



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 10 - NI COVID-19 BEREAVED FAMILIES FOR JUSTICE

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 17 September 2024 the Inquiry opened Module 10 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 15 October 2024.
2. On 15 October 2024 the Inquiry received an application made by an association of individuals who apply individually and collectively as NI Covid 19 Bereaved Families for Justice ('the Applicant') for Core Participant status in Module 10. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 10, which states that this Module will examine the impact of Covid-19 on the population of the United Kingdom with a particular focus on key workers, the most vulnerable, the bereaved, mental health and wellbeing.

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 10.

Summary of Application

6. The application says that the Applicant has a particular interest in, and importantly, can assist the Inquiry with a number of areas, including the impact of bereavement and the denial of funerals and funeral rituals which were restricted or unavailable due to the pandemic, as well as the particular impact of those restrictions for members of ethnic/religious groups and other protected groups. The Applicant says that its members can assist the Inquiry with the impact that Covid-19 had on the mental health of the bereaved and the trauma experienced by many as a result of the enforced separation from their loved ones and their ultimate bereavement.
7. With respect to the specific areas which Module 10 will cover, the Applicant states that it is in a position to provide their input and on various matters, which include their members' experiences as carers for the most vulnerable in society, including older people and those with physical and mental disabilities or those with pre-existing health conditions that increased the risk of having severe infection. In addition, the Applicant specifies that its members can speak to the impact of the lack of 'last rites' in death, the withdrawal of traditional funeral rituals and the impact of the inconsistent application of guidance, particularly in relation to visitation in death and attendance at funerals or gravesides.

8. The application is made pursuant to Rule 5(2)(a) and (b), namely that Applicant played "direct and significant role" in relation to many of the matters the Inquiry will investigate in Module 10, and that they have "significant" interest in important aspects to which the Module relates.

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 whom the Applicant represents.
10. Module 10 of the Inquiry is focused on the impact of the Covid-19 pandemic on society with a particular focus on key workers, the most vulnerable, the bereaved and mental health and wellbeing. It will investigate the impact of the pandemic and the measures put in place to combat Covid-19.
11. I have considered the application in full and with great care against the criteria set out in Rule 5(2) of the Inquiry Rules 2006. Having done so, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 10.
12. The impact on the bereaved is a significant aspect of Module 10's scope and the Applicant is also likely to be able to assist the Inquiry with other aspects of the scope, such as mental health and well-being and inequality of impact on health outcomes for key workers.
13. The Applicant is well placed to assist the Inquiry in relation to the impact of the decision-making that has been explored in earlier modules, many of which also designated them as a Core Participant.
14. I have also considered whether the Applicant has a "significant interest" in an important aspect of the matters to which the Inquiry relates. In exercising my discretion, I have in mind the broad scope of Module 10 and that a very large number of organisations and individuals could be said to be impacted in a way that would give

rise to an interest in this investigation. I recognise that it could be said that the Applicant falls into this category.

15. In any event, while I am bound to consider the factors set out in Rule 5, it is also open to me to take into account other relevant factors. I am mindful of the need to run this Module effectively and efficiently in light of the number of organisations and individuals who could be said to have a "significant interest" in the Module and therefore consider it appropriate that the Applicant works collaboratively with Covid-19 Bereaved Families for Justice UK, as it has done in the Inquiry to date. While I do not consider that the Applicant is representative of the whole of the UK, having considered the application in its entirety, I do consider that the designation of Core Participant status to the Applicant would assist the fair and efficient running of the Inquiry by representing the collective interests of a broad spectrum of individuals on a range of matters in relation to Module 10.
16. Accordingly, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 10.

Legal Representation

17. 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.

18. I am satisfied that the Applicant has appointed Enda McGarrity of P.A. Duffy Solicitors as its qualified lawyer in relation to this Module. I therefore designate Enda McGarrity as the Applicant's Recognised Legal Representative in accordance with Rule 6(1).

19. 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

12 November 2024