



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART XII

MISCELLANEOUS, GENERAL AND TRANSITIONAL

Miscellaneous

210 Power to direct inquiries.

- (1) Where any Minister is authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation, sanction or approval to any matter, or otherwise to act under this Act^{F1} . . ., or where the Secretary of State is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, he may cause a local inquiry to be held.
- (2) Except as otherwise provided in any enactment, the Minister may appoint an officer of his Department or any other person to conduct the inquiry and to report thereon to him.
- (3) The person appointed to hold the inquiry shall cause notice of the time and place of the inquiry to be given to the bodies and persons appearing to him to be interested.
- (4) For the purpose of any such local inquiry, the person appointed to hold the inquiry may by notice in writing require any person to attend, at a time and place stated in the notice, to give evidence or to produce any books or other documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths:

Provided that—

- (a) no person shall be required, in obedience to such a notice, to attend to give evidence or to produce any such books or other documents, unless the necessary expenses of his attendance are paid or tendered to him; and
- (b) nothing in this subsection shall empower the person holding 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 confidentiality, to

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refuse to produce or to answer if the inquiry were a proceeding in a court of law.

- (5) Any person who refuses or wilfully neglects to attend in obedience to a notice under this section to give evidence or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he is required or is liable to be required to produce for the purposes of this section shall be liable on summary conviction to a fine not exceeding [^{F2}level 1 on the standard scale] or to imprisonment for a term not exceeding three months, or to both.
- (6) The Minister causing the inquiry to be held may, if he thinks fit, pay such expenses of witnesses and such expenses of or concerning the production of any books or other documents as to him seems reasonable, and such expenses shall be deemed to be part of the expenses of the inquiry.
- [^{F3}(7) The Minister may make orders as to the expenses incurred—
 - (a) by the Minister in relation to—
 - (i) the inquiry;
 - (ii) arrangements made for an inquiry which does not take place; and
 - (b) by the parties to the inquiry,
 and as to the parties by whom any of the expenses mentioned in paragraphs (a) and (b) above shall be paid.
- (7A) What may be recovered by the Minister is the entire administrative expense of the inquiry, so that, in particular—
 - (a) there shall be treated as expenses incurred in relation to the inquiry such reasonable sum as the Minister may determine in respect of the general staff expenses and overheads of his department, and
 - (b) there shall be treated as expenses incurred by the Minister holding the inquiry any expenses incurred in relation to the inquiry by any other Minister or Government department and, where appropriate, such reasonable sum as that Minister or department may determine in respect of general staff expenses and overheads.
- (7B) The Minister may by regulations prescribe for any description of inquiry a standard daily amount and where an inquiry of that description does take place what may be recovered is—
 - (a) the prescribed standard amount in respect of each day (or an appropriate proportion of that amount in respect of a part of a day) on which the inquiry sits or the person appointed to hold the inquiry is otherwise engaged on work connected with the inquiry,
 - (b) expenses actually incurred in connection with the inquiry on travelling or subsistence allowances or the provision of accommodation or other facilities for the inquiry, and
 - (c) any expenses attributable to the appointment of an assessor to assist the person appointed to hold the inquiry, and
 - (d) any legal expenses or disbursements incurred or made by or on behalf of the Minister in connection with the inquiry.]
- [^{F4}(8) Where the Minister has made an order under subsection (7) of this section requiring any party to pay expenses to him he shall certify the amount of the expenses, and any amount so certified shall be a debt due by that party to the Crown and shall be recoverable accordingly.]

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- (9) This section shall not apply in the case of a local inquiry held under any enactment where the enactment contains provisions with regard to such inquiries.

Textual Amendments

- F1** Words repealed by [Local Government \(Scotland\) Act 1975 \(c. 30\)](#), **Sch. 7**
- F2** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)
- F3** S. 210(7)(7A)(7B) substituted for s. 210(7)(8) by [Housing and Planning Act 1986 \(c. 63, SIF 81:2\)](#), **ss. 49, 53**, **Sch. 11 Pt. II para. 39(1)**
- F4** S. 210(8) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 81:2\)](#), **ss. 49, 57(2)**, **Sch. 11 Pt. II para. 39(2)**

Modifications etc. (not altering text)

- C1** S. 210 applied (9.5.1991) by [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\)](#), s. 1, **Sch. Pt. VI**, s. 45(3), **Pt. VIII s. 70**
S. 210 applied (temp. from 6.4.1995 until 1.4.1996) by [S.I. 1995/789](#), art. 2, **Sch. para. 3**
S. 210 applied (with modifications) (1.2.2000) by [S.I. 1999/3445](#), **reg. 9(5)**
- C2** S. 210(2)(4)-(8) applied (with modifications) (2.8.2004) by [The Justification of Practices Involving Ionising Radiation Regulations 2004 \(S.I. 2004/1769\)](#), **reg. 17(2)(b)**
- C3** S. 210(2)-(9) excluded by [Water \(Scotland\) Act 1980 \(c. 45\)](#), **s. 99(2)**
- C4** S. 210(2)-(8) applied (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 108\)](#), **ss. 160(4) (5), 161(6)**, **Sch. 7 para. 4(3)** (with **ss. 25(2), 167(4)(5)**); [S.I. 1992/2990](#), art. 2(2), **Sch. 2**
S. 210(2)-(8) applied (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), **ss. 15(7), 20(11)**, **Sch. 5 para. 6**, **Sch. 8**, para. 2(7); [S.I. 1991/2187](#), art. 3, **Sch.**
S. 210(2)-(8) applied (27.8.1993) by [1993 c. 11](#), **ss. 59(3), 68(2)**
S. 210(2)-(8) applied (27.8.1993) by [1993 c. 12](#), **ss. 24(3)(b), 51(2)** (with **ss. 42, 46**)
S. 210(2)-(8) applied (5.1.1994) by [1993 c. 44](#), **ss. 38(7), 64(2)**, **Sch. 4 Pt. I para. 6** (with s. 30(5))
S. 210(2)-(8) applied (18.11.1996) by [1996 c. 58](#), **ss. 8(6), 48(6)**, **Sch. 2 Pt. III para. 11** (with s. 41, 43(1))
S. 210(2)-(8) applied (1.4.1996) by [1995 c. 25](#), **s. 53(3)** (with **ss. 7(6), 115, 117**); [S.I. 1996/186](#), **art. 3**
S. 210(2)-(8) applied (1.4.1996) by [1990 c. 43](#), **Sch. 1 paras. 8-10** (as inserted (1.4.1996) by [1995 c. 25](#), s. 120(1), **Sch. 22 para. 93(5)** (with **ss. 7(6), 115, 117**); [S.I. 1996/186](#), **art. 3**)
S. 210(2)-(8) applied (8.9.2000) by [2000 asp 10](#), **s. 28(2)** (with s. 32); [S.S.I. 2000/312](#), **art. 2**
S. 210(2)-(8) applied (8.9.2000) by [2000 asp 10](#), **s. 5(2)** (with s. 32); [S.S.I. 2000/312](#), **art. 2**
S. 210(2)-(8) applied (1.10.2001) by [2001 asp 8](#), **s. 65(5)**; [S.S.I. 2001/304](#), **art. 2(1)(a)**
S. 210(2)-(8) applied (4.2.2002) by [The Environmental Impact Assessment \(Uncultivated Land and Semi-Natural Areas\) \(Scotland\) Regulations 2002 \(S.S.I. 2002/6\)](#), **regs. 3, 15(13)**
S. 210(2)-(8) applied (1.10.2005) by [Energy Act 2004 \(c. 20\)](#), **ss. 95, 198(2)**, **Sch. 16 para. 6(9)(b)** (with s. 38(2)); [S.I. 2005/877](#), {art. 2(2)}, **Sch. 2**
S. 210(2)-(8) applied (1.4.2006) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), **reg. 17(3)** (with reg. 50)
S. 210(2)-(8) applied (with modifications) (1.1.2007) by [The Environmental Impact Assessment \(Agriculture\) \(Scotland\) Regulations 2006 \(S.I. 2006/582\)](#), **reg. 17(13)**
- C5** S. 210(2)-(6) applied (with modifications) (1.10.2001) by [2001 asp 8](#), **s. 65(6)**; [S.S.I. 2001/304](#) art. 2a
- C6** S. 210(2)(4)-(8) applied (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 10(3), 30(4)**; [S.S.I. 2007/516](#), **art. 2**)
- C7** S. 210(2)(4)-(8) applied by [Pilotage Act 1987 \(c. 21\)](#), s. 1A(6) (as inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 26, 30(4)**; [S.S.I. 2007/516](#), **art. 2**)
- C9** S. 210(2)-(8) applied (31.3.2011) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/209\)](#), **regs. 1(2), 20(3)** (with reg. 54)

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- C10** S. 210(2)-(8) applied (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 98(4)**, 134(7); S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- C11** S. 210(2)-(6) applied (with modifications) by 1978 c. 29, s. 10Z12(3)(4) (as inserted (1.10.2010 for specified purposes, 1.4.2011 for specified purposes, 1.4.2016 for specified purposes, 1.4.2017 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 108**, 134(7); S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.; S.S.I. 2016/22, art. 2(1), schs. 1, 2)
- C12** S. 210(2)-(6) applied (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **s. 98(4)(5)**, 134(7); S.S.I. 2010/321, art. 3, sch.; S.S.I. 2011/122, art. 2, sch.
- C13** S. 210(2)-(8) applied (6.4.2011) by [Marine \(Scotland\) Act 2010 \(asp 5\)](#), **ss. 28(2)**, 168(1) (with s. 162); S.S.I. 2011/58, art. 3(a)
- C14** S. 210(2)-(8) applied (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 70(4)**, 324(3) (with ss. 76-81, 111); S.I. 2011/556, art. 3(2)(a)
- C15** S. 210(3)-(5) applied (with modifications) (15.11.2004) by [Children Act 2004 \(c. 31\)](#), **s. 6(6)**
- C16** S. 210(3)-(8) applied (with modifications) (1.4.1996) by 1995 c. 25, s. 114(4), **Sch. 20 para. 5(2)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
 S. 210(3)-(8) applied (with modifications) (28.9.2000) by S.S.I. 2000/323 reg. 22(13), Sch. 8 para. 4(10)
 S. 210(3)-(8) applied (1.4.2001) by 2001 asp 2, **s. 52(6)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**
 S. 210(3)-(8) applied (with modifications) (31.3.2003) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2003 \(S.I. 2003/3311\)](#), reg. 28, **Sch. 3 para. 4(6)**
 S. 210(3)-(8) applied (with modifications) (15.11.2004) by [Children Act 2004 \(c. 31\)](#), **s. 6(9)**
 S. 210(3)-(8) applied (with modifications) (21.4.2005) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2005 \(S.I. 2005/925\)](#), reg. 34(3), **Sch. 3 para. 4(6)** (with reg. 3)
 S. 210(3)-(8) applied (1.4.2006) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/348\)](#), reg. 49, **Sch. 9 para. 19** (with reg. 50)
- C17** S. 210(3)-(8) applied (with modifications) (17.9.2009) by [The Aviation Greenhouse Gas Emissions Trading Scheme Regulations 2009 \(S.I. 2009/2301\)](#), regs. 1, 37(3), **Sch. 3 para. 4(6)**
- C18** S. 210(3)-(8) applied (with modifications) (31.12.2009) by [The Greenhouse Gas Emissions Data and National Implementation Measures Regulations 2009 \(S.I. 2009/3130\)](#), regs. 1, 7(4), **Sch. 1 para. 3(11)**
- C19** S. 210(3)-(8) applied (with modifications) (31.3.2011) by [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/209\)](#), reg. 1(2), **sch. 9 para. 19** (with reg. 54)
- C20** S. 210(3)-(8) applied (with modifications) (1.1.2013) by [The Greenhouse Gas Emissions Trading Scheme Regulations 2012 \(S.I. 2012/3038\)](#), reg. 1, **Sch. 11 para. 13(5)** (with Sch. 1)
- C21** S. 210(3)-(8) applied (with modifications) (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), reg. 1(2), **sch. 8 para. 4(10)** (with reg. 71)
- C22** S. 210(3)-(5) applied (14.1.2021) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 12(4)**, 130(2) (with s. 126); S.S.I. 2020/429, **reg. 2(a)**
- C23** S. 210(3)-(5) applied (10.1.2022) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 75(4)**, 130(2) (with s. 126); S.S.I. 2021/428, reg. 2, sch.
- C24** S. 210(4)-(8) applied (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), ss. 25, 59, **Sch. 2 para. 11**; S.S.I. 2004/495, **art. 2**
- C25** S. 210(4)(5): power to apply conferred (1.1.1995 for specified purposes and otherwise 1.8.1996) by 1967 c. 77, **s. 30(4)** (as substituted (1.1.1995 for specified purposes and otherwise 1.8.1996) by 1994 c. 29, **s. 55(1)**; S.I. 1994/3075, art. 2, **Sch.**; S.I. 1996/1646, art. 2, **Sch.** (with art. 3))
 S. 210(4)(5) applied (19.11.1998) by 1998 c. 46, s. 1(5), **Sch. 1 para. 6(5)** (with s. 126(3)-(11))
 S. 210(4)(5): power to apply (with modifications) conferred (27.7.2001) by 1993 c. 9, **s. 20(4A)** (as inserted by 2001 asp 7, ss. 4, 5(1)(c) (with **Sch. paras. 79-83**); S.S.I. 2001/274, **art. 3**)
 S. 210(4)(5) applied (with modifications) (8.10.2001) by S.S.I. 2001/315, **rule 24**

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- S. 210(4)(5): power to apply (with modifications) conferred by [Ministry of Defence Police Act 1987 \(c. 4\)](#), s. 4A(4) (as inserted (9.3.2004) by [Police Reform Act 2002 \(c. 30\)](#) {ss. 79(2)}, 108(2)-(5)); S.I. 2004/636, [art. 2](#)
- S. 210(4)(5) modified (1.4.2004) by [Ministry of Defence Police Appeal Tribunals Regulations 2004 \(S.I. 2004/652\)](#), [reg. 11](#)
- S. 210(4)(5) applied by [Scotland Act 1998 \(c. 46\)](#), [Sch. 1 para. 11](#) (as substituted (22.7.2004 with effect as mentioned in s. 1(4) of the amending Act) by [Scottish Parliament \(Constituencies\) Act 2004](#), s. 1(1), {Sch. 1})
- C26** S. 210(4)-(8) applied (30.10.1994) by [The Conservation \(Natural Habitats, etc.\) Regulations 1994 \(S.I. 1994/2716\)](#), [reg. 107\(2\)](#)
- C27** S. 210(4)-(8) applied (30.10.1994) by [The Conservation \(Natural Habitats, etc.\) Regulations 1994 \(S.I. 1994/2716\)](#), [regs. 22\(3\)](#), [Sch. 1 para. 4\(3\)](#)
- C28** S. 210(4)(5) applied (with modifications) (with application in accordance with rule 1(2) of the amending S.S.I.) by [The Parole Board \(Scotland\) Rules 2022 \(S.S.I. 2022/385\)](#), rules 1(1), [28\(1\)](#) (with rule 35)
- C29** S. 210(6)-(8) applied (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 10\(4\)](#), [30\(4\)](#); S.S.I. 2007/516, [art. 2](#)
- C30** S. 210(6)-(8) applied by [Pilotage Act 1987 \(c. 21\)](#), s. 1A(7) (as inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), [ss. 26](#), [30\(4\)](#); S.S.I. 2007/516, [art. 2](#))
- C31** S. 210(6)(7)(8) applied (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land on Application\) Order 2008 \(S.S.I. 2008/199\)](#), [art. 8\(9\)](#)
- C32** S. 210(6)(7)(8) applied (22.5.2008) by [The Transport and Works \(Scotland\) Act 2007 \(Access to Land by the Scottish Ministers\) Order 2008 \(S.S.I. 2008/200\)](#), [art. 7\(9\)](#)
- C33** S. 210(6)-(8) applied (with modifications) (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), [s. 95\(5\)](#), 241 (with s. 226); S.I. 2010/101, [art. 3\(d\)](#) (with art. 6)
- C34** S. 210(6)-(8) applied (with modifications) (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), [s. 113\(10\)](#), 241 (with s. 226); S.I. 2010/101, [art. 3\(d\)](#) (with art. 6)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)