



2013 CHAPTER 2

Inquiry proceedings

Restrictions on public access, etc.

- 8.—(1) Restrictions may, in accordance with this section, be imposed on—
- (a) attendance at the inquiry, or at any particular part of the inquiry;
 - (b) disclosure or publication of any evidence or documents given, produced or provided to the inquiry;
 - (c) disclosure or publication of the identity of any person.
- (2) Restrictions may be imposed by being specified in an order (a “restriction order”) made by the chairperson during the course of the inquiry.
- (3) A restriction order must specify only such restrictions—
- (a) as are required by any statutory provision, enforceable EU obligation or rule of law, or
 - (b) as the chairperson considers to be conducive to the inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).
- (4) Those matters are—
- (a) the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;
 - (b) any risk of harm or damage that could be avoided or reduced by any such restriction;
 - (c) any conditions as to confidentiality subject to which a person acquired information which that person is to give, or has given, to the inquiry;

(d) the extent to which not imposing any particular restriction would be likely

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- (i) to cause delay or to impair the efficiency or effectiveness of the inquiry, or
- (ii) otherwise to result in additional cost (whether to public funds or to witnesses or others).

(5) The chairperson may vary or revoke a restriction order by making a further order during the course of the inquiry.

(6) Subject to subsection (7), restrictions imposed under this section on disclosure or publication of evidence or documents (“disclosure restrictions”) continue in force indefinitely unless—

- (a) under the terms of the relevant order the restrictions expire at the end of the inquiry or at some other time; or
- (b) the relevant order is varied or revoked under subsection (5) or (8).

(7) After the end of the inquiry disclosure restrictions do not apply to a public authority (within the meaning of the Freedom of Information Act 2000) in relation to information held by the authority otherwise than as a result of the breach of disclosure restrictions.

(8) After the end of the inquiry OFMDFM may by a notice published in a way which it considers appropriate—

- (a) revoke a restriction order containing disclosure restrictions which are still in force; or
- (b) vary it so as to remove or relax any of the restrictions.