



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 2B - GARETH EVANS**

**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 Modules 2, 2A, 2B and 2C 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. The Provisional Outline of Scope for Module 2B provides that this module will examine the decision-making by the Welsh Government during the Coronavirus pandemic. Further modules are being announced on a rolling basis to address other aspects of the Inquiry's Terms of Reference.
3. On 11 February 2024, the Inquiry received an out of time application from Gareth Evans (the "Applicant") for Core Participant status in Module 2B. 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. 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.*

6. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether Gareth Evans has provided an acceptable explanation as to why this application was not submitted 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 2B.

### **Summary of Application**

7. The application explains that the Applicant resides in Wales and fell ill with Covid-19 in April 2020. Having never fully recovered, they continue to suffer from Long Covid and its associated symptoms. The Applicant has met with other Long Covid patients who are similarly suffering from Long Covid.

8. The Applicant seeks Core Participant status Under Rule 5(2) of the Inquiry Rules on the basis that they have a significant interest in an important aspect of the matters to which the inquiry relates and wants to represent all the Long Covid patients in Wales.
9. The Applicant's explanation for making this application outside the Inquiry's timescales is that they have been forced to focus on their health and recovery.

### **Decision for the Applicants**

*Whether the application should be considered out of time*

10. I wish to extend my deep sympathy to the Applicant, and indeed all those who have suffered, and continue to suffer, from adverse health, illness and disability as a result of the Covid-19 pandemic. I acknowledge the specific impact of pandemic on those suffering with Long Covid as a consequence of infection by Covid-19. I wish to repeat my ongoing commitment, as set out in the Terms of Reference and repeated in my Opening Statement, that inequalities will be at the forefront of the Inquiry's investigations. This will include a focus on the disparities evident in the impact of the pandemic on different categories of people.
11. The deadline for applications for Core Participant Status to Module 2B was 23 September 2022, meaning that this application was received significantly late, over a year and four months after the deadline expired. The application was received only 15 days before the public hearings for Module 2B are due to commence.
12. I remind myself that paragraph 10 of the Inquiry's Core Participant protocol states:  
*"...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."*
13. 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.

14. I therefore have first considered whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed for application.
15. The window for Core Participant applications to Module 2B was open from 31 August 2022 to 5pm on 23 September 2022. This application was therefore received over one year and four months after the closure of the application window, which had itself been open for over three weeks.
16. Whilst I understand the difficulties the Applicant has faced, I consider that there was an opportunity to consider the Provisional Outline of Scope for Module 2B and to make an application to this Module within the set timeframe. I consider that the Applicant has not provided an acceptable explanation for the significant delay in doing so in the circumstances.
17. If I accept the reasons given as an acceptable explanation then, in effect, the deadline has no force. I also bear in mind that this is not a situation where 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 also taken into consideration the need to be fair to all applicants.
18. I am minded, in my discretion, to decline the Applicant Core Participant status for Module 2B for the reasons set out above.
19. For completeness, I will also go on to provide my conclusion on whether they would have been granted Core Participant status in Module 2B had this application been received during the application window.

*The substance of the application*

20. I have considered with great care everything that is said in the application. Having done so, in my discretion, I consider that the Applicant would not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2B and, therefore, if the

application had been made in time, my decision would have been not to designate them as a Core Participant in Module 2B.

21. The application is made on the basis that the Applicant has a “significant interest” pursuant to Rule 5(2)(b). For completeness, I do not consider that they satisfy the criteria in 5(2)(a) or 5(2)(c).
22. In respect of Rule 5(2)(b), whilst I accept that the Applicant will have some interest in this Module of the Inquiry, 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. I am not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and 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. 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.
23. I have considered with great care everything that is said in the application. However, I do not feel that the Applicant is well placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in Module 2B. The application is made in the name of Gareth Evans alone, and when the Inquiry examines the UK’s core political and administrative decision-making in response to the Covid-19 pandemic, it will not consider in detail any individual cases.
24. The Inquiry will also listen to and consider carefully the experiences of those who have suffered ill-health, hardship or loss as a result of the pandemic, through Every Story Matters. The Applicant is able to participate in the Inquiry through this exercise and details can be found on the Inquiry’s website. I made clear in my Opening Statement that this 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.

25. I will keep the scope of Module 2B under review. My decision not to designate the Applicant as a Core Participant in this module does not preclude them from making any further applications in respect of any later modules. I will consider any future applications they may wish to make on their merits at the time they are made. The Applicant may, however, wish to consider lending their support to an organisation representing the collective interests of those with Long Covid before applying again in an individual capacity.

**Rt Hon Baroness Heather Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**21 February 2024**