

Core Participants Protocol

Introduction

1. This protocol sets out the approach that will be taken by the Patrick Finucane Inquiry (the Inquiry) to designating Core Participants, and their Recognised Legal Representatives (RLR), to the Inquiry. It is to be read together with the [Inquiries Act 2005](#) (the Act), the [Inquiry Rules 2006](#) (the Rules) and the other protocols which have been published on the Inquiry's website.
2. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this protocol. Further, this protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.

What is a Core Participant?

3. A "Core Participant" is a person, organisation or other entity, that has been designated as a Core Participant in the Inquiry by the Chair under rule 5 of the Rules. A Core Participant enjoys participatory rights in the Inquiry.
4. It is important to note that you do not need to be a Core Participant engage with the Inquiry. For instance:
 - a. It is possible to provide information or evidence to the Inquiry, or to be called as a witness at an Inquiry hearing, without being designated as a Core Participant;
 - b. The Rules include provision for the recognition of legal representatives for witnesses without needing those witnesses to be Core Participants;

- c. You also do not need to be a Core Participant to watch or attend hearings which are open to the public; and
 - d. The Inquiry will publish witness statements, hearing transcripts and other evidence on its publicly available website, subject to any restriction orders issued by the Chair under section 19 of the Act.
5. Anyone designated a Core Participant will:
- a. Be provided with disclosure of evidence which the Chair considers is relevant to their participation in the Inquiry. Such disclosure will be subject to any restriction orders issued by the Chair under section 19 of the Act;
 - b. Have the opportunity to make opening and closing statements via their recognised legal representatives (unless the Chair directs otherwise);
 - c. Be able to apply through their recognised legal representatives to the Chair to ask questions of witnesses during a hearing; and
 - d. Be provided with advance copies of the Inquiry's reports (including the final report) shortly before publication.

Granting Core Participant status

6. The Chair may designate any person, organisation or entity as a Core Participant. In deciding whether to do so, pursuant to rule 5(2) of the Rules, he will in particular consider whether:
- a. They played, or may have played, a direct and significant role in relation to the matters to which the Inquiry relates;
 - b. They have a significant interest in an important aspect of the matters to which the Inquiry relates; or
 - c. They may be subject to explicit or significant criticism during the Inquiry's proceedings or in the report, or any interim report.
7. The Chair 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.

8. The Chair is not obligated to designate any applicant a Core Participant simply upon the basis that rule 5(2) of the Rules applies. The Chair will additionally have regard to section 17(3) of the Act, which requires him to act fairly and to avoid any unnecessary cost. Indeed, the Chair has a wide discretion in considering applications, and this discretion will be exercised fairly, consistently, and objectively, with the [Terms of Reference](#) in mind.
9. The Chair may limit how long a person is a Core Participant for, or which part(s) of the Inquiry they are a Core Participant for.

Applications for Core Participant status

10. Persons seeking to be granted Core Participant status are invited to make applications by **[DATE]**.
11. Insofar as it practicable, the Chair of the Inquiry seeks to determine who should be designated Core Participants by **[DATE]**.
12. Applications should be submitted by email to the Solicitor to the Inquiry at the following email address:
solicitor@finucane.independent-inquiry.uk.
13. Applications must not exceed four sides of A4 paper.
14. Applications must:
 - a. State the factual basis for the application, and in particular, which of the matters within rule 5(2) of the Rules applies to the application and why;
 - b. Identify the topics within the Inquiry's Terms of Reference upon which the applicant can give relevant information and evidence;
 - c. Indicate how the grant of Core Participant status will assist the Inquiry in the furtherance of its Terms of Reference;
 - d. Confirm whether the applicant is represented or wishes to be represented by a legal representative;
 - e. If the applicant is legally represented, provide the name and contact details of the legal representative; and,
 - f. Confirm the applicant consents to be designated a Core Participant.

15. The Inquiry may request further information to assist the Chair with making a decision. If the Chair considers it to be necessary, he may require an applicant to appear before him to make an oral application for Core Participant status.
16. If an application for Core Participant status is made after **[DATE]**, the application should provide reasons for not providing the application by **[DATE]**.
17. The names of those designated with Core Participant status will be published on the Inquiry website.

Designation of Recognised Legal Representatives

18. Where a Core Participant has appointed a qualified lawyer to act on their behalf, pursuant to rule 6 of the Rules, the Chair must designate that lawyer as that person's RLR in respect of the Inquiry proceedings.
19. The Solicitor to the Inquiry must be notified as soon as possible in the event of a change of legal representatives. Notification must be in writing to: solicitor@finucane.independent-inquiry.uk.
20. Where 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 course of the Inquiry are similar; and
 - c. It is fair and proper for them to be jointly represented;the Chair must direct that those Core Participants shall be represented by a single RLR.
21. In circumstances where the Chair makes such a direction, the Core Participants must agree the designation of a single legal representative. If such agreement cannot be reached within what the Inquiry considers a reasonable time, the Chair will designate an appropriate lawyer who he considers has sufficient knowledge and experience, to act as a legal representative for the Core Participants.

Confidentiality

22. Since the designation of Core Participant status affords an individual access to disclosure of documents on an ongoing basis, Core Participants and their legal representatives must agree to treat the information contained in the disclosure confidentially until any such information is published by the Inquiry. Confidentiality is important to the work of an inquiry, and it allows an inquiry to undertake its work fairly.
23. Core Participants and their legal representatives are therefore required to sign confidentiality undertakings before they have access to Inquiry documents and other confidential information. The confidentiality undertakings set out that without the express permission of the Inquiry there is:
- a. A prohibition on using the documents or information for any other purpose than taking part in the Inquiry's proceedings.
 - b. A prohibition on disseminating or circulating the documents or information provided by the Inquiry to a third party.
24. If there are any questions about this protocol, the Inquiry can be contacted at solicitor@finucane.independent-inquiry.uk. Other ways to contact the Inquiry can be found on the Inquiry's website (see [Contact Us](#)).

Privacy Policy

25. Information and personal data collected as part of this protocol will be used by the Inquiry to put in place the practical arrangements and any special measures to allow the Chair to investigate the matters that fall within the Inquiry's Terms of Reference. Please see the [Privacy Policy](#) for further information.