



2013 CHAPTER 2

The inquiry

Duration of appointment of members

3.—(1) Subject to the following provisions of this section, a member of the inquiry remains a member until the inquiry comes to an end (or until the member's death if the member dies before then).

(2) A member of the inquiry panel may at any time resign by notice to the First Minister and deputy First Minister.

(3) The First Minister and deputy First Minister acting jointly may at any time by notice terminate the appointment of a member of the inquiry panel—

- (a) on the ground that, by reason of physical or mental illness or for any other reason, the member is unable to carry out the duties of a member of the inquiry panel;
- (b) on the ground that the member has failed to comply with any duty imposed on the member in relation to the inquiry;
- (c) on the ground that the member has—
 - (i) a direct interest in the matters to which the inquiry relates, or
 - (ii) a close association with an interested party,such that the impartiality of the inquiry panel could reasonably be regarded as affected by that member;
- (d) on the ground that the member has, since being appointed, been guilty of any misconduct that makes the member unsuited to membership of the inquiry panel.

(4) In determining whether subsection (3)(a) applies in a case where the inability to carry out the duties is likely to be temporary, the First Minister and

deputy First Minister acting jointly may have regard to the likely duration of the inquiry.

(5) The First Minister and deputy First Minister acting jointly may not terminate a member's appointment under subsection (3)(c) if they were aware of the interest or association in question when appointing the member.

(6) Before exercising its powers under subsection (3) in relation to a member other than the chairperson, the First Minister and deputy First Minister acting jointly must consult the chairperson.

(7) Before exercising their powers under subsection (3) in relation to any member of the inquiry panel, the First Minister and deputy First Minister acting jointly must—

- (a) inform the member of the proposed decision and of the reasons for it, and take into account any representations made by the member in response, and
- (b) if the member so requests, consult the other members of the inquiry panel (to the extent that no obligation to consult them arises under subsection (6)).