

*These notes refer to the Inquiries Act 2005 (c.12)
which received Royal Assent on 7 April 2005*

INQUIRIES ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Constitution of Inquiry

Section 2: No determination of liability

8. The purpose of this section is to make clear that inquiries under this Act have no power to determine civil or criminal liability and must not purport to do so. There is often a strong feeling, particularly following high profile, controversial events, that an inquiry should determine who is to blame for what has occurred. However, inquiries are not courts and their findings cannot and do not have legal effect. The aim of inquiries is to help to restore public confidence in systems or services by investigating the facts and making recommendations to prevent recurrence, not to establish liability or to punish anyone.
9. However, as subsection (2) is designed to make clear, it is not intended that the inquiry should be hampered in its investigations by a fear that responsibility may be inferred from a determination of a fact.