

GUIDANCE – ON CORE PARTICIPANTS

What is a Core Participant?

1. The Chairman may decide that a person should be a Core Participant for all or part of the Inquiry. He cannot make a person a Core Participant without the consent of that person.
2. Some of the matters that will be relevant to the Chairman's decision on whether a person or body should be a Core Participant are whether:
 - the person or body played, or may have played, a direct and significant role in relation to the matters to which the Inquiry relates.
 - the person or body has a significant interest in an important aspect of the matters to which the Inquiry relates.
 - the person or body may be subject to significant or explicit criticism during the Inquiry or in any report by the Inquiry.
3. A Core Participant is eligible to have advance access, for preparation purposes, to the database of Inquiry evidence including all witness statements.
4. Being designated a Core Participant does not automatically mean a person or body will be called to appear before the Inquiry or to give oral evidence as a witness in the Inquiry.

Applications

5. There is an application form on this website:
 - to apply to be designated a Core Participant in the Inquiry;
 - to have your chosen lawyer noted by the Inquiry as your recognised legal representative; and
 - to apply for an award of funding for legal representation.
6. The application form can also be provided in hard copy by post from the Inquiry Team.

Legal representation of Core Participants

7. Where more than one Core Participant wants to appoint a lawyer to act on his or her behalf, the Chairman can consider whether they should be jointly represented by one lawyer. The Chairman may direct that they should be jointly represented if:
 - their interests are similar;
 - the facts they are likely to rely on during the Inquiry are similar; and
 - it is fair and proper for them to be jointly represented.
8. The Chairman may approve a qualified lawyer who has been agreed to by the Core Participants. If the Core Participants cannot agree on a lawyer to represent them, the Chairman may designate a qualified lawyer to jointly represent the Core

Participants, where the lawyer has sufficient knowledge and experience in the opinion of the Chairman.

Public funding of legal representation of Core Participants

9. Core Participants can apply for an award of funding for legal representation. Please refer to the guidance on awards of funding for legal representation and application form.
10. The Inquiry will not pay for legal work that was carried out for the Core Participant before the award of funding was made.
11. In making any decision as to the procedure or conduct of the Inquiry, including a decision about an award for funding for legal representation, the Chairman must act with fairness and with regard to the need to avoid any unnecessary costs, whether to public funds, or to witnesses or others.
12. When the Chairman is considering any application for an award of funding he will take into account the financial resources of applicants and the public interest so far as relating to the making of an award.
13. The Chairman cannot make an award of more than the amounts set out in the Scottish Ministers' Determination of September 2009.