



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 7 - THE CHANCELLOR OF THE DUCHY OF LANCASTER**

**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 26 April 2024 the Inquiry received an application from the Chancellor of the Duchy of Lancaster (“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 Applicant is the Chancellor of the Duchy of Lancaster, who applies to be designated as a Core Participant in order to represent the interests of the Cabinet Office. The application is put on the basis that the Applicant satisfies the criteria in Rule 5(2)(a), (b) and (c).
7. It is said that the Applicant satisfies Rule 5(2)(a) because the Cabinet Office (and the bodies falling under its umbrella, including the Office of the Prime Minister) played a direct and significant role in (a) setting the overall strategic direction for and coordinating the cross-government response to the COVID-19 pandemic to which testing was a central facet. This included the initial governance and operation of TTI; (b) establishing the structures and senior reporting lines to ensure the effective delivery of testing. Baroness Dido Harding, Executive Chair of the NHS Test and Trace programme, initially reported to the Prime Minister; (c) taking stock of progress in building testing capability and capacity, including through 'deep dives' with the Prime Minister, to understand how challenges could be unblocked and delivery expedited; (d) formulating specific testing policies, and leading the development of public messaging in relation to the testing programme in the early period of the pandemic; (e) bolstering DHSC's commercial capacity, with extensive involvement in the

procurement of testing equipment, sites and services. This extended beyond the scope of Module 5, including, for instance, the procurement of sites (laboratories, testing centres and managed quarantine hotels) and services (including biomedical services and transportation), which will be central to the issues explored in Module 7.

8. As regards Rule 5(2)(b), as the senior minister responsible for the Cabinet Office given the direct and significant role in the strategy, cross-government coordination, procurement and policymaking in relation to TTI, the Chancellor of the Duchy of Lancaster has a significant interest in the matters to be examined in Module 7 and will also have a significant interest any recommendations made by the Chair in relation to the development, manufacture, procurement and subsequent rollout of diagnostic testing and contact tracing to support the learning of lessons ahead of any future pandemic or public health emergency.
9. Finally, Rule 5(2)(c): Given the Cabinet Office's direct and significant role in TTI, and wider interest in related policies, the Cabinet Office may be subject to explicit or significant criticism raised through the course of the Inquiry proceedings or subsequent reports.

### **Decision for the Applicant**

10. 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 Applicant as a Core Participant in Module 7.
11. Module 7 will consider a range of issues in relation to the implementation of test, trace and isolate policies in the UK. This includes, but is not limited to, the policies and strategies developed and deployed throughout the pandemic, the capacity of the systems that were implemented and their effectiveness.
12. I consider that the Applicant satisfies the criteria in Rule 5(2)(a). The Applicant played a direct and significant role in relation to the matters to which Module 7 relates because of its role in formulating UK Government policy and its implementation. Further, I

consider that the Applicant also has a significant interest in these important aspects of Module 7 and therefore satisfies the criteria in Rule 5(2)(b).

## **Legal Representation**

13. 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.*

14. I am satisfied that the Chancellor of the Duchy of Lancaster has appointed Parm Sahota of the Government Legal Department as its qualified lawyer in relation to this Module. I therefore designate Parm Sahota as The Chancellor of the Duchy of Lancaster's recognised legal representative in accordance with Rule 6(1).
15. 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**