



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - MS JANE BURGERMEISTER

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 24 July 2023, the Inquiry received an out of time application from Ms Jane Burgermeister ("the Applicant") for Core Participant status in Module 4. This Notice sets out my final decision on 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 have 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.

Whether the application should be considered out of time

6. Applications for Core Participant status made outside the Inquiry's timescales are considered in line with paragraph 10 of the Inquiry's [Core Participant Protocol](#) which provides:

When inviting applications, the Inquiry will set a timeframe for applications to each module, or part of a module. Applicants are asked not to submit applications outside the timelines given by the Inquiry. The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe.

7. In accordance with the approach set out in my Opening Statement and the Inquiry's Core Participant Protocol, I have considered whether the Applicant has provided an acceptable explanation as to why they did not submit their application within the relevant timeframe and I have 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.

8. The deadline for applications for Core Participant status to Module 4 was 30 June 2023, meaning that this application was received late, 24 days after the deadline expired.
9. The aim of this Inquiry is to provide prompt and useful reports and recommendations. To achieve that aim, I must impose firm deadlines at different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also have to consider the need to be fair to all Applicants who have made their application for Core Participant status within the time period available as well as those who have made applications outside the application window and more generally that there is no unfair advantage obtained by a late application.
10. I therefore have first considered whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed.
11. The Applicant makes reference to a letter that was sent to her by the Inquiry on 30 June 2023. This letter referred to the fact that the deadline for applications for Core Participant status in Module 4 was 30 June 2023 (which happened to be the date on which the letter was sent). The letter was not an invitation for the Applicant to apply for Core Participant status. The work of the Inquiry, and the opportunity to apply for Core Participant status in Module 4, has been highlighted on the Inquiry website and on social media platforms. More generally, the Inquiry and its work has been the subject of much media attention and reporting. The Inquiry publicised the opening of Module 4 and the deadline for Core Participant applications on its website on 30 May 2023.
12. In her application the Applicant states that she missed the deadline because she had issues accessing her emails and also because she received the letter from the Inquiry on the day the window closed. I do not consider that these are acceptable explanations as to why the Applicant failed to comply with the deadline. If I accepted the reasons given as an acceptable explanation then, in effect, the deadline would have no force. I also bear in mind that this is not a situation in which material identified in the course of the Inquiry has come to light or circumstances have changed so it is

appropriate for an application to be made outside the initial window. I have declined to consider the applications of other out-of-time applications. In making this decision I have taken into consideration the need to be fair to all Applicants.

13. Accordingly, I do not consider that the Applicant has provided an acceptable explanation as to why she did not submit her application within the relevant timeframe. I therefore decline to consider the application at this time and so decline the application for Core Participant status in Module 4.

14. I also bear in mind that simply because an Applicant has been refused Core Participant status in Module 4 that does not bar them from applying for or being granted Core Participant status in a later module or from providing relevant evidence to the Inquiry.

15. For completeness, I will also go on to provide my conclusion on whether the Applicant should have been granted Core Participant status in Module 4 had the application been received during the application window.

The substance of the application

16. I have considered with great care everything that is said in the application. Having done so, in my discretion, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 4 and, therefore, even if the application had been made in time, my decision would have been not to designate the Applicant as a Core Participant in Module 4.

17. Having regard in particular to the need to manage the Inquiry effectively and efficiently, I do not consider that the Applicant's interest is sufficiently significant as to grant her Core Participant status in this Module.

18. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in this

country could potentially have an interest in it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

19. The Inquiry will listen to and consider carefully the experiences of those who have suffered hardship as a result of the pandemic, through the listening exercise which the Inquiry has named “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. The Applicant will have the opportunity to contribute to the Inquiry through the Every Story Matters process if they choose.

20. I will keep the scope of Module 4 under review. My decision not to designate the Applicant as Core Participant in this module does not preclude her from making any further applications in respect of any later modules. I will consider any future applications the Applicant may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

4 August 2023