

Phase 2 Inquiry Participant and Legal Representative Protocol

Introduction and purpose of this Phase 2 Inquiry Participant and Legal Representative Protocol

1. This Phase 2 Inquiry Participant and Legal Representative Protocol (the 'Protocol') is subject to, and should be read with, all other Protocols which govern the conduct of the Inquiry.
2. This Protocol sets out the approach that the Inquiry will take with regards to the principles and processes underpinning applications for Inquiry Participant status as well as the determination of legal representation for Phase 2 and future phases of the Inquiry's work.
3. The procedures outlined in this Protocol are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol.

Applications for Inquiry Participant Status

4. Paragraphs 5 to 17 of this Protocol set out what an Inquiry Participant is and the Inquiry's rules and processes for governing applications to be designated an Inquiry Participant.
5. An Inquiry Participant is a person, organisation or other entity which has:
 - a) played or may have played a direct and significant role in relation to the matters which the Inquiry is investigating; and/or
 - b) a significant interest in the matters which the Inquiry is investigating; and/or

- c) an interest in the Inquiry's outcome which may include being subject to explicit or significant criticism during the Inquiry's work and is designated as such by the Chair.
6. An Inquiry Participant may enjoy, subject to the receipt of signed confidentiality undertakings as detailed in paragraph 18 below, certain rights in the Inquiry. These include the right to:
- receive disclosure of documentation/material and witness statements identified as relevant by the Inquiry.
 - make written and oral opening and closing statements.
 - to attend the Inquiry's public hearings.
 - to suggest lines of enquiry or questions to be put to witnesses via Counsel to the Inquiry at public hearings.¹
 - apply to ask questions of witnesses during a hearing.
7. It is important to note that you do not need to be an Inquiry Participant in order to provide documents, information, witness statements or oral evidence during the Inquiry's work.
8. All those wishing to be recognised as Inquiry Participants should apply for Inquiry Participant status using the Inquiry Participant Form available on the [Inquiry's website](#). The application should also confirm that they consent to be so designated.
9. All applicants for Inquiry Participant status are now invited to submit written applications to the Solicitor to the Inquiry clearly and briefly stating the grounds upon which such designation is sought. Applications should be completed and submitted by 8 December 2025 using the Inquiry Participant form and sent:
- by email: to Solicitor@Manston.Independent-Inquiry.uk; or

¹ The expectation is that the majority of questions will be put to witnesses by Counsel to the Inquiry.

- by post: to The Manston Inquiry, 100 Parliament Street, SW1A 2BQ.
10. Applications should also set out the details of their proposed legal representatives, if any. In due course, a Phase 2 Costs and Funding Protocol will be published which provides details of the funding available to Inquiry Participants who are entitled to funding of legal representatives at public expense.
 11. The Chair retains a discretion, at all times, to invite a person, organisation or entity to become an Inquiry Participant where it is necessary or desirable to do so and/or to grant a person, organisation or entity Inquiry Participant status in exceptional circumstances, even absent an application for such status.
 12. Applications for extensions of time will be considered on their merits and should be addressed to the Solicitor to the Inquiry using the same contact details provided in paragraph 9.
 13. Applicants requiring assistance with making an application can contact the Inquiry at info@manston.independent-inquiry.uk.
 14. In determining applications for Inquiry Participant status, the Chair will consider the matters set out in paragraph 5 above together with the Inquiry's Terms of Reference and such other matters as may be relevant on a case-by-case basis in each application. If the Chair considers that further information is required to assist with her determination, she will request the same through the Solicitor to the Inquiry.
 15. The Chair will aim to determine all applications for Inquiry Participant status as quickly as possible. A copy of the Chair's decision will be provided to the relevant applicant or their legal representative as necessary.
 16. Once applications to be an Inquiry Participant are determined or Inquiry Participant status is granted pursuant to this Protocol, the individual or organisation in question will be added, subject to anonymisation in accordance with the Inquiry's Protocols, to an Inquiry Participant list which will be maintained on the Inquiry's website.
 17. A person, organisation or entity will cease to be an Inquiry Participant on either:
 - the date specified by the Chair in writing; or

- otherwise at the end of the Inquiry.

Confidentiality

18. As set out in paragraph 6 of this Protocol, the designation of Inquiry Participant status affords an individual or organisation access to certain disclosure. For reasons of transparency, trust and fairness, Inquiry Participants and their Recognised Legal Representatives must therefore agree, by signing the Inquiry's confidentiality undertaking form, to treat the information contained in such materials confidentially.

Designation of Recognised Legal Representatives

19. The designation of an Inquiry Participant's Recognised Legal Representative is separate from the decision to designate a person or organisation as an Inquiry Participant.

20. In fulfilling the Terms of Reference, the Inquiry is mindful of the need to avoid unnecessary and disproportionate costs including in respect of legal representation. Where Inquiry Participants indicate in their applications for Inquiry Participant status that they have appointed legal representatives on their behalf, the Chair will determine whether to formally designate such legal representatives as the Recognised Legal Representatives for that Inquiry Participant for the purposes of this Inquiry.

21. The Chair's decision to designate Recognised Legal Representatives may have regard to whether such legal representatives were instructed by an Inquiry Participant to assist with the preparation of a witness statement or other witness evidence in accordance with the Inquiry's Phase 1 Witness Evidence Protocol for Detained Individuals or Phase 1 Witness Statement Protocol as relevant. Such previous instructions will be a relevant but not a determinative factor in the Chair's designation decision.

22. In order to minimise unnecessary and disproportionate costs, those applying for Inquiry Participant status and who may share similar interests in the Inquiry with other prospective Inquiry Participants are encouraged, wherever possible, to instruct legal representatives who are already retained by those other parties with similar interests in the matters under investigation in the Inquiry.

23. The Chair intends to follow a process equivalent to rule. 7(2) of the Inquiry Rules 2006 and must direct that Inquiry Participants shall be represented by a single recognised legal representative where she considers that:

- their interests in the outcome of the inquiry are similar;
- the facts that they are likely to rely upon are similar; and
- it is fair and proper for them to be jointly represented.

24. The Chair intends to apply the following general criteria when considering applications for funding:

- the financial resources of the applicant; and
- whether making an award is in the public interest.

25. In the event that the Chair makes a determination that Inquiry Participants are to be represented by a single legal representative, the Inquiry Participants must agree to designate an appropriate single legal representative. Alternatively, where agreement cannot be reached within a reasonable time, the Chair will designate an appropriate legal representative to act for the relevant Inquiry Participants as their Recognised Legal Representative.

Issued under the authority of the Chair on 24 November 2025.