

THE ICL PUBLIC INQUIRY

Inquiry Chairman: The Right Honourable Lord Gill

Next Steps Following Conclusion of Phase One Hearings

22 July 2008

1. Proposed findings in fact

- a. At paragraph 36.1 of the Procedures Document dated 2 May 2008 it was stated that at the conclusion of Phase One the Core Participants would be required to submit in writing their proposed findings in fact, by a date to be specified.
- b. These submissions should be confined to findings in fact so far as affecting the interests of the Core Participant concerned, and should identify the evidence upon which each proposed finding is based.
- c. This requirement is waived in respect of Mrs Ferguson, Mrs Smith, Mrs O'Brien, Mrs Russell and those represented by Mr McGuire, unless there are any particular proposed findings in fact relating to their particular interest in the Inquiry that they wish to submit. The Inquiry Secretariat will provide assistance to those who are without representation.
- d. With reference to paragraph 36.2 of the Procedures Document dated 2 May 2008, any other interested person wishing the Inquiry to make a particular finding in fact may submit a note in writing as to that proposed finding, identifying the evidence for such a finding of fact to be made.

These submissions are required by **August 15**.

2. Lessons to be learnt

- a. At paragraph 37.2 of the Procedures Document dated 2 May 2008 it was provisionally indicated that relevant Core Participants would be required to submit in writing their proposed lessons to be learnt arising from the factual circumstances, and at 37.3 it was provisionally indicated that a similar invitation might be extended to any other interested person wishing to propose any particular lesson to be learned, to submit a note in writing identifying the reasons for such a lesson to be learnt.
- b. Core Participants are now invited to identify by way of written submission what measures, in view of the factual circumstances, they consider could have prevented this event from happening at Grovepark Mills, and what inspection or oversight regime they would suggest as being appropriate, and suitable, to ensure the safe and proper installation, maintenance, management, inspection and oversight of LPG pipes on small commercial premises. In doing this they are reminded of the Terms of Reference.

This exercise may usefully be done in tandem with setting out proposed findings in fact and as such these submissions are also required by **August 15**.

- c. With reference to paragraph 37.3 of the Procedures Document dated 2 May 2008 any other interested person who wishes to propose to the Inquiry any particular lesson to be learned is invited to submit a note in writing by **15 August** as to that proposed lesson, identifying the reasons for such a lesson to be learnt.

In the event the families and survivors represented by Thompsons wish to propose any lessons that they consider should be learnt, a Determination as to Funding for legal representation at public expense for that purpose will be issued. The work in respect of findings in fact is expected to have already been done by counsel as part of their work during the course of the Inquiry.

3. Phase Two

- a. Phase Two will be for the purpose of considering recommendations that might be made in respect of issues concerning the supply, storage and use of LPG in accordance with the Terms of Reference.
- b. Phase Two will be based on all of the material that has been disclosed to Core Participants (other than that which has been disclosed and remains as not considered to be relevant). The relevant material includes the expert reports prepared in connection with the disaster at Grovepark Mills, and the evidence of the particular events of the disaster which occurred. Phase Two will not be continuing any consideration as to the circumstances of the disaster but rather how the regime of installation, maintenance and monitoring in respect of LPG pipework may be said to be defective and might be improved. This would include consideration of the position in respect of the circumstances, statutory and other guidance of the directly related and relevant persons, the occupiers, the users, the gas suppliers, the HSE and the LPG industry generally.
- c. The Inquiry has commissioned a further report from Mr Sylvester Evans which it is hoped will be circulated in the early part of September. This will be to legal representatives only and subject to the same confidentiality undertakings as provided previously. Core Participants who are representing themselves, subject to undertakings as to confidentiality, will be given an opportunity to read the further report.

4. Proposed Recommendations

- a. As provisionally proposed at paragraph 37.4 of the Procedure Document of 2 May 2008, Core Participants are invited to submit any proposed recommendations they may have in writing by **26 September 2008**.
- b. With reference to paragraph 37.5 of the Procedures Document dated 2 May 2008, any other interested person who wishes to propose to the Inquiry any proposed recommendation is invited to submit a note in writing by **26 September 2008**.

- c. **A Determination will be issued by the Chairman on or around 10 October scoping Phase Two**, indicating the matters in respect of which he wishes to receive further assistance and identifying those witnesses whom he requires to be called in Phase Two.

22 July 2008