

BROOK HOUSE INQUIRY
PROTOCOL FOR CONSIDERING APPLICATIONS
FOR CORE PARTICIPANT STATUS

Core Participant Status

1. The Chair may designate a person, organisation or entity as a core participant. In determining whether to make such a designation, the Chair will apply the criteria set out in Rule 5 of the Inquiry Rules 2006, which provides as follows:

Core participants

(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.

2. Those designated as core participants may participate in the Inquiry in a number of ways, including by:
 - (i) receiving in advance of hearings disclosure of evidence which the Chair considers relevant to that core participant;
 - (ii) making an opening and closing statement at certain hearings;
 - (iii) suggesting lines of questioning to be pursued by Counsel to the Inquiry;
 - (iv) applying for permission for their recognised legal representative to ask questions of a witness.
3. Core participant status may be limited to a particular part, or phase, of the Inquiry.

Applications for core participant status

4. Applications to be designated as a core participant must be made in writing to the Solicitor to the Inquiry, using the Inquiry's core participant questionnaire, and must clearly and briefly state the grounds upon which such designation is sought.
5. The Chair will consider all such applications and, if she considers that further information is required before she can make a decision, she may require the applicant to provide such further information as she considers necessary. Further, if she considers it to be necessary, the Chair may require an applicant to appear before her to make an oral application for core participant status.
6. The Chair may consider an application for core participant status at any time during the Inquiry.

7. If at any stage during the course of the Inquiry the Chair considers it necessary or desirable to do so, she may invite a person, organisation or entity to become a core participant.

Applications to be made by 19 May 2020

8. Applications for core participant status should be submitted to the Solicitor to Inquiry, in writing, by **19 May 2020**, using the Inquiry's core participant questionnaire. Any application for an extension of time to make such an application should be submitted to the Solicitor to the Inquiry, and will be considered on its merits.
9. 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.

Content of applications

10. Applications should be submitted in writing to the Solicitor to the Inquiry by email to solicitors@brookhouseinquiry.org.uk or by post to:

Mr Ellis Pinnell

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Legal Representation

11. The designation of a core participant's recognised legal representative is separate from the decision to designate a person as a core participant.
12. Where a core participant has appointed a qualified lawyer to act on their behalf, the Chair will determine whether to designate that lawyer as that core participant's designated legal representative in respect of the Inquiry proceedings (or the relevant part of the Inquiry proceedings) in accordance with procedure described in Rule 6 of the Inquiry Rules 2006.

13. The Chair will also adopt the approach to legal representation set out in Rule 7 of the Inquiry Rules 2006. Accordingly, where two or more core participants each seeks to be legally represented and the Chair considers that: their interests in the outcome of the Inquiry are similar; the facts they are likely to rely on during the course of the Inquiry are similar; and it is fair and proper for them to be jointly represented, the Chair will direct that those core participants shall be represented by a single recognised legal representative.
14. 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

15. Section 40 of the Inquiries Act 2005 allows the Chair to make awards for the cost of legal representation and the attendance of witnesses subject to such conditions or qualifications determined by the Minister and notified to the Chair. Section 40 confers power on the Chair to award expenses and legal costs to those who give evidence, whether or not they are core participants.
16. The Secretary of State has made clear, in the Terms of Reference, that the Inquiry will bear the legal expenses of any *individuals* designated as core participants by the Chair.
17. The Chair does not envisage exercising her power to award expenses and/or legal costs to any organisation or entity with sufficient resources to fund its own representation.
18. Applications for an award of legal expenses in accordance with section 40 of the Inquiries Act 2005 should be made in accordance with the Inquiry's Costs Protocol and the Minister's determination under section 40(4) of the 2005 Act.