



# Tribunals and Inquiries Act 1992

## 1992 CHAPTER 53

### *Judicial control of tribunals etc.*

#### **10 Reasons to be given for decisions of tribunals and Ministers**

- (1) Subject to the provisions of this section and of section 14, where—
  - (a) any tribunal specified in Schedule 1 gives any decision, or
  - (b) any Minister notifies any decision taken by him—
    - (i) after a statutory inquiry has been held by him or on his behalf, or
    - (ii) in a case in which a person concerned could (whether by objecting or otherwise) have required a statutory inquiry to be so held,it shall be the duty of the tribunal or Minister to furnish a statement, either written or oral, of the reasons for the decision if requested, on or before the giving or notification of the decision, to state the reasons.
- (2) The statement referred to in subsection (1) may be refused, or the specification of the reasons restricted, on grounds of national security.
- (3) A tribunal or Minister may refuse to furnish a statement under subsection (1) to a person not primarily concerned with the decision if of the opinion that to furnish it would be contrary to the interests of any person primarily concerned.
- (4) Subsection (1) does not apply to any decision taken by a Minister after the holding by him or on his behalf of an inquiry or hearing which is a statutory inquiry by virtue only of an order made under section 16(2) unless the order contains a direction that this section is to apply in relation to any inquiry or hearing to which the order applies.
- (5) Subsection (1) does not apply—
  - (a) to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons,
  - (b) to decisions of a Minister in connection with the preparation, making, approval, confirmation, or concurrence in regulations, rules or byelaws, or orders or schemes of a legislative and not executive character, or

- (c) to decisions of the Occupational Pensions Board referred to in paragraph 35(d) of Schedule 1.
- (6) Any statement of the reasons for a decision referred to in paragraph (a) or (b) of subsection (1), whether given in pursuance of that subsection or of any other statutory provision, shall be taken to form part of the decision and accordingly to be incorporated in the record.
- (7) If, after consultation with the Council, it appears to the Lord Chancellor and the Lord Advocate that it is expedient that—
  - (a) decisions of any particular tribunal or any description of such decisions, or
  - (b) any description of decisions of a Minister,should be excluded from the operation of subsection (1) on the ground that the subject-matter of such decisions, or the circumstances in which they are made, make the giving of reasons unnecessary or impracticable, the Lord Chancellor and the Lord Advocate may by order direct that subsection (1) shall not apply to such decisions.
- (8) Where an order relating to any decisions has been made under subsection (7), the Lord Chancellor and the Lord Advocate may, by a subsequent order made after consultation with the Council, revoke or vary the earlier order so that subsection (1) applies to any of those decisions.