

**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 5 May 2016, an application was made by an individual referred to as 'A38' for core participant status in the Janner investigation, and for Liz Dux to be his recognised legal representative. The application was submitted after the Inquiry's published deadline of 22 February 2016. A38 contacted Slater + Gordon lawyers following the preliminary hearing on 9 March 2016, and that A38 had previously been in contact with Leicestershire Police regarding Lord Janner. It has taken time for A38's representative to contact Leicestershire Police and obtain relevant information to support A38's application. 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.

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 A38 has a significant interest in the matters under investigation. A38's application is put on the basis that he was sexually abused by Lord Janner at a children's home in Leicestershire whilst A38 was under 18 years old and that another adult facilitated this abuse. I am accordingly satisfied that A38 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 when allegations of child sexual abuse are made and the extent of failings of institutions to protect children from sexual abuse. I am therefore satisfied that A38 should be designated a Core Participant in this investigation.
6. 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.

7. Accordingly, as I am satisfied that A38 has appointed Liz Dux of Slater and Gordon Lawyers as his qualified lawyer, I designate Ms Dux as A38's recognised legal representative in accordance with rule 6(1) as I am required by that rule to do.

8. I made directions issued at the Preliminary Hearing on 9 March 2016 in respect of applications for awards of legal expenses under section 40 of the Inquiries Act 2005. Those directions necessarily did not address the deadline for receipt of section 40 applications in respect of those such as A38 who were late in making their application for designation as a Core Participant. However, A38's recognised legal representative has already indicated that she wishes to make the same application in respect of newly designated Core Participants as those previously designated and I will now proceed to consider making a section 40 award in respect of A38 on that basis. If Ms Dux wishes to supplement or change that application, she should please provide any additional information in that regard within 7 days of receipt of this Notice.

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

20 May 2016