
STATUTORY INSTRUMENTS

1983 No. 1287

TRIBUNALS AND INQUIRIES

**The Tribunals and Inquiries (Discretionary
Inquiries) (Amendment) Order 1983**

<i>Made</i>	- - - -	<i>9th August 1983</i>
<i>Laid before Parliament</i>		<i>26th August 1983</i>
<i>Coming into Operation</i>		<i>30th September 1983</i>

The Lord Chancellor and the Lord Advocate, in exercise of the powers conferred by section 19(2) as read with section 16(2) of the Tribunals and Inquiries Act 1971, on the Lord Chancellor and the Lord Advocate⁽¹⁾, hereby make the following Order:—

1. This Order may be cited as the Tribunals and Inquiries (Discretionary Inquiries) (Amendment) Order 1983 and shall come into operation on 30th September 1983.

2. Part I of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975⁽²⁾ shall be amended as follows:—

(a) For paragraph 23 there shall be substituted:—

“**23.** Any inquiry held under section 40 of the British Nationality Act 1981.”⁽³⁾

(b) After paragraph 72 there shall be inserted the following paragraphs:—

“**72A.** Any inquiry held under Part I of the Schedule to the Control of Off-Street Parking (England and Wales) Order 1978.”⁽⁴⁾

“**72B.** Any inquiry held under Part I of the Schedule to the Control of Off-Street Parking (Scotland) Order 1979.”⁽⁵⁾

“**72C.** Any inquiry held under section 4(2) or 5(3) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979.”⁽⁶⁾

“**72D.** Any inquiry held under section 90C of the Highways Act 1980.”⁽⁷⁾

(1) See the Transfer of Functions (Secretary of State and Lord Advocate) Order 1972 (S.I. 1972/2002).

(2) amended by S.I. 1976/293.

(3) 1981 c. 61.

(4) S.I. 1978/1535.

(5) S.I. 1979/119.

(6) 1979 c. 41.

(7) As inserted by section 32 of and paragraph 2 of Part I of Schedule 10 to the Transport Act 1981 (c. 56).

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“72E. Any inquiry held under paragraph 6(4) of Schedule 10 to the Transport Act 1981.”**(8)**

3. Part II of the Schedule to the Tribunals and Inquiries (Discretionary Inquiries) Order 1975 shall be amended as follows:—

(a) For paragraph 79 there shall be substituted:—

“79. Any inquiry held under section 28(6) of and paragraph 8 of Part I of Schedule 3 to the Salmon and Freshwater Fisheries Act 1975.”**(9)**

(b) After paragraph 105 there shall be inserted the following paragraphs:—

“106. Any hearing held pursuant to regulations made under section 16(1) of the Health Services Act 1976.”**(10)**

“107. Any inquiry held under section 11(3) of the Social Security and Housing Benefits Act 1982.”**(11)**

Dated the 9th August 1983

Hailsham of St. Marlebone, C
Mackay of Clashfern
Lord Advocate

(8) 1981 c. 56.
(9) 1975 c. 51.
(10) 1976 c. 83.
(11) 1982 c. 24.

EXPLANATORY NOTE

This Order amends the Tribunals and Inquiries (Discretionary Inquiries) Order 1975 (“the 1975 Order”) by including in the Schedule to that Order the discretionary inquiries specified, thus applying sections 1 and 11 of the Tribunals and Inquiries Act 1971 to those inquiries. This brings the specified inquiries within the jurisdiction of the Council on Tribunals and gives the Lord Chancellor and, in Scotland, the Lord Advocate, power to make rules regulating their procedures.

Section 12 of the Tribunals and Inquiries Act 1971 applies to the inquiries listed in Part I of the Schedule to the 1975 Order. It will thus be the duty of any Minister who takes a decision after any such inquiry has been held by him or on his behalf to give the reasons for the decision unless he is relieved of the duty by virtue of section 12(2) or (4). There will be no duty to give reasons for the decision in the case of any inquiry listed in Part II of the Schedule to the 1975 Order since section 12 does not apply in relation to such inquiries.