



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

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. The Inquiry subsequently held a Preliminary Hearing in this investigation, at which Counsel to the Inquiry identified which organisations and individuals had been designated as core participants. On 8 May 2018, I set out the core issues in the Westminster investigation in my determination on the scope of the investigation, available on the Inquiry's website.
2. On 7 June 2018, an application was made by Mr Anthony Daly, through his solicitor, Mr Desmond J Doherty of Milltown Court Chambers, for core participant status in the Westminster investigation. On 16 July 2018, I made a provisional ruling that I was minded to decline his application. Mr Daly, through his solicitor, renewed his application in writing on 27 July 2018. This notice sets out my final determination of the application.
3. I have considered carefully in this regard:
 - i. The application for core participant status made in writing by Mr Daly through his solicitor on 7 June 2018;
 - ii. The detailed information provided by Mr Daly to the Inquiry with his original application;
 - iii. The written submissions made on behalf of Mr Daly through his solicitor in renewing his application on 27 July 2018;
 - iv. The content of Mr Daly's book, 'Playland: Secrets of a Forgotten Scandal' (Mirror Books, 2018) ("**Playland**"), copies of which have been provided to the Inquiry.



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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 can also be taken into account.
6. As noted in my provisional decision, Mr Daly's application focuses on events that took place in 1975, when Mr Daly came to London from Ireland to take up a job in Foyle's bookshop, when he was 20 years old. Mr Daly's book 'Playland' contains a detailed account of what happened to him in London at that time. He describes being beaten and raped by two men shortly after his arrival, and thereafter being blackmailed into acting as a rentboy in Piccadilly Circus. He describes being at sex parties with, and providing sexual services to, senior politicians and other members of the establishment. Mr Daly himself was not a child at this time; he does, however, describe a number of occasions on which he witnessed sexual abuse of children taking place in the course of the sex parties to which I have referred.



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7. My provisional decision to decline the application dated 16 July 2018 was based on the following considerations, set out therein:

- i. Mr Daly may have played a role in some of the matters that are to be investigated, and it may well be that Mr Daly will be invited to provide a witness statement and possibly also to give evidence in person;
- ii. However, pursuant to Rule 5(2), I did not consider that Mr Daly can be said to have played a “significant” role in these matters or that he has a sufficient interest in the matters to be investigated to justify granting him core participant status in the Westminster investigation;
- iii. Mr Daly was not himself a victim of child sexual abuse;
- iv. I did not at that time consider that there was any likelihood of Mr Daly being the subject of criticism during the Inquiry proceedings, although the matter will be kept under review.

8. In renewing the application on Mr Daly’s behalf, Mr Doherty makes the following submissions:

- i. That the provisional decision is “beyond comprehension” in the circumstances of the Inquiry and has “sparse reasoning”;
- ii. That Mr Daly does not have to be a child victim to qualify for core participant status;
- iii. That Mr Daly has relevant and fundamental evidence and can provide assistance to the Inquiry;



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- iv. That Mr Daly describes abuse of children by those abusing him;
 - v. That “there is no doubt” and “[i]t is inevitable” that Mr Daly will face criticism and be attacked “once the relevant parties are notified”;
 - vi. That the Inquiry has erred in law in coming to a decision based on the fact that he has not received any criticism to date;
 - vii. That he requires the status of core participant so that he will have the protection and access to legal advice available to a core participant;
 - viii. That Mr Daly is more than a witness to the Inquiry because he has published a book dealing with the very central themes of the Inquiry.
9. I have considered carefully the written submissions advanced by Mr Doherty, the original application, the documents provided by Mr Daly to the Inquiry and the relevant content of his book. Having done so, I have decided to maintain my earlier provisional decision not to grant Mr Daly core participant status in this investigation.
10. The submissions made by Mr Doherty do not, in my view, establish that Mr Daly meets the test for core participant status set out in Rule 5(2) of The Inquiry Rules. This is a separate matter to whether Mr Daly is in a position to assist the Inquiry by providing evidence relevant to the Westminster investigation in a witness statement, and possibly in oral evidence, including in relation to instances of child sexual abuse that he saw.
11. Having regard to the matters listed in Rule 5(2), in my view, the submissions made on Mr Daly’s behalf do not demonstrate that he played a direct and significant role or has a sufficiently significant interest in relation to the core issues in this investigation identified in my determination on the scope of the Westminster investigation dated 8 May 2018.



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12. It is correct that an applicant does not have to be a child victim to qualify for core participant status in this investigation. However, a person who claims to have been a victim of child sexual abuse within the scope of an investigation may be more likely to have played a direct and significant role in relation to the matters to which the investigation relates and / or have a significant interest in an important aspect of the matters to which the investigation relates.

13. Further, the submissions made on Mr Daly's behalf do not, in my view, establish that Mr Daly may be subject to explicit or significant criticism during the Inquiry's proceedings or in its report. The assertion that such criticisms are "inevitable" is not substantiated. The Inquiry has discretion to control its proceedings, including the provisions concerning the questioning of witnesses under Rule 10 of The Inquiry Rules 2006, and ensures a high standard of fairness in writing its reports. A denial of an allegation, if made, does not necessarily constitute "explicit or significant" criticism of the person making that allegation. As stated in my provisional decision, this matter will be kept under review, but at this stage there is no reason to conclude that Mr Daly is at risk of the kind of criticism referred to in Rule 5(2)(c).

14. In light of these considerations, in my discretion I am not satisfied that the criteria in Rule 5(2) are met in relation to Mr Daly. Nor are there any other grounds on which to grant Mr Daly core participant status. For the reasons set out above, I confirm my provisional ruling not to designate Mr Daly as a core participant in the Westminster investigation.

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

20 September 2018