

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 30 August 2017 the Inquiry invited anyone who wished to be designated as a core participant in the Westminster investigation to make an application to the Solicitor to the Inquiry by 27 October 2017.
2. On 14 September 2017, an application was made by RO-A5 for core participant status in the Westminster investigation. This notice sets out my determination of that application.
3. Applications for core participant status are considered under Rule 5 of The Inquiry Rules 2006 which provides:

(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.

4. In determining the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters can also be taken into account.

5. Having regard to the provisions of Rule 5(2), I am satisfied that RO-A5 should be designated as a core participant in relation to the Westminster investigation. In the application submitted on his behalf, RO-A5 alleges that he was sexually assaulted by Cyril Smith in the late 1980s whilst he was a resident at Knowl View. RO-A5 was under 18 years of age at the time of the sexual abuse described and therefore within the Inquiry's terms of reference.
6. Given the scope of the Westminster investigation, I have concluded that, by reason of the allegations that he has made, RO-A5 has a significant interest in the matters under investigation. I have taken account of the fact that the possible failure of 'Westminster' institutions in connection with allegations made against Cyril Smith was raised by RO-A5 and others at the Rochdale hearings; those matters were outside the scope of the Rochdale investigation, but they are of relevance to the Westminster investigation and this adds weight to the present application.
7. Applications for designation as the recognised legal representative of a core participant are governed by rules 6 and 7 of the Inquiry Rules 2006, which provide as follows:

6(1) Where -

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that -

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

8. Accordingly, as I am satisfied that RO-A5 has appointed Richard Scorer of Slater and Gordon as his qualified lawyer, I designate Mr Scorer as RO-A5's recognised legal representative in accordance with rule 6(1) as I am required by that rule to do.

9. Directions will be given for receipt of applications for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation at the forthcoming preliminary hearing. Such applications by core participants will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

Professor Alexis Jay OBE
Chair, Independent Inquiry into Child Sexual Abuse

19 December 2017