

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 25 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Lord Greville Janner investigation to make an application to the Solicitor to the Inquiry by 22 February 2016.
2. On 21 March 2016, an application was made by an individual known to the Inquiry as 'E1' for core participant status in the Lord Greville Janner investigation, and for Nicola Kitchener of Affinity Law to be his recognised legal representative. The application was submitted after the Inquiry's published deadline of 22 February 2016. The application is put on the basis that E1's legal representative only very recently learned of the application process for core participants in relation to this investigation, and has submitted her client's application as soon as possible thereafter.
3. I am satisfied that the applicant should not be prevented from having his application determined on the basis that it is submitted out of time, in light of the explanation provided and the relatively short period of delay. This notice sets out my determination of the application.
4. 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.

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

6. Having regard to the provisions of Rule 5(2), I am satisfied that E1 has a significant interest in the matters under investigation. His application is made on the basis that he was sexually abused by Lord Janner whilst E1 was resident at a children's home and was under 18 years old at the time. I am accordingly satisfied that E1 has a significant interest in the matters under investigation, including the adequacy and propriety of law enforcement investigations and prosecutorial decisions relating to allegations against Lord Janner, the extent to which various institutions were aware of the allegations, the adequacy of their response and the extent of failings of institutions to protect children from sexual abuse, and the adequacy of such institutions' response when allegations of child sexual abuse are made. I am therefore satisfied that E1 should be designated a Core Participant in this investigation.

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 E1 has appointed Nicola Kitchener of Affinity Law as his qualified lawyer, I designate Ms Kitchener as E1's recognised legal representative in accordance with rule 6(1) as I am required by that rule to do.

9. I take this opportunity to draw E1's attention to the directions issued at the Preliminary Hearing on 9 March 2016, in particular the direction that any application to be made for an award of legal expenses under section 40 of the Inquiries Act 2005 be made by 4 o'clock on 24 March 2016, such application to address the matters set out in paragraph 12 of the Inquiry's costs protocol which is available on the Inquiry's website. In light of the delay in submitting E1's application, I am happy to extend the time for him to submit any application under section 40 to 4pm on Thursday 14 April 2016. I would also direct E1's attention to the remainder of the directions I made on 9 March as set out on the Inquiry's website.

Hon. Dame Lowell Goddard DNZM
Chair, Independent Inquiry into Child Sexual Abuse

24 March 2016