



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - THE SCOTTISH COVID BEREAVED

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 19 March 2024 the Inquiry opened Module 7 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 26 April 2024.
2. On 24 April 2024 the Inquiry received an application from the Scottish Covid Bereaved (“the Applicant”) for Core Participant status in Module 7. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 7, which states that this Module will consider the policies and strategies developed and deployed to support the test, trace and isolate system by the UK Government and the Devolved Administrations. 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 7.

Summary of Application

6. The application is made on behalf of Scottish Covid Bereaved (SCB), on the basis of Rule 5(2)(a) and (b). The application states that the SCB are able to provide information and comment upon the issues being investigated within Module 7 from the perspective of the end-users of testing and tracing, and with regard to sites (hospitals, care homes, borders) particularly dependent on and affected by an adequate testing regime.
7. The SCB has a wide and varied membership, including those who were clinically vulnerable (and those related to them), carers in care home/community settings, medical professionals and those who cared for loved ones in domestic settings. All of these groups - and others - were affected by the test, trace and isolate requirements and can speak to the impact of those requirements on their daily lives, and on their ability to access the support that was required.
8. SCB members whose relatives died in care homes and hospitals state that they are in a unique position to provide information to the Inquiry on what happened in practice in such settings with regard to testing and tracing, and lacunae with the testing/tracing requirements in those settings. By way of example, they can give evidence about

hospitals and GP practices which did not have regular testing regimes, leading to patients being admitted and discharged with Covid-19, and can provide information about positive tests at testing centres or at home not being followed up.

Decision for the Applicant

9. I wish to reiterate my deep sympathy to each and every individual who has experienced the loss of a loved one as a consequence of the Covid-19 pandemic including those represented by the Applicant.
10. I have considered with great care everything that is said in the application. Having done so, I have decided to designate the Applicant as a Core Participant in Module 7. They are well placed to provide the assistance the Inquiry will need in exploring the issues covered by Module 7.

Legal Representation

11. 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.

12. I am satisfied that the Scottish Covid Bereaved has appointed Aamer Anwar of Aamer Anwar and Co as its qualified lawyer in relation to this Module. I therefore designate Aamer Anwar as the Scottish Covid Bereaved's recognised legal representative in accordance with Rule 6(1).
13. 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
17 May 2024