



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - TEST, TRACE AND ISOLATE - MICHELLE O'NEILL

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 13 December 2024 the Inquiry received an application from Michelle O'Neill ("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 first considered the timing of the application and then 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 Michelle O'Neill MLA, the First Minister for Northern Ireland, has applied for Core Participant status in Module 7. Module 7 will consider the test, trace and isolate policies across the United Kingdom. It will consider a range of issues relating to the development of testing, contact tracing and the Test, Trace and Protect system.
7. Ms O'Neill is currently First Minister of Northern Ireland but during the period with which Module 7 is concerned, she was the Deputy First Minister. The application is submitted under Rule 5(2)(a) (b) and (c) of the Inquiry Rules 2006. The application states that the Applicant played a direct and significant role in relation to test and trace policies in Northern Ireland; that she has a significant interest in these matters and that she may be subject to explicit criticism during the Inquiry proceedings.
8. The application refers to the joint grant of Core Participant status in Module 7 to former First Ministers, Baroness Arlene Foster and Mr Paul Givan MLA and relies upon the fact that the Applicant was co-holder of the positions of First and Deputy First

Ministers with them. The application asserts it would be incongruous for only one of the two individuals holding a joint office to be afforded Core Participant status.

Provisional Decision

Whether the application should be considered out of time

9. Applications for Core Participant status made outside the Inquiry's timescales are considered in line with paragraph 10 of the Inquiry's Core Participant Protocol which provides:

When inviting applications, the Inquiry will set a timeframe for applications to each module, or part of a module. Applicants are asked not to submit applications outside of the timelines given by the Inquiry. 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.

10. The Applicant applied for Core Participant status on 13 December 2024, this was supplemented by an application on 16 January 2025. The time for making such an application expired on 26 April 2024.
11. When inviting applications, the Inquiry sets a timeframe for applications to each module. The Inquiry will not consider applications made after the expiry of the time allowed, unless the applicant provides an acceptable explanation.
12. The aim of this Inquiry is to provide prompt and useful reports and recommendations. To achieve that aim, I must impose firm deadlines at different stages of the Inquiry. Compliance with these deadlines is important to ensure that the timetable will be met. I also have to consider the need to be fair to all applicants who have made their application for Core Participant status within the time period available and to those who have made applications outside the application window and more generally, I must ensure that there is no unfair advantage obtained by a late application.
13. I have therefore considered whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed.

14. In her application for Core Participant status, Ms O'Neill has explained that she believed Modules 2C and Module 5 were more relevant to her role and did not therefore make an application within the time frame. She misunderstood the scope of Module 7 and its relevance to her role. This application has been prompted by learning of the former joint officer holders' grant of Core Participant status, as well as receipt of a Rule 9 request by the Inquiry in Module 7. Although criticisms could undoubtedly be made of her approach, I am prepared to accept her explanation.

Decision for the Applicant

15. I turn, therefore, to the merits of her application. I consider that the Applicant meets the criteria in Rule 5(2)(a) in that she played a direct and significant role in the matters to which Module 7 relates, in particular the development of testing and tracing policies and procedures, the development and enforcement of isolation requirements, the oversight of Test, Trace and Protect and the funding for testing and tracing. Her role in the engagement between the Devolved Administrations on the development, deployment and refinement of testing and tracing policies will also be examined. The Applicant also meets the criteria in Rule 5(2)(b) as she has a significant interest in important aspects of Module 7. Accordingly, I grant Ms O'Neill Core Participant status in Module 7.

Legal Representation

16. 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.

17. I am satisfied that Michelle O'Neill has appointed O Muirigh Solicitors as its qualified lawyer in relation to this Module. I therefore designate O Muirigh Solicitors as Michelle O'Neill's recognised legal representative in accordance with Rule 6(1).
18. 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
31 January 2025