

Core Participant protocol

Purpose of the protocol

1. The purpose of this protocol is to:
 - explain what a Core Participant is;
 - provide information as to how a person, group or organisation can apply for Core Participant status; and
 - explain how a Core Participant can participate in the Inquiry.

What is a Core Participant?

2. A Core Participant includes an individual, organisation or entity that has a significant interest in the Inquiry. Rule 4 of the Inquiries (Scotland) Rules 2007 provides the criteria by which the Chair may decide whether to designate an individual, organisation or entity as a Core Participant. In making that decision the Chair must have particular regard to the desirability of including as Core Participants, persons who –
 - (a) played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;
 - (b) have a significant interest in an important aspect of the matters to which the inquiry relates; or

- (c) may be subject to significant or explicit criticism –
- (i) during the proceedings at the inquiry; or
 - (ii) in the report or any interim report.

Involvement of Core Participants in the Inquiry

3. A Core Participant, or their legal representative, may participate in the Inquiry in a number of ways, they may:
- receive, in advance of hearings, disclosure of evidence insofar as that evidence relates to their interest in those hearings;
 - be invited to contribute suggestions to the list of issues to be considered by the Inquiry and the list of witnesses who will give evidence to the Inquiry;
 - make opening and closing statements at hearings;
 - suggest questions or lines of questioning to Counsel to the Inquiry to ask of a witness;
 - with the Chair's permission, ask questions of witnesses; and
 - see the Inquiry report or interim report before it is published.

Applications for Core Participant status

4. Applications to be designated a Core Participant must be made in writing to the Solicitor to the Inquiry. Applications should be addressed to the Solicitor to the Inquiry and submitted by email to legal@shekubayohinquiry.scot.
5. Applicants must specify in their applications how they satisfy one or more of the above criteria (a) – (c). Applicants must confirm in their application that they consent to being designated a Core Participant, if their application is successful. Applications must also confirm whether the applicant wishes to be

legally represented, and, if so, provide details of their lawyer. Applications should not exceed 4 sides of A4 paper (1.5 line spacing).

6. Applications for Core Participant status should be submitted to the Inquiry by 15 January 2021. Within 28 days of receipt of your application, you will be provided with an update on the progress of your application.
7. The names of those designated with Core Participant status will be published on the Inquiry website.

Legal Representation

8. Where a Core Participant has appointed a qualified lawyer to act on their behalf, the Chair must regard that lawyer as that person's recognised legal representative in respect of the Inquiry proceedings. A change in legal representation can result in a delay in the Inquiry proceedings. If you propose to change legal representatives, you should notify the Solicitor to the Inquiry as soon as possible.
9. Where two or more Core Participants each seek to be legally represented and the Chair considers that –
 - (i) their interests in the outcome of the inquiry are similar;
 - (ii) the facts they are likely to rely on during the course of the inquiry are similar; and
 - (iii) it is fair and proper for them to be jointly represented;

the Chair may direct that those Core Participants be represented by a single recognised legal representative and approve a qualified lawyer for that purpose.

10. Where the Chair has approved a qualified lawyer to act as a single legal representative, the Core Participants must agree the designation of a single

legal representative. If they fail to do so within a reasonable period, the Chair may designate an appropriate lawyer who, in the opinion of the Chair, has sufficient knowledge and experience to act on their behalf.

Cost of legal representation

11. If a Core Participant cannot afford to pay their lawyer's fees they can apply to the Chair for an award to made for the cost of legal representation. More information can be found in the protocol for costs of legal representation.

Issued under the authority of the Chair on 30 November 2020.