

# **PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER**

## **- Protocol for considering applications for core participant status -**

### **What is a core participant?**

1. The Chairman may designate a person, organisation or entity as a core participant. The designation of core participants is governed by criteria set out in Rule 5 of the Inquiry Rules 2006.
2. The Chairman may designate a person as a core participant at any time during the course of the Inquiry, providing that person consents to be so designated.
3. In particular Rule 5 (2) states that when deciding whether to designate a person as a core participant, the Chairman must in particular consider:
  - a) whether the person played, or may have played, a direct and significant role in relation to the matters to which the Inquiry relates,
  - b) whether the person has a significant interest in an important aspect of the matters to which the Inquiry relates; or
  - c) whether the person may be subject to explicit or significant criticism during the Inquiry proceedings or in the report, or in any interim report.
4. Those designated as core participants may participate in the Inquiry in a number of ways:
  - a) receiving in advance of hearings disclosure of evidence which the Chairman considers relevant to that core participant;
  - b) making an opening and closing statement at certain hearings;
  - c) suggesting lines of questioning to be pursued by Counsel to the Inquiry;
  - d) their recognised legal representative may apply to the Chairman to ask questions of a witness.
5. A core participant need not be a core participant for the whole of the matters in the terms of reference or for the entire duration of the Inquiry; they may just be a core participant for a specific part.

### **Applications for core participant status**

6. Any individual or organisation designated as an Interested Person in the inquest into Jermaine Baker's death will be deemed to meet the criteria in Rule 5 and shall, without the need for a further written application, be designated as a core participant in the Inquiry.
7. Applications to be designated as a core participant, unless no application is required pursuant to paragraph 6 of this Protocol, must be made in writing to the Solicitors to the Inquiry and must clearly and briefly state the grounds upon which such designation is sought. The Chairman will give careful consideration to all such applications and, if he considers that further information

is required before he can make a decision, he may require the applicant to provide such further information as he considers necessary. Further, if he considers it to be necessary, the Chairman may require an applicant to appear before him to make an oral application for core participant status.

8. The Chairman may consider an application for core participant status at any time during the Inquiry.
9. If at any stage during the course of the Inquiry the Chairman considers it appropriate to do so, he may invite a person, organisation or entity to become a core participant.

### **Call for Applications by 27 March 2020**

10. Applications for core participant status should be submitted to the Inquiry in writing by 27 March 2020.
11. Where the Chairman requires an oral application to be made, the person or their legal representative will be notified no later than 3 clear days before the date of the hearing at which he will hear that application.

### **Content of applications**

12. Applications should be submitted in writing to the Solicitors to the Inquiry by email to:

Abigail Scholefield and Tim Suter  
Solicitors to the Inquiry into the Death of Jermaine Baker  
Fieldfisher LLP  
Riverbank House  
2 Swan Lane  
London EC4R 3TT

Email: [abigail.scholefield@fieldfisher.com](mailto:abigail.scholefield@fieldfisher.com) and [tim.suter@fieldfisher.com](mailto:tim.suter@fieldfisher.com)

13. Applications should specify in what respects the applicant considers that they meet the criteria for designation. As a minimum, all applications should:
  - a) confirm that the applicant consents to being designated as a core participant, if their application is successful;
  - b) indicate which of the matters within Rule 5(2) of the Inquiry Rules applies to the application and why;
  - c) confirm whether the applicant is or wishes to be legally represented and, if so, the details of the lawyer concerned.
14. In relation to each person, organisation or entity making an application for core participant status, the application should not exceed 4 sides of A4 paper.

### **Legal Representation**

15. The designation of a core participant's recognised legal representative is separate from the decision to designate a person as a core participant.
16. Where a core participant has appointed a qualified lawyer to act on their behalf, the Chairman must designate that lawyer as that person's designated legal representative in respect of the

Inquiry proceedings or the relevant part of the Inquiry proceedings, as the case may be, in accordance with Rule 6 of the Inquiry Rules.

17. However, where two or more core participants each 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 during the course of the Inquiry are similar; and
  - c) it is fair and proper for them to be jointly represented;

in accordance with the rule 7(2) of the Inquiry Rules 2006, the Chairman will direct that those core participants shall be represented by a single recognised legal representative.

18. Where the Chairman makes such a direction, core participants must agree the designation of a single legal representative. If they do not do so within a reasonable period, the Chairman will designate an appropriate lawyer who he considers has sufficient knowledge and experience to act in that capacity.

### **Applications for legal representation at public expense**

19. Section 40 of the Inquiries Act 2005 allows the Chairman to make awards for the cost of legal representation and the attendance of witnesses subject to such conditions or qualifications determined by the Minister and notified to the Chairman. Under this section, the Chairman has the power to award expenses and legal costs to those who give evidence, whether or not they are core participants.
20. Applications for an award of legal expenses in accordance with section 40 of the Inquiries Act 2005 should be made in accordance with the Inquiry's Costs Protocol and the Minister's determination under section 40(4) of the 2005 Act, which will be published on the Inquiry's website.