

Status: Point in time view as at 20/06/2016.

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SCHEDULE

Schedule rep. by SLR 1973

[^{F1}SCHEDULE A1

PROVISIONS APPLICABLE TO INQUIRIES AND INVESTIGATIONS

F1 2005 c.12

Modifications etc. (not altering text)

- C1** Sch. A1 applied (with modifications) by S.I. 1993/3160 (N.I. 15), art. 69D(7) (as inserted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), **ss. 1, 78**; S.R. 2012/13, art. 2(2), **Sch. 2**)
- C2** Sch. A1 applied (1.4.2015) by Local Government Act (Northern Ireland) 2014 (c. 8), **ss. 105(2)**, 129 (with s. 124(4)); S.R. 2015/209, art. 2, Sch. 1
- C3** Sch. A1 applied (1.2.2007) by Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/482), **reg. 17(3)** (with reg. 3)
Sch. A1 applied (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **303(6)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- C4** Sch. A1 applied (1.5.2007) by Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (S.I. 2007/1067), **reg. 29(3)**
- C5** Sch. A1 applied (24.6.2007) by Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518), regs. 21, 22(a)(iv), **Sch. 5 para. 6(2)**
- C6** Sch. A1 applied by S.R. 2003/136, reg. 10(5) (as substituted (6.8.2007) by Harbour Works (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2007 (S.R. 2007/312), **reg. 7(b)**)
- C7** Sch. A1 applied (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), **ss. 70(5)**, 324(3) (with ss. 76-81 and savings in s. 111); S.I. 2011/556, **art. 3(1)(2)(a)**
- C8** Sch. A1 modified by Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/276 (N.I. 2)), art. 65(3) (as substituted (14.8.2010) by Roads (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 14), **ss. 7, 9(1)**)

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.

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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 to 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.
- (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.

Modifications etc. (not altering text)

- C9** Sch. A1 para. 4 applied (with modifications) (24.11.2014) by [The Health and Social Care \(Disciplinary Procedures\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/267\)](#), regs. 1(1), **6(15)**
- C10** Sch. A1 para. 4 applied with modification(s) (1.4.2016) by [The Health and Social Care \(Disciplinary Procedures\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/104\)](#), regs. 1(1), **6(14)**

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

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- (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.

Modifications etc. (not altering text)

- C11** Sch. A1 para. 6 applied (with modifications) (24.11.2014) by [The Health and Social Care \(Disciplinary Procedures\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/267\)](#), regs. 1(1), **6(15)**
- C12** Sch. A1 paras. 6, 7 applied (with modifications) (1.4.2016) by [The Health and Social Care \(Disciplinary Procedures\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/104\)](#), regs. 1(1), **6(14)**

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.]

Modifications etc. (not altering text)

- C12** Sch. A1 paras. 6, 7 applied (with modifications) (1.4.2016) by [The Health and Social Care \(Disciplinary Procedures\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/104\)](#), regs. 1(1), **6(14)**
- C13** Sch. A1 para. 7 applied (with modifications) (24.11.2014) by [The Health and Social Care \(Disciplinary Procedures\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/267\)](#), regs. 1(1), **6(15)**

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