

Status: Point in time view as at 28/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Inquiries Act 2005. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 47

PROVISIONS APPLICABLE TO INQUIRIES ETC UNDER NORTHERN IRELAND LEGISLATION

The following is the Schedule inserted into the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))—

“SCHEDULE A1

PROVISIONS APPLICABLE TO INQUIRIES AND INVESTIGATIONS

Introductory

- 1 In this Schedule—
- “the inquiry” means any inquiry or investigation in relation to which, by virtue of section 23 of this Act, the provisions of this Schedule apply;
 - “the Department” means the Minister or Northern Ireland department causing the inquiry to be held.

Appointment of person to hold inquiry

- 2 The Department shall appoint a person to hold the inquiry and to report thereon to the Department.

Notification of time and place of inquiry

- 3 Notification shall be sent to any persons appearing to the Department or the person appointed to hold the inquiry to be interested of the time when, and the place where, the inquiry is to be held.

Powers to require persons to give evidence etc.

- 4 (1) Subject to sub-paragraphs (2) and (3), the person appointed to hold the inquiry may by notice require any person—
- (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or
 - (b) to furnish, within such reasonable period as is specified in the notice, such information relating to any matter in question at the inquiry as the person appointed to hold the inquiry may think fit, and as the person so required is able to furnish.
- (2) A person shall not be required, in obedience to such a notice, to attend at any place which is more than 16 kilometres from the place where he resides unless the necessary expenses are paid or tendered to him.

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- (3) Nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document, or to answer any question, which he would be entitled, on the ground of privilege or otherwise, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.

Oaths and statements

- 5 The person appointed to hold the inquiry may administer oaths and examine witnesses on oath, and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.

Offences

- 6 Any person who—
- (a) refuses or wilfully neglects to attend in obedience to a notice under paragraph 4, or to give evidence; or
 - (b) wilfully alters, suppresses, conceals or destroys or refuses to produce any book or document which he may be required to produce by any such notice; or
 - (c) refuses or deliberately neglects to furnish any information which he is required to furnish under paragraph 4(1)(b);
- shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level 2 on the standard scale.

Expenses

- 7 (1) The expenses incurred by the Department in relation to the inquiry (including such sum as the Department may, with the approval of the Department of Finance and Personnel, determine in respect of the services of any officer engaged in the inquiry) shall be paid by such of the parties to the inquiry in such proportions as the Department may order.
- (2) The Department may make orders as to the expenses incurred by the parties appearing at the inquiry and as to the parties by whom such expenses shall be paid.
- (3) Any order made by the Department under sub-paragraph (1) or (2) may, on the application of any party to the inquiry, be made a rule of the High Court.”

SCHEDULE 2

Section 48

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

ACTS OF PARLIAMENT

Regulation of Railways Act 1871 (c. 78)

- 1 Section 7 of the Regulation of Railways Act 1871 (inquiry into accidents and formal investigation in serious cases) is omitted.

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Ministry of Transport Act 1919 (c. 50)

- 2 Section 20 of the Ministry of Transport Act 1919 (power to hold inquiries) is omitted.

Road and Rail Traffic Act 1933 (c. 53)

- 3 Section 47 of the Road and Rail Traffic Act 1933 (inquiries by Minister) is omitted.

Agricultural Marketing Act 1958 (c. 47)

- 4 In section 26 of the Agricultural Marketing Act 1958 (constitution and functions of Agricultural Marketing Reorganisation Commissions) subsections (6) to (8) are omitted.

Mental Health Act 1959 (c. 72)

- 5 Section 143 of the Mental Health Act 1959 (inquiries) is omitted.

Transport Act 1962 (c. 46)

- 6 Section 90 of the Transport Act 1962 (inquiries) is omitted.

National Health Service Act 1977 (c. 49)

- 7 Section 84 of the National Health Service Act 1977 (inquiries) is omitted.

Public Passenger Vehicles Act 1981 (c. 14)

- 8 In the Public Passenger Vehicles Act 1981, sections 76 (general power to hold inquiries) and 77 (general provisions as to inquiries) are omitted.

Mental Health Act 1983 (c. 20)

- 9 Section 125 of the Mental Health Act 1983 (inquiries) is omitted.

Road Traffic Regulation Act 1984 (c. 27)

- 10 In the Road Traffic Regulation Act 1984, sections 128 (power to hold inquiries) and 129 (general provisions as to inquiries) are omitted.

Road Traffic Act 1988 (c. 52)

- 11 Section 179 of the Road Traffic Act 1988 (general power to hold inquiries) is omitted.

Children Act 1989 (c. 41)

- 12 Section 81 of the Children Act 1989 (inquiries) is omitted.

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Further and Higher Education Act 1992 (c. 13)

- 13 In section 57 of the Further and Higher Education Act 1992 (intervention) subsection (9) is omitted.

Police Act 1996 (c. 16)

- 14 Section 49 of the Police Act 1996 (local inquiries) is omitted.

Education Act 1996 (c. 56)

- 15 Section 507 of the Education Act 1996 (power to direct local inquiries) is omitted.

Police Act 1997 (c. 50)

- 16 In the Police Act 1997, sections 34 (National Criminal Intelligence Service: inquiries) and 79 (National Crime Squad: inquiries) are omitted.

Police (Northern Ireland) Act 1998 (c. 32)

- 17 Section 44 of the Police (Northern Ireland) Act 1998 (inquiries) is omitted.

Protection of Children Act 1999 (c. 14)

- 18 ^{F1}

Textual Amendments

- F1** Sch. 2 para. 18 repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63, 65, [Sch. 10](#)(with ss. 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Care Standards Act 2000 (c. 14)

- 19 ^{F2}

Textual Amendments

- F2** Sch. 2 para. 19 repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63, 65, [Sch. 10](#)(with ss. 57(3), 60(4), 64(5)); [S.I. 2009/2611](#), [art. 2](#), [Sch.](#)

Regulation of Investigatory Powers Act 2000 (c. 23)

- 20 (1) Section 17 of the Regulation of Investigatory Powers Act 2000 (exclusion of matters from legal proceedings) is amended as follows.
- (2) In subsection (1), after “legal proceedings” there is inserted “ or Inquiries Act proceedings ”.
- (3) In subsection (4), for “In this section “intercepted communications” means” there is substituted ““In this section—

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“Inquiries Act proceedings” means proceedings of an inquiry under the Inquiries Act 2005;

“intercepted communications” means”.”.

- 21 (1) Section 18 of that Act (exceptions to section 17) is amended as follows.
- (2) In subsection (5) the word “legal” is omitted.
- (3) In subsection (7), after paragraph (b) there is inserted “; or
(c) a disclosure to the panel of an inquiry held under the Inquiries Act 2005 in the course of which the panel has ordered the disclosure to be made to the panel alone.”
- (4) After subsection (8) there is inserted—
- “(8A) The panel of an inquiry shall not order a disclosure under subsection (7) (c) except where it is satisfied that the exceptional circumstances of the case make the disclosure essential to enable the inquiry to fulfil its terms of reference.”

Police (Northern Ireland) Act 2000 (c. 32)

- 22 In section 60 of the Police (Northern Ireland) Act 2000 (inquiry by Board following report by Chief Constable), for subsection (14) there is substituted—
- “(14) “Paragraphs 3 to 6 of Schedule A1 to the Interpretation Act (Northern Ireland) 1954 (provisions applicable to inquiries etc. under Northern Ireland legislation) shall apply to an inquiry under this section with the substitution for references to the Department of references to the person conducting the inquiry.””

Adoption and Children Act 2002 (c. 38)

- 23 Section 17 of the Adoption and Children Act 2002 (inquiries) is omitted.

Fire and Rescue Services Act 2004 (c. 21)

- 24 Section 27 of the Fire and Rescue Services Act 2004 (inquiries) is omitted.

PART 2

ACTS OF THE SCOTTISH PARLIAMENT

Protection of Children (Scotland) Act 2003 (asp 5)

- 25 [F3 In section 6 of the Protection of Children (Scotland) Act 2003 (individuals named in the findings of certain inquiries), in subsection (6), after paragraph (a) there is inserted—
- “(aa) an inquiry held under the Inquiries Act 2005;”.]

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Textual Amendments

- F3** Sch. 2 Pt. 2 repealed (S.) (28.2.2011) by [Protection of Vulnerable Groups \(Scotland\) Act 2007 \(asp 14\)](#), s. 101(2), [Sch. 4 para. 45](#) (with ss. 90, 99); S.S.I. 2011/157, art. 2(a) (with art. 5(2))

PART 3

NORTHERN IRELAND LEGISLATION

Local Government Act (Northern Ireland) 1923 (c. 31 (N.I.))

- 26 Section 6 of the Local Government Act (Northern Ireland) 1923 (fees for holding inquiries) is omitted.

Petroleum (Consolidation) Act (Northern Ireland) 1929 (c. 13 (N.I.))

- 27 Section 14 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 (inquiry into accidents connected with petroleum spirit) is omitted.

Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))

- 28 Section 7 of the Prison Act (Northern Ireland) 1953 (sworn inquiries) is omitted.

Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))

- 29 In the Health and Personal Social Services (Northern Ireland) Order 1972, Article 54 (inquiries) and Schedule 8 (provisions as to inquiries) are omitted.

Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))

- 30 In Article 16 of the Health and Safety at Work (Northern Ireland) Order 1978 (investigations and inquiries) the following words are omitted—
- (a) in paragraph (1), “the Department concerned or”;
 - (b) in paragraph (2), “The Department concerned or”;
 - (c) in paragraph (5), “the Department concerned or, as the case may be,” and “that Department or” (in both places);
 - (d) in paragraph (6) “The Department concerned or, as the case may be,”;
 - (e) in paragraph (6)(a), (b) and (c), “that Department or”.

Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1))

- 31 In Schedule 5 to the Road Traffic (Northern Ireland) Order 1981 (provisions as to inquiries and applications), in paragraph 5, for “Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972” there is substituted “Schedule A1 to the Interpretation Act (Northern Ireland) 1954”.

Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12))

- 32 In Article 4 of the Agricultural Marketing (Northern Ireland) Order 1982 (approval of schemes), in paragraph (10), for the words from “Article 54” to “1954,” there is

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substituted “ Schedule A1 to the Interpretation Act (Northern Ireland) 1954 shall, in its application to any such inquiry by virtue of section 23 of that Act, ”.

Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

33 Article 108 of the Education and Libraries (Northern Ireland) Order 1986 (inquiries and investigations) is omitted.

Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))

34 Article 69 of the Adoption (Northern Ireland) Order 1987 (inquiries) is omitted.

Roads (Northern Ireland) Order 1993 (S.I. 1993/3160 (N.I. 15))

35 In Article 130 of the Roads (Northern Ireland) Order 1993 (inquiries), in paragraph (2)—

- (a) for “Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972” there is substituted “ Schedule A1 to the Interpretation Act (Northern Ireland) 1954 ”;
- (b) for “the Interpretation Act (Northern Ireland) 1954” there is substituted “ that Act ”;
- (c) for “paragraph 6” there is substituted “ paragraph 7(1) ”.

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

36 Article 152 of the Children (Northern Ireland) Order 1995 (inquiries) is omitted.

Commissioner for Complaints (Northern Ireland) Order 1996 (S.I. 1996/1297 (N.I. 7))

37 In Article 9 of the Commissioner for Complaints (Northern Ireland) Order 1996 (matters not subject to investigation), in paragraph (5), for the words from “the subject of” to the end there is substituted “the subject of—

- (a) an inquiry under the Inquiries Act 2005, or
- (b) any such inquiry as is referred to in section 23 of the Interpretation Act (Northern Ireland) 1954 (inquiries and investigations)”.

Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/276 (N.I. 2))

38 In Article 65 of the Road Traffic Regulation (Northern Ireland) Order 1997 (inquiries), in paragraph (2)—

- (a) for “Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972” there is substituted “ Schedule A1 to the Interpretation Act (Northern Ireland) 1954 ”;
- (b) for “the Interpretation Act (Northern Ireland) 1954” there is substituted “ that Act ”;
- (c) for “paragraph 6” there is substituted “ paragraph 7(1) ”.

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

39 Article 58 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (inquiries and investigations) is omitted.

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*Protection of Children and Vulnerable Adults
(Northern Ireland) Order 2003 (S.I. 2003/417 (N.I. 4))*

- 40 In Articles 7 and 39 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (individuals named in the findings of certain inquiries), in paragraph (7)(a), after “held” there is inserted “ under the Inquiries Act 2005 or ”.

*Commissioner for Children and Young People
(Northern Ireland) Order 2003 (S.I. 2003/439 (N.I. 11))*

- 41 In Article 13 of the Commissioner for Children and Young People (Northern Ireland) Order 2003 (actions which may be investigated: restrictions and exclusions), in paragraph (3), for “the subject of a local or public inquiry” there is substituted “the subject of—
- (a) an inquiry under the Inquiries Act 2005, or
 - (b) any such inquiry as is referred to in section 23 of the Interpretation Act (Northern Ireland) 1954 (inquiries and investigations)”.

SCHEDULE 3

Section 49

REPEALS AND REVOCATIONS

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Regulation of Railways Act 1871 (c. 78)	Section 7.
Ministry of Transport Act 1919 (c. 50)	Section 20.
Tribunals of Inquiry (Evidence) Act 1921 (c. 7)	The whole Act.
Local Government Act (Northern Ireland) 1923 (c. 31 (N.I.))	Section 6.
Petroleum (Consolidation) Act (Northern Ireland) 1929 (c. 13 (N.I.))	Section 14.
Road and Rail Traffic Act 1933 (c. 53)	Section 47.
Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))	Section 7.
Agricultural Marketing Act 1958 (c. 47)	Section 26(6) to (8).
Mental Health Act 1959 (c. 72)	Section 143.
Transport Act 1962 (c. 46)	Section 90.
Fees for Inquiries (Variation) Order 1968 (S.I. 1968/656)	In the Schedule, the entries relating to the Road and Rail Traffic Act 1933 and the Road Traffic Act 1960.
Civil Evidence Act 1968 (c. 64)	Section 17(1)(a).
Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))	In section 13(1), the words from the beginning to “; and” and the word “other”.

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Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))	Article 54. Schedule 8. In Schedule 16, paragraph 17.
Local Government (Modifications and Repeals) Order (Northern Ireland) 1973 (S.R. & O. 1973 No. 285)	In the Schedule, the entry relating to section 6 of the Local Government Act (Northern Ireland) 1923.
National Health Service Act 1977 (c. 49)	Section 84.
Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))	In Article 16— (a) in paragraph (1) the words “the Department concerned or”; (b) in paragraph (2) the words “The Department concerned or”; (c) in paragraph (5) the words “the Department concerned or, as the case may be,” and the words “that Department or” (in both places); (d) in paragraph (6) the words “The Department concerned or, as the case may be,”; (e) in paragraph (6)(a), (b) and (c) the words “that Department or”.
Public Passenger Vehicles Act 1981 (c. 14)	Sections 76 and 77.
Mental Health Act 1983 (c. 20)	Section 125.
Road Traffic Regulation Act 1984 (c. 27)	Sections 128 and 129.
Fees (Increase) Order (Northern Ireland) 1984 (S.R. (N.I.) 1984 No. 369)	In the Schedule, the entry relating to the Local Government Act (Northern Ireland) 1923.
Local Government Act 1985 (c. 51)	In Schedule 5, paragraph 4(36).
Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))	Article 108.
Channel Tunnel Act 1987 (c. 53)	In Schedule 6, in paragraph 3 the words “and 7 (inquiries into railway accidents)”.
Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))	Article 69.
Road Traffic Act 1988 (c. 52)	Section 179.
Children Act 1989 (c. 41)	Section 81.
National Health Service and Community Care Act 1990 (c. 19)	In Schedule 9, paragraph 18(6).
Courts and Legal Services Act 1990 (c. 41)	In Schedule 16, paragraph 21.
Further and Higher Education Act 1992 (c. 13)	Section 57(9).
Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))	Article 152. In Schedule 9, paragraph 80.

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Police Act 1996 (c. 16)	Section 49.
Education Act 1996 (c. 56)	Section 507.
Police Act 1997 (c. 50)	Sections 34 and 79.
Police (Northern Ireland) Act 1998 (c. 32)	Section 44.
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	Article 58.
Access to Justice Act 1999 (c. 22)	In Schedule 11, paragraph 9.
Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747)	In Schedule 18, paragraph 2(20).
Health Act 1999 (Supplementary and Consequential Provisions) Order 1999 (S.I. 1999/2795)	Article 2(2).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	In Schedule 9, paragraph 128. In Schedule 4, paragraph 14(17).
Local Government Act 2000 (c. 22)	In Schedule 5, paragraph 21.
Regulation of Investigatory Powers Act 2000 (c. 23)	In section 18, the word “legal” in subsection (5) and the word “or” preceding paragraph (b) of subsection (7).
Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (No. 2) Order 2000 (S.I. 2000/3251)	In Schedule 2, paragraph 2(27) to (29).
Adoption and Children Act 2002 (c. 38)	Section 17.
Railway Safety Act (Northern Ireland) 2002 (c. 8 (N.I.))	Section 7(1).
Health and Social Care (Community Health and Standards) Act 2003 (c. 43)	In Schedule 4, paragraph 33.
Fire and Rescue Services Act 2004 (c. 21)	Section 27.

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