



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - THE UK HEALTH SECURITY AGENCY

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 25 April 2024 the Inquiry received an application from the UK Health Security Agency (“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 UK Health Security Agency (UKHSA). The application is made under Rule 5(2)(a) and (b) on the basis that UKHSA played a direct and significant role, and has a significant interest, in the development and deployment of test, trace and isolate policies and strategies, as well as devising the structure of the test, trace and isolate system and in respect of research development to enhance test, trace and isolate schemes for future pandemics.
7. The Applicant explains that it, and its predecessor, the National Health Service Test and Trace (NHS T&T), created in May 2020, were built to operate the UK's COVID-19 mass testing and contact tracing service.

Decision for the Applicant

8. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate UKHSA as a Core Participant in Module 7. I consider that UKHSA played a direct and significant role in relation to the matters to which Module 7 relates, namely the development, deployment and structure of the test, trace and isolate system. I also consider that the Applicant has a

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

Legal Representation

9. 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.

10. I am satisfied that the UK Health Security Agency has appointed James McArthur of the Government Legal Department, as its qualified lawyer in relation to this Module. I therefore designate James McArthur as UK Health Security Agency's recognised legal representative in accordance with Rule 6(1).
11. 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