

**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

1. On 3 June 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Accountability and Reparations investigation to make an application to the Solicitor to the Inquiry by 1 July 2016.
2. An application was made by Andrew Kershaw, who has waived his anonymity, for core participant status in the Accountability and Reparations investigation. This notice sets out my determination of his 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 in*

*quiry 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 Andrew Kershaw has a significant interest in an important aspect of the matters under investigation. Andrew Kershaw was a former resident of the Forde Park Approved School. The application is put on the basis that Mr Kershaw was sexually abused whilst in care at the Forde Park Approved School. As part of this investigation, the Inquiry will consider the experiences of individuals placed in Forde Park Approved School in order to investigate general issues of accountability and reparation for victims and survivors, including the extent to which this can be achieved through the existing processes of civil litigation, criminal compensation and support services. I am therefore satisfied that Andrew Kershaw has a significant interest and should be designated as a core participant in relation to 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. After considering submissions in relation to separate legal representation, I am satisfied that Mr Desmond Doherty of Desmond J Doherty and Co should be designated as the recognised legal representative for Andrew Kershaw for the purposes of this investigation in accordance with Rule 6(1).
8. I take this opportunity to draw Mr Kershaw's attention to the directions issued at the preliminary hearing held in relation to the Accountability and Reparations investigation on 29 July 2016, in particular the direction that any application made her or on her behalf for an award of legal expenses under section 40 of the Inquiries Act 2005 by made by 4pm on 8 September 2016, such application to address the matters set out in paragraph 12 of the Inquiry's cost protocol which is available on the Inquiry's website. In light of the In light of the renewal and reconsideration of his application for separate legal representation I am happy to extend the time to submit any application under section 40 of the Inquiries Act to 4pm on 22 September 2016. I would also direct Mr Kershaw's attention to the other directions made at the preliminary hearing on 29 July 2016.

