



STATEMENT ON LEGAL JURISDICTION

1. The scope of the Infected Blood Inquiry is UK wide and encompasses the separate legal jurisdictions of England and Wales, Scotland and Northern Ireland.
2. To ensure that Inquiry proceedings are conducted consistently across the UK, the following decisions are required to be made:
 - a. Under section 31(1) of the Inquiries Act 2005, the Minister must specify one part of the UK (England and Wales, or Scotland, or Northern Ireland) for the purpose of determining a limited number of legal issues (set out in paragraph 3 below).
 - b. Under rule 19 of the Inquiry Rules 2006, the Chairman must specify one part of the UK (England and Wales, or Scotland, or Northern Ireland) for the purposes of costs assessment.

Minister's decision under section 31(1) of the Inquiries Act 2005

3. The Minister for the Cabinet Office, David Lidington, has decided that England and Wales is the relevant part of the UK, which means that the law of England and Wales will apply and/or a court in England and Wales will determine the following issues:
 - a. the law under which evidence or documents are permitted or required to be withheld (section 22 of the Inquiries Act 2005);
 - b. enforcement of a threat or a failure to comply or to breach a notice under section 19 or 21 of the Inquiries Act 2005, or an order made by the Inquiry (section 36 of the Inquiries Act 2005);
 - c. privilege in respect of the law of defamation (section 37 of the Inquiries Act 2005).

Chair's decision under rule 19 of the Inquiry Rules 2006

4. The Chair has decided that for the purposes of the assessment of costs ("expenses" in Scotland) the relevant part of the UK to exercise jurisdiction is England and Wales, which means that if it becomes necessary for the Chair to appoint a costs assessor under rule 31(1)(a) of the Inquiry Rules 2006 that person will be a costs judge in England and Wales. In reaching this decision the Chair has had regard principally (a) to the fact that the Statute contemplates one jurisdiction to deal with all matters in respect of which jurisdiction in relation to costs is conferred; (b) to the fact that a significant majority of legal representatives of those core participants who are eligible for an award under section 40 of the Inquiries Act 2005 are based within the legal jurisdiction of England and Wales, as are the majority of core participants; (c) that "costs budgeting" has been chosen by the Inquiry thus far, and a costs judge in England and Wales is familiar with this regime whereas it is less familiar to such judges in the other two jurisdictions; (d) the desirability of adopting an approach consistent with that taken by the Minister for the Cabinet Office.

Issued by the Chair on 5 November 2018