

**Determination by the Chair of the Eljamel Inquiry relating to the planned Section 1  
hearings – April/ May 2026**

This determination relates to the Inquiry's plan to hold section 1 hearings in a three-week slot from the week commencing Monday 20<sup>th</sup> April 2026.

**Background**

I communicated to core participants on 6<sup>th</sup> March 2026 that, due to issues relating to building safety which were beyond the Inquiry's control, the section 1 hearings in April/ May 2026 could not proceed as planned. Last week, I provided an update on the situation in a response which I sent to three MSPs who had written to me about that development and my proposal that some of the oral evidence which had been planned for those hearings could still be heard over that time period, though, if that course were followed, those hearings would require to be held virtually due to the safety issue with the building which had arisen. That correspondence was copied to core participants and published.

At that time, I sought core participants' views via their recognised legal representatives on the only two options available to me, namely proceeding with the hearings in a more limited form than had been planned and postponement of the section 1 hearings entirely until such time as the hearings space could be made safe for attendance by the public (as had originally been planned by me and remains my firm preference) or an alternative hearings venue could be found. I wrote to core participants at that time in light of the concerns which had been expressed to me, and as I remain committed to the Inquiry's principles which were published some time ago, including our commitment to listening to core participants, co-operation with them and providing clarity about my decision-making and the reasons for it.

## Submissions

Representatives of some of the organisational core participants replied to say that they were happy to leave it to me to take a decision as to the way forward at this time. The representatives of the patient group of core participants, Levy & McRae, were unable to provide me with any more detailed information about their clients' positions on these alternatives. I am, however, aware in broad terms, from the MSPs who wrote to me and from publicly available material, that some patient core participants, at least, have expressed understandable upset and anxiety about the possibility of the Inquiry's evidential hearings taking place without them being able to attend in person.

Levy & McRae proposed on behalf of their clients that I should hold a procedural hearing at which their clients' views could be ventilated about the options available. I am not minded to hold a procedural hearing of that nature at this time. The patient core participants have been afforded the opportunity to express their views via their legal representatives in writing, the issues having been ventilated in detail in both my letter of 6 March and the subsequent correspondence with three MSPs. I am aware of some of those views from other sources. No other core participant sought a hearing. All others who responded were happy to leave it to me to decide what to do, in exercise of my powers under section 17 of the Inquiries Act 2005. Holding such a hearing at this time (which would require to have been a virtual hearing, for the safety reasons referred to above), would, in my view, itself have defeated the possibility of section 1 hearings going ahead in April/ May. The time and effort required on the part of my team, as well as on the part of the core participants and their recognised legal representatives, to prepare for, attend and participate meaningfully in such a hearing, would have displaced the opportunity for them to prepare meaningfully for the section 1 hearings themselves, which preparation would, in the normal course, have been taking place, in part at least, in the coming weeks. Considerations of fairness and the reality of preparations requiring time and attention mean, in my view, that core participants, the public and the prospective section 1 witnesses, including professional clinicians with other onerous responsibilities, need to know now whether the planned hearings are going to go ahead or not. In any event, I consider that I have access to adequate information available to me to

determine what to do at this juncture, in accordance with the principles upon which this Inquiry is based and to which I and my team adhere.

### The section 1 hearings

In these circumstances, I have taken the decision to postpone the section 1 hearings which were due to take place in the three week slot in April and May 2025 which had been identified for them. These will be postponed to a later date, which will be announced to core participants in due course, for reasons I address below. It has clearly been a source of considerable upset to some, and perhaps many, core participants amongst the patient group that hearings may take place which they could not attend in person. The matter was of such importance to some that they raised it with their elected representatives, one of whom raised it in Parliament with the First Minister. But it has also been the inevitable consequence of the need to address these very legitimate concerns that my attention and that of my team, as well as of core participants and their legal representatives, has been diverted from their substantive preparations for the planned section 1 hearings. Further delay in discussing and adjudicating upon the procedural plans would now render the hearings impossible to deliver as planned, in any event. It remains my firm commitment to seek to involve core participants meaningfully in our work, which requires timely disclosure and the opportunity to focus their attention on substantive and not purely procedural matters.

In making this decision, it is incumbent upon me to point out, once again, that the position in which the Inquiry finds itself is not of my or the Inquiry's team's making. My team has worked and continues to work tirelessly to seek evidence relevant to our section 1 plan, set appropriate deadlines for its production, gather and assimilate it in accordance with the Inquiry's necessarily complex procedures, and analyse its contents in preparation for hearings. The Scottish Government requires to meet the expenses incurred in holding the Inquiry under section 39(3) of the Inquiries Act 2005. As part of the fulfilment of that obligation, the Inquiry has required to rely on the Scottish Government to provide it with such accommodation to hold its hearings. The hearings suite which has been provided for the Inquiry's use is a commercial property of which the Scottish Government is the tenant. When issues arise with the ability to use the public to use that property safely for our public hearings, the Inquiry

relies on the Scottish Government to explain and resolve them. On this occasion, that has not been done so as to enable our planned section 1 hearings to go ahead. The result is a necessary, though extremely disappointing, delay in our plans.

The ability of core participants to attend the Inquiry hearings, which are public hearings, in a safe and supported environment, in which they can participate fully, in accordance with our procedures, remains a cornerstone of the way in which I wish the Inquiry to be conducted. This applies to all core participants. My commitment to putting the former patients of Mr Eljamel at the centre of the process demands, in my view, on this occasion, that their expressions of anger and upset be listened to and acted upon. I am aware that delay will also cause a degree of upset and disappointment. However, on this occasion I consider it to be necessary in balancing the alternatives, both of which have significant drawbacks.

#### Way forward

These important considerations also create a need for the Inquiry to set out, as soon as I and my team are able, what steps will now be taken in light of this change of plan which has been forced upon us all. In order to help achieve that aim, I do think that the holding of a procedural hearing (which, in all likelihood, will also require to be a virtual hearing) in early course would be beneficial. Further details of the timing and aims of that hearing will be made available to core participants as soon as possible. However, it should be borne in mind that the first step which I intend to take is to seek a clear explanation from the Scottish Government as to when a hearings venue, be it the current hearings suite or a suitable alternative, can be made available for the evidential hearings of the Inquiry to be held. I will do this on the basis that the timing of the evidential hearings will be dependent on a clear answer being provided to that question. I also intend to instruct my own team to conduct further investigation into alternative venues, which we would require to enter into separate arrangements to occupy, and which would inevitably take time to achieve. In the meantime, my team intends to disclose materials to core participants in the coming months to enable progress to be made with our substantive work, in the hope and expectation that a suitable venue will be made available to us for our use.

The Hon. Lord Weir

Chair of the Eljamel Inquiry

23<sup>rd</sup> March 2026