



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 5 - PROCUREMENT**

**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 24 October 2023 the Inquiry opened Module 5 and invited anyone who wished to be designated as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 17 November 2023.
2. On 27 February 2025, the Inquiry received an application from PPE Medpro Ltd (“**Medpro**”), Baroness (Michelle) Mone and Douglas Barrowman (the “**Applicants**”) for Core Participant status in Module 5.
3. The Inquiry has published the [Scope for Module 5](#), which states that this module will consider and make recommendations regarding the procurement and distribution across the four nations of the United Kingdom of key healthcare related equipment and supplies, including PPE, ventilators and oxygen.
4. Module 5 has held two public preliminary hearings on 6 February 2024 and 11 December 2024. The public hearings for Module 5 are due to commence on 3 March 2025.

**Application**

5. 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.*

6. In accordance with the approach set out in my Opening Statement and the Inquiry's Core Participant Protocol, I have considered whether the application fulfils the requirements set out in Rule 5(2) in relation to the issues set out in the Scope for Module 5.

### **Summary of Application**

7. The Applicants submit they have a direct and significant role in the matters to be investigated, a significant interest in an important aspect of the matters to which the inquiry relates and that they may be subject to explicit or significant criticism. The reasons provided are:
  - a. Medpro was a major supplier of PPE to the government during the Covid-19 pandemic entering into contracts worth over £200 million and is the subject of ongoing civil proceedings;
  - b. Baroness Mone and Mr Barrowman are the subject of criminal investigation by the National Crime Agency (NCA) in respect of these contracts with the UK Government and the Applicants have concerns about the NCA's conduct;
  - c. The Inquiry has requested and obtained evidence in relation to these contracts;
  - d. The intersection between the Inquiry's investigation and the criminal investigation means that they should be properly represented and able to engage fully with the Inquiry's process, while ensuring compliance with legal requirements;
  - e. There is a real and pressing risk that the Applicant's role in the procurement process will be subject to scrutiny and potential criticism.

### **Decision for the Applicant**

8. I have considered carefully the submissions made on behalf of Medpro, Baroness Mone and Mr Barrowman.

#### *Whether the application should be considered out of time*

9. This application for Core Participant status in Module 5 was made significantly out of time. The deadline for applications for Core Participant status in Module 5 was 17 November 2023. This application was received on 27 February 2025, 468 days after the expiration of the deadline and three days before the commencement of the public hearings.

10. 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."*
11. Paragraph 10 is important. In order to ensure the swift progress of this Inquiry so that it can provide prompt and useful reports and recommendations, I impose firm deadlines at different stages of the Inquiry. Compliance with those deadlines helps ensure that the challenging timetable will be met.
12. I have therefore considered whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed for renewal.
13. The Application does not set out any reasons why the Application is made late, except by reference to my determinations of 9 and 17 December 2024, which are said to have only "now" come to the Applicants' attention. Module 5 has been open for nearly 18 months, its published scope making clear that it would include examination of issues relating to contracts awarded through the High Priority Lane. Two preliminary hearings have been held in public, with transcripts and other information published on the Inquiry's website. Its focus is on procurement and distribution of the sort of items which Medpro supplied to the UK government during the pandemic. It was open to the Applicants to make an application during that time and they did not do so. Introducing an additional Core Participant at this very late stage of proceedings would cause disruption to preparations for the Module 5 hearing which is due to commence imminently.
14. In the circumstances, I consider that the Applicant has not provided an acceptable explanation as to why it did not submit its application within the relevant deadline. I therefore decline to consider the application out of time. I have decided that the Applicants should not be designated as a Core Participant in Module 5.

*The substance of the application*

15. I have, however, also gone on to consider whether I would have been minded to grant the application if there had not been such delay. I would have decided to refuse the Application in any event for the following reasons.
16. I have considered Rule 5(2)(a). I do not accept that Applicants have a direct or significant role in the matters to be investigated by the Inquiry. Whilst Medpro was a significant supplier of relevant PPE to the UK government, it was but one of a number of such suppliers and there are several other contracts that the Inquiry is investigating. The purpose of our investigation of their contracts is not to examine the actions of, or criticise, any individual supplier but to examine the approach and systems of the UK government and the governments of the devolved administrations to procurement in a civil emergency.
17. I recognise that there is a criminal investigation into contracts awarded to PPE Medpro, which has led me to make a Restriction Order in respect of evidence relating

to these contracts and that there is also extensive media interest in matters relating to this company. However, neither of these circumstances tends to indicate that the Applicants have a direct or significant role in relation to Module 5 given its focus on systems and the approach adopted.

18. As to Rule 5(2)(b), I accept that the Applicants have an interest in important matters which are being investigated by the Inquiry, having been a major supplier of PPE via the High Priority Lane. However, the purpose of the Inquiry's investigation is to understand how the systems responded to 'referrers' into the High Priority Lane and the offers of supply of PPE to ensure that relevant government bodies can learn lessons for the future of procurement and distribution of PPE in a pandemic; our focus is not on the actions of individual suppliers. With that in mind, I am not persuaded that the Applicants' interest constitutes a sufficient interest in an important aspect of Module 5.
19. I note the Applicants' concerns that they may be subject to explicit or significant criticism as part of the Inquiry's investigation. It is expressed in the Application as, "*a real and pressing risk that our clients' role in the procurement process will be subject to scrutiny and potential criticism*". However, this is to misunderstand the nature, scope and focus of the Inquiry's investigation in Module 5. The Inquiry's principal concern is with the approach of those involved in the leadership, consideration and decision making of the institutions which considered offers to supply PPE. The Inquiry legal team and I will ensure that all questions of witnesses and references to written statements maintain that focus and remain within scope.
20. At present, therefore, I do not accept that there is any basis for saying that the Applicants themselves may be subject to explicit or significant criticism for decisions which were made in relation to the progress and award of contracts to Medpro.
21. The nature and scope of any NCA investigation and any criticisms which are made of it are likewise wholly irrelevant to the Inquiry's investigation. Accordingly, I would not be minded to designate the Applicants as Core Participants in accordance with rule 5(2)(c).

**Rt Hon Baroness (Heather) Hallett DBE**  
**Chair of the UK Covid-19 Inquiry**  
**28 February 2025**