

Scottish COVID-19 Guidance Note:

Supplemental Rule 9 procedure for Health and Social Care Impact oral hearing commencing 24 October 2023

As a general rule the questioning of witnesses will be conducted by Counsel to the Inquiry ("Counsel"), and where appropriate the Chair. It is expected that Legal representatives of Core participants approach Counsel to the Inquiry on an informal basis in the first instance should they have relevant questions or topics they wish to have put to a witness. If Counsel is not minded to ask the question suggested and it is insisted upon, the legal representative should make a written application to the Chair as per Rule 9(4) of the Inquiries (Scotland) Rules 2007.

Applications of this kind must:-

1. be submitted to coreparticipants@covid19inquiry.scot
2. be made no later than 48 hours before the relevant witness is scheduled to give oral evidence and
3. fully address matters set out in Rule 9(5)(a)-(c) Inquiries (Scotland) Rules 2007.

Once an application is received the Chair may choose to be addressed and if so, a hearing will be arranged and will take place as soon as possible after the application is received.

While the Chair will consider applications to question a witness from Legal Representatives at the conclusion of a witness's oral evidence to the Inquiry, he will require a satisfactory explanation as to why the procedure described above has not been followed. It is anticipated that this will include an explanation on why the proposed question could not have been reasonably anticipated prior to the witness giving their evidence.

Where an application is granted such that a Legal Representative of a Core Participant is permitted to put questions to the relevant witnesses directly, it is expected that questioning will not exceed 15 minutes. At the end of any questioning by the Legal Representative of the Core Participant, Counsel to the Inquiry may put further questions to the relevant witnesses and this will not exceed a period of 15 minutes.

This is the first version of the Scottish COVID-19 Inquiry's Guidance Note - Supplemental Rule 9 procedure for Health and Social Care Impact oral hearing commencing 24 October 2023 and is dated 17 October 2023.