

## **Protocol for considering applications for core participant status**

### **What is a core participant?**

1. The Chair may designate a person, organisation or entity as a core participant. The designation of core participants is governed by Rule 5 of the Inquiry Rules 2006 ('the Inquiry Rules').
2. In considering whether to designate a person as a core participant Rule 5(2) requires the Chair to consider in particular 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. The Chair may also take any other relevant factors into account.
4. The Chair may designate a person as a core participant at any time during the Inquiry, providing that person, organisation or entity consents to be so designated.
5. Those designated as core participants may participate in the Inquiry in a number of ways:
  - a. receiving, in advance of hearings, disclosure of evidence which the Chair considers relevant to that core participant;
  - b. making an opening and closing statement at certain hearings;
  - c. suggesting lines of questioning to be pursued by Counsel to the Inquiry;
  - d. their recognised legal representative may apply to the Chair to ask questions of a witness.
6. A core participant need not be a core participant for the whole of the matters in the Inquiry's Terms of Reference or for the entire duration of the Inquiry; they may just be a core participant for a specific part.

### **Applications for core participant status**

7. Applications to be designated as a core participant must be made in writing to the Solicitor to the Inquiry and must clearly and briefly state the grounds upon which such designation is sought. The Chair will consider all such applications carefully and, if she considers that further information is needed before a decision can be made, she may require the applicant to provide such further information as she considers necessary.
8. If the Chair considers it to be necessary, she may require an applicant to appear before her to make an oral application for core participant status.
9. The Chair may consider an application for core participant status at any time during the Inquiry.
10. If at any stage of the Inquiry the Chair considers it appropriate to do so, she may invite a person, organisation or entity to become a core participant.

### **Call for applications**

11. This protocol has been provided to a number of organisations for them to consider whether they wish to apply for core participant status. Those applications have been requested to be

lodged by **4pm on 3 November 2023**. Further time will only be granted by the Chair for such applications if there are cogent reasons to do so.

12. Once this protocol is publicly available on the Inquiry's' website, the window for further applications will open on **12pm on 22 November 2023** and any further applications should be submitted in writing by **4pm on 11 December 2023**. Further time will only be granted by the Chair for such applications if there are cogent reasons to do so.
13. Where the Chair requires an oral application to be made, the person or their legal representative will be notified no later than 3 clear days before the date of the hearing at which she will hear that application.

### **Form and content of applications**

14. Applications should be submitted in writing to the Solicitor to the Inquiry by email to:

Tim Suter  
Solicitor to the Thirlwall Inquiry  
Riverbank House  
2 Swan Lane  
London  
ED4R 3TT

Email: [solicitor@thirlwallinquiry.co.uk](mailto:solicitor@thirlwallinquiry.co.uk)

15. Such emails should state in their subject line 'Thirlwall Inquiry – Application for Core Participant Status'.
16. Applications should specify the reasons for seeking designation as a core participant. As a minimum, all applications should:
  - a. confirm that, if their application is successful, the applicant consents to be designated as a core participant;
  - b. indicate which of the matters within Rule 5(2) of the Inquiry Rules applies to the application and why;
  - c. confirm whether the applicant is, or wishes to be legally represented, and if so the details of the relevant representative.
17. In relation to each person, organisation or entity making an application for core participant status, the application should not exceed 4 sides of A4 paper.
18. For the avoidance of doubt, the Chair considers that each parent of any baby named on the indictment is entitled to be designated as a core participant. Any application from such parents may simply indicate their relationship to the baby, confirm details of their legal representative and that they consent to being designated.

### **Legal representation**

19. The designation of a core participant's legal representative is separate from the decision to designate a person, organisation or entity as a core participant.
20. Where a core participant has appointed a qualified lawyer to act on their behalf, the Chair must designate that lawyer as the person's designated legal representative in respect of the Inquiry proceedings or the relevant part of the Inquiry proceedings, as the case may be, in accordance with Rule 6 of the Inquiry Rules.
21. However, where the two or more core participants each seek to be legally represented and the Chair considers that:

- a. their interests in the outcome of the Inquiry are similar;
- b. the facts they are likely to rely on during the Inquiry are similar; and
- c. it is fair and proper for them to be jointly represented,

in accordance with Rule 7(2) of the Inquiry Rules, the Chair will direct that those core participants shall be represented by a single recognised legal representative.

22. Where the Chair makes such a direction, core participants must agree the designation of a single legal representative. If they do not do so within a reasonable period, the Chair will designate an appropriate lawyer who she considers has sufficient knowledge and experience to act in that capacity.

#### **Applications for legal representation at public expense**

23. Section 40 of the Inquiries Act 2005 ('the Act') allows the Chair to make awards for the cost of legal representation and the attendance of witnesses, subject to such conditions or qualifications designated by the Minister and notified to the Chair, regardless of whether they are core participants.
24. Applications for an award of legal expenses in accordance with section 40 of the Act should be made in accordance with the Inquiry's ['Protocol on costs'](#) and the [Minister's determination under section 40\(4\) of the Act](#), published on the Inquiry's website.