



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - BRITISH MEDICAL ASSOCIATION

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 31 August 2022, the Inquiry opened Module 2 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 23 September 2022.
2. On 23 September 2022 the Inquiry received an application from the British Medical Association (“BMA”) (“the Applicant”) for Core Participant status in Module 2. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 2, which states that this module will examine the decision-making by the UK Government during the Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.

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 2.

Summary of Application

6. The application states that the BMA is a trade union for doctors in the UK. It represents, supports and negotiates on behalf of all doctors and medical students in the UK and has over 160,000 members. The application is put on the basis that the BMA has a significant role and interest in the matters to which Module 2 relates.
7. The application sets out the role of the BMA in the UK's core political and administrative decision-making, asserting that the BMA was in regular contact with the UK government for the purposes of contributing to and influencing decisions within the scope of Module 2. Details of this engagement are set out in the application. Details of BMA's role and engagement on matters including community testing, non-pharmaceutical interventions, transmission routes, public health communications and government messaging and inequalities are also set out. The application further states that the BMA has conducted a lessons learned exercise, annexed to this application, the fourth report of which is said to demonstrate the BMA's significant interest in the matters to which Module 2 relates.
8. The application details issues of concern identified by the BMA including the absence of public health expertise at the highest levels of pandemic planning, the delay between the abandonment of contact tracing and the imposition of the first lockdown,

communication between national and local government and between policy makers and frontline public health staff.

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 BMA as a Core Participant in Module 2. I do not consider that the Applicant played, or may have played, a direct and significant role in relation to the core political and administrative decision-making in response to the Covid-19 pandemic, however I do accept that it has a significant interest in Module 2 of the Inquiry.
10. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. It further explains that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry.
11. 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. I consider that the Applicant is best placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of frontline workers and healthcare workers such as to merit designation.

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 BMA has appointed Brian Stanton of Innvo Law as its qualified lawyer in relation to this Module. I therefore designate Brian Stanton as the BMA'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' Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

13 October 2022