

SCHEDULES

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.

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.

Status: This is the original version (as it was originally enacted).

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.

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 In section 2B of the Protection of Children Act 1999 (individuals named in the findings of certain inquiries), in subsection (7)(a), after “held” there is inserted “under the Inquiries Act 2005 or”.

Care Standards Act 2000 (c. 14)

19 In section 85 of the Care Standards Act 2000 (individuals named in the findings of certain inquiries), in subsection (7)(a), after “held” there is inserted “under the Inquiries Act 2005 or”.

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—

“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.

Status: This is the original version (as it was originally enacted).

PART 2

ACTS OF THE SCOTTISH PARLIAMENT

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

- 25 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;”.

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 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)”.

Status: This is the original version (as it was originally enacted).

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.

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)”.