

Note in respect the Chairman's Ruling on Core Participants 2016

This note has been provided to assist in understanding the Chairman's Ruling on core participant applications and the process for making applications to be core participants in the future. The Ruling been prepared to provide determinations on nine core participant applications, and to explain that new applications must provide certain information if they are to be properly considered. The Chairman's [Ruling](#) on this topic is the only authoritative document.

Introduction

1. The Chairman's set out his approach to making decisions on core participant applications in his [Ruling of 21 October 2015](#). In making decisions the Chairman must have regard to both the need to avoid any unnecessary cost and the need to ensure that as a wide a range of interests as possible are represented in the core participant cohort. As the Inquiry has progressed it is becoming clear that a number of interests in the Inquiry are already well represented in the core participant community; the Chairman's Ruling states that seven of the nine applications for core participant status have not been designated, largely because the interests of those applicants are already well represented.
2. The Inquiry's terms of reference are wide and it is not feasible to examine the detail of every undercover police operation against every campaigning or protest group that has existed since 1968 and expect the Inquiry to be able to report in any reasonable timeframe. For this reason the Chairman will not be able to designate core participant status to every person who has been affected by undercover policing in some way during the course of the past 48 years.
3. The Chairman's [Ruling of 21 October 2015](#) set out that core participant designations would focus on the *significance* of the applicant's role and the *significance* of the applicant's interest in an *important* aspect of the subject matter of the Inquiry; these tests must be met if someone is to be designated as a core participant. The Inquiry has often stated that a person does not need to be a core participant in the Inquiry to engage with it, and in his ruling the Chairman reiterates that the interests of a person who has not been designated as a core participant would be recognised where relevant issues are raised.

Core participant determinations

4. It is not necessary to make an application to be a core participant to register an interest in the Inquiry's investigation or to make a proposal for an investigation. The Inquiry is willing

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to consider reasonable requests to adopt a particular area of concern (within its terms of reference) for investigations where they represent a proportionate use of its resources.

5. Where applications for core participation are made at this stage of the Inquiry, the Chairman will wish to know why the applicant has waited so long to make their applications. Generally speaking the core participant will need to show that new information has led to the application, or that there is some other reason for not being able to apply earlier.
6. Generally speaking, the Chairman is interested in core participant applications that raise new and important issues or expose new and important insights into an existing issue; providing the applicant the criteria explained at paragraph 3 above, the application is likely to be granted.
7. Applications that are not granted will be kept under review unless the Chairman has concluded that the application is outside the terms of reference or otherwise without merit.

Individual applications

8. The remainder of the ruling sets out the reasons for the Chairman's decision in respect of each individual application. In short, Azhar Khan and Anthony Thompson have been designated as core participants. Monsignor Bruce Kent, Lynette Edwell, Nigel Day, Paul Brannen MEP, Martin Powell Davies, Anthony Thompson and Frances Curran have not been designated as core participants.

Questions and Answers

Q: How are applications core participation determined?

A: When someone applies to be a core participant, the Inquiry Chairman decides whether or not they come within the scope of the terms of reference, and whether or not the application meets the criteria set out in rule 5(2) of the Inquiry Rules 2006. The Chairman will also consider whether the applicant may be subject to significant or explicit criticism during the proceedings of the Inquiry, or in the final report when it is written.

Q: What is the test that is applied when the Chairman is deciding whether or not to make a core participant designation?

A: The approach adopted is detailed in the first Core Participants [Ruling of 21 October 2015](#) at paragraphs 2 – 15, in particular:

(a) the person played, or may have played, a direct and significant role in relation to 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

Furthermore, the Chairman must have regard to [s.17 \(3\) of the Inquiries Act 2005](#); he must act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others).

Q: Does this Ruling mean the Inquiry will no longer accept new core participant applications?

A: No. There is no cut off point beyond which people or organisations cannot apply to be core participants. However, further applicants may be less likely to be designated now that the Inquiry already has a wide range of people representing a wide range of interests. The Chairman does expect any new applications to contain a clear reason why it was not made earlier in the Inquiry's time line.

Q How many core participants are there now?

A: Including those named in this ruling there are 203 core participants, falling into 13 categories. Full details are to be found on the Inquiry's website at <https://www.ucpi.org.uk/core-participants/>