

Scottish COVID-19 Inquiry Guidance

1. Supplemental Rule 9 procedure for Education and Certification Impact hearings commencing 4 November 2024 and the Business and Welfare hearings commencing 2 December 2024

1.1. As a general rule the questioning of witnesses will be conducted by Counsel to the Inquiry ("Counsel"), or 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.

2. Informal procedure

2.1. Approaches to Counsel on an informal basis must be made no later than one week in advance of the witness giving evidence. Such approaches should be made via the following mailbox coreparticipants@scotland19inquiry.scot.

3. Formal procedure

3.1. If Counsel is not minded to ask the question suggested using the informal procedure 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.

3.2. Applications of this kind must:-

3.2.1. be submitted to coreparticipants@scotland19inquiry.scot

3.2.2. be made no later than two working days before the relevant witness is scheduled to give oral evidence and

3.2.3. fully address matters set out in Rule 9(5)(a)–(c) Inquiries (Scotland) Rules 2007.

3.3. 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.

4. Questions at the hearing

4.1. While the Chair will consider applications to question a witness from Legal Representatives at the conclusion of a witness' oral evidence to the Inquiry, he will require a satisfactory explanation as to why the procedure described above has not been followed. Such questions will be restricted to information that has arisen during the course of a witness' evidence that is material, relevant and new. An explanation on why the applicant considers the information arising during the course of witness evidence was not foreshadowed in the witness statement must be provided.

4.2. 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.

5. Version control

This is the first version of the Scottish COVID-19 Inquiry's Guidance Note - Supplemental Rule 9 procedure for Education and Certifications hearings commencing 4 November 2024 and the Business and Welfare hearings commencing 2 December 2024 is dated 16 September 2024.