK, UK CV and the Scottish Vaccine Injury Group have appointed Terry Wilcox of Hudgell Solicitors as their qualified lawyer in relation to this Module. I therefore designate Mr Wilcox as the Vaccine Injury and Bereaved Groups' recognised legal representative in accordance with Rule 6(1).

24. 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

4 August 2023