



NOTICE OF DETERMINATION
LEGAL REPRESENTATION
MODULE 4 - TRAVELLER MOVEMENT

Introduction

1. On 17 July 2023 I designated the Traveller Movement (“TM”) as a Core Participant in the Inquiry. The Applicant applied for Martin Howe of Howe & Co Solicitors to be appointed its recognised legal representative in respect of the Inquiry’s proceedings. In my determination of that application, I considered that TM and another applicant, Migrant Primary Care Access Group (“MPCAG”), share a similar interest in the outcome of the Inquiry and are also likely to rely on similar facts in the course of the Inquiry for the purposes of Rule 7. They both represent marginalised minority groups, who can provide insights into barriers faced in accessing the vaccines and inequality issues. In light of this, it is necessary that I consider whether I should direct that the TM and MPCAG be represented by a single recognised legal representative. I therefore invited further written submissions from TM and MPCAG on this issue.

Summary of applicant’s submissions

2. TM submitted that there should not be a single joint recognised legal representative for TM and MPCAG. TM submit that the facts are materially different in relation to the two groups and it would not be fair or proper on this basis for these core participants to be jointly represented. TMt states that MPCAG represents the interest of a widely diverse group of persons in relation to migrant issues, and TM represent three ethnic groups, namely Gypsies, Travellers and Romany Gypsies (“GRT”) who are overwhelming British, and this group represent a significant proportion of the population in the UK. These three distinct groups share the same healthcare and societal characteristics, which they submit are not applicable to migrants.

3. The applicant sets out a number of specific and discrete issues which it states apply solely to groups within TM. The applicant submits that it would not be appropriate to conflate these issues with those of other groups, such as migrants and undocumented foreign nationals, and that there is no nexus between GRT and non-British groups (of the type represented by MPCAG). There is insufficient, if any, communality or 'crossover' between the two groups to warrant shared legal representation. They state that MPCAG is entirely focused on the interests of migrants and there will be a different focus on the evidence and different submissions for the two groups and therefore there is no cost saving benefit.
4. The applicant states that Howe & Co has acted for TM and GRT clients for more than 15 years and has been involved in leading cases concerning the rights of the Gypsy, Traveller and Roma communities. The applicant sets out that the same arguments extend to consideration of the instruction of shared counsel. The applicant submits that the issues and focus of MPCAG are too far removed and distinct for any saving to be achieved by instructing shared counsel. The applicant refers to the experience and expertise of counsel who have worked closely with TM and the GRT community for over two decades.

Decision on legal representation

5. I have carefully considered TM's written representations. I remain of the view that TM and MPCAG have similar interests, namely to provide insight into inequality issues as marginalised minority groups, although I recognise that TM and the clients whom MPCAG support are from different backgrounds and may have different protected characteristics. I accept that there are certain aspects which distinguish each group.
6. The applicant states that TM and GRT clients have a long-standing and well-established relationships with Howe & Co and the firm has particular expertise in cases involving the rights of GRT communities. I accept this and that continuity of representation has importance for marginalised groups in establishing trust.
7. For these reasons, I am prepared to designate Martin Howe of Howe & Co Solicitors as TM's recognised legal representative for the purposes of the Inquiry's proceedings. However, using my discretion, I am not currently persuaded that TM and MPCAG

require separate counsel/advocate given that they have the benefit of separate solicitor representation. I consider that there are cost savings in appointing shared counsel/advocate and I can see no conflict of interest or unfairness in doing so.

8. I have obligations under section 17(3) of the Inquiries Act 2005 to act with fairness and with regard to the need to avoid any unnecessary costs. This includes exercising my direction under section 40 to make an award in respect of legal representation in a manner which is proportionate and focussed. There are a range of ways in which I may take steps to comply with my section 17(3) duty under the Inquiries Act and the Inquiry Rules 2006. This includes exercising my powers under Rules 20 to 34 in relation to any applications for awards under section 40 in a manner which ensures that any funding is provided in a proportionate way.
9. I consider it essential that the designated legal representatives of Core Participants, whose interests in the Inquiry are similar, adopt collaborative ways of working in order to avoid unnecessary costs being incurred in accordance with the requirements of section 17(3). This approach ensures that the core participants concerned have the benefit of a designated legal representative with whom they have established a relationship of trust, whilst also ensuring that any legal expenses incurred for which core participants seek reimbursement by an award made under section 40 remain proportionate and focussed. Accordingly, if TM wishes to apply for funding under section 40 of the Inquiries Act 2005, I would expect TM to put forward carefully considered submissions as to how they can work with MPCAG's representatives in this investigation to manage costs so that they are proportionate and effective.

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
4 August 2023