



Inquiries Act 2005

2005 CHAPTER 12

General

41 Rules

- (1) The appropriate authority may make rules dealing with—
 - (a) matters of evidence and procedure in relation to inquiries;
 - (b) the return or keeping, after the end of an inquiry, of documents given to or created by the inquiry;
 - (c) awards under section 40.
- (2) Rules under subsection (1)(c) may in particular—
 - (a) make provision as to how and by whom the amount of awards is to be assessed, including provision allowing the assessment to be undertaken by the inquiry panel or by such other person as the panel may nominate;
 - (b) make provision for review of an assessment at the instance of a person dissatisfied with it.
- (3) The appropriate authority is—
 - (a) the Lord Chancellor, as regards inquiries for which a United Kingdom Minister is responsible;
 - (b) the Scottish Ministers, as regards inquiries for which they are responsible;
 - (c) the [^{F1}Welsh Ministers]^{F1}, as regards inquiries for which [^{F2}they are]^{F2} responsible;
 - (d) the First Minister and deputy First Minister acting jointly, as regards inquiries for which a Northern Ireland Minister is responsible.
- (4) The power to make rules under this section is exercisable—
 - (a) in the case of rules made by the Lord Chancellor, the [^{F3}Welsh Ministers]^{F3} or the Scottish Ministers, by statutory instrument;
 - (b) in the case of rules made by the First Minister and deputy First Minister, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

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- (5) A statutory instrument made under this section is subject to annulment—
- (a) if made by the Lord Chancellor, in pursuance of a resolution of either House of Parliament;
 - [^{F4}(aa) if made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales;]
 - ^{F4}(b) if made by the Scottish Ministers, in pursuance of a resolution of the Scottish Parliament.
- (6) A statutory rule made under this section is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).

Textual Amendments

- F1** Words in s. 41(3)(c) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160, Sch. 10 para. 95\(2\)\(a\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act
- F2** Words in s. 41(3)(c) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160, Sch. 10 para. 95\(2\)\(b\)](#) (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act
- F3** Words in s. 41(4)(a) substituted by [Government of Wales Act 2006 \(c. 32\), s. 160, Sch. 10 para. 95\(3\)](#), (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act
- F4** [S. 41\(5\)\(aa\)](#) inserted by [Government of Wales Act 2006 \(c. 32\), s. 160, Sch. 10 para. 95\(4\)](#), (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see [ss. 46, 161\(1\)\(4\)\(5\)](#) of the amending Act

42 Notices etc

A notice or notification under this Act must be given in writing.

43 Interpretation

- (1) In this Act—
- “assessor” means an assessor appointed under section 11;
 - “chairman”, in relation to an inquiry, means the chairman of the inquiry;
 - “the course of the inquiry” and similar expressions are to be read in accordance with subsection (2);

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“date of conversion” has the meaning given by section 15(1);

“document” includes information recorded in any form (and see subsection (3));

“event”, except in sections 13 and 46, includes any conduct or omission;

“inquiry”, except where the context requires otherwise, means an inquiry under this Act;

“inquiry panel” is to be read in accordance with section 3(2);

“interested party”, in relation to an inquiry, means a person with a particularly significant interest in the proceedings or outcome of the inquiry;

“interim report” means a report under section 24(3);

“joint inquiry” has the meaning given by section 32(2);

“member”, in relation to an inquiry panel, includes the chairman;

“Minister” is to be read in accordance with section 1(2) (and see subsection (4) below);

“Northern Ireland Minister” includes the First Minister and the deputy First Minister acting jointly;

“public authority” has the same meaning as in the Freedom of Information Act 2000 (c. 36);

“the relevant Parliament or Assembly” means whichever of the following is or are applicable—

- (a) in the case of an inquiry for which the Treasury is responsible, the House of Commons;
- (b) in the case of an inquiry for which any other United Kingdom Minister is responsible, or one for which the Secretary of State exercising functions by virtue of section 45(2) is responsible, the House of Parliament of which that minister is a member;
- (c) in the case of an inquiry for which the Scottish Ministers are responsible, the Scottish Parliament;
- (d) in the case of an inquiry for which the [^{F5}Welsh Ministers are responsible, the National Assembly for Wales]^{F5};
- (e) in the case of an inquiry for which a Northern Ireland Minister is responsible, the Northern Ireland Assembly;

“the relevant part of the United Kingdom”, in relation to an inquiry, means the part specified under section 31(1);

“report” means a report under section 24(1);

“responsible”, in relation to an inquiry, is to be read in accordance with subsection (5);

[^{F6}“retained enforceable EU obligation” means an obligation (as modified from time to time) which forms part of retained EU law by virtue of section 3 and 4 of the European Union (Withdrawal) Act 2018;]

“Scottish public authority” has the same meaning as in the Freedom of Information (Scotland) Act 2002 (asp 13);

“setting-up date” means the date specified under section 5(1)(a);

“statutory provision” means a provision contained in, or having effect under, any enactment, Act of the Scottish Parliament or Northern Ireland legislation;

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“terms of reference”, in relation to an inquiry under this Act, has the meaning given by section 5(6);

“United Kingdom Minister”—

- (a) means the holder of a Ministerial office specified in Part 1, 2 or 3 of Schedule 1 to the Ministerial and other Salaries Act 1975 (c. 27) or a Parliamentary Secretary;
- (b) also includes the Treasury.

But a reference to a United Kingdom Minister does not include a reference to the Secretary of State discharging functions by virtue of section 45(2).

- (2) References in this Act to the course of an inquiry are to the period beginning with the setting-up date, or (in the case of an inquiry converted under section 15) the date of conversion, and ending with the date on which the inquiry comes to an end (which is given by section 14).
- (3) References in this Act to producing or providing a document, in relation to information recorded otherwise than in legible form, are to be read as references to producing or providing a copy of the information in a legible form.
- (4) References in this Act to “the Minister”, in relation to an inquiry, are to the Minister or Ministers responsible for the inquiry.
- (5) For the purposes of this Act a Minister is “responsible” for an inquiry if he is the Minister, or one of the Ministers, by whom it was caused to be held under section 1 or converted under section 15.

This is subject to section 34(2)(a).

Textual Amendments

- F5** S. 43(1): words in definition substituted by [Government of Wales Act 2006 \(c. 32\), s. 160, Sch. 10 para. 96](#), (with Sch. 11 para. 22), the amending provision coming into force immediately after “the 2007 election” (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of “the initial period” (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act
- F6** Words in s. 43(1) inserted (31.12.2020) by [The Inquiries and Coroners \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1252\), regs. 1\(1\), 2\(d\)](#); 2020 c. 1, Sch. 5 para. 1(1)

44 Transitory, transitional and saving provisions

- (1) Section 15 applies whether the original inquiry was caused to be held before or after the commencement of that section.
- (2) For the purposes of that section, an inquiry appointed otherwise than under this Act includes a tribunal of inquiry appointed in pursuance of resolutions of both Houses of Parliament under section 1 of the Tribunals of Inquiry (Evidence) Act 1921 (c. 7).
- (3) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44), the reference in section 35(8)(a) above to 51 weeks is to be read as a reference to six months.
- (4) This Act does not affect—

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- (a) any power of Her Majesty to establish a Royal Commission, or
 - (b) except as provided by section 15 or by sections 46 to 49 (and Schedules 1 to 3), any power of a Minister or other person (whether under a statutory provision or otherwise) to cause an inquiry to be held otherwise than under this Act.
- (5) The repeal by this Act of any statutory provision under which an inquiry has been caused to be held does not affect any power or duty conferred or imposed in respect of the inquiry, and accordingly—
- (a) the inquiry may continue,
 - (b) any report may be submitted and published, and
 - (c) any proceedings arising out of the inquiry may be taken or continued, as if the enactment had not been repealed.

45 Suspension of devolved government in Northern Ireland

- (1) This section applies in relation to any time when section 1 of the Northern Ireland Act 2000 (c. 1) (suspension of devolved government in Northern Ireland) is in force.
- (2) Functions conferred by this Act on a Northern Ireland Minister may be discharged by the Secretary of State (and a reference to an inquiry for which a Northern Ireland Minister is responsible is to be read accordingly).

In relation to such functions, this subsection applies in place of paragraph 4(1)(a) to (c) of the Schedule to the Northern Ireland Act 2000.
- (3) A requirement under this Act to consult any Northern Ireland Minister is to be read as a requirement to consult the Secretary of State.
- (4) In the case of rules under section 41 made by the Secretary of State by virtue of subsection (3)(d) of that section and subsection (2) above, subsections (4)(a) and (5)(a) of that section apply in relation to the Secretary of State as they apply in relation to the Lord Chancellor.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

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