

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 27 May 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Roman Catholic investigation to make an application to the Solicitor to the Inquiry by 24 June 2016.
2. An application was made by A47 for core participant status. This notice sets out my determination of their 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 each person's application the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and I may also take into account other relevant matters.

5. Having regard to the provisions of Rule 5(2), I am satisfied that A47 should be designated as a core participant in relation to the Roman Catholic investigation. It is submitted that A47, who was a pupil at St Benedict's between 1989 and 1993, was sexually abused by Father David Pearce at St Benedict's whilst he was a pupil. It is said that A47 made a successful civil claim against St Benedict's and Father Pearce. Father Pearce was subsequently convicted of sexual offences against a number of children in 2009.
6. As part of this investigation, the Inquiry will consider the nature and extent of any failures by the Roman Catholic Church and other institutions to protect children from sexual abuse and the response of the English Benedictine Congregation and other institutions to allegations of sexual abuse against children. I therefore consider that A47 has a significant interest in the matters under investigation within the Roman Catholic investigation, specifically the case study relating to the English Benedictine Congregation, and that his designation as a core participant is justified with regard to 5(2)(b).
7. I should emphasise that the Inquiry is obliged to take a proportionate approach to its investigations and will not be in a position to investigate fully the circumstances of every core participants' experience. Designation as a core participant will give the individual access to documentary material obtained by the Inquiry but it is likely that the Inquiry will limit such disclosure to material that relates to their specific interest in this investigation.
8. 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.

9. I am satisfied that A47 has appointed Richard Scorer of Slater and Gordon Solicitors as his qualified lawyer in relation to this investigation. I therefore designate Mr Scorer as the recognised legal representative for A47 in accordance with Rule 6(1) as I am required by that rule to do.

10. 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 public hearing. Such applications by core participants will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.