



2013 CHAPTER 2

Inquiry proceedings

Powers to require production of evidence

9.—(1) The chairperson may by notice require a person to attend at a time and place stated in the notice—

- (a) to give evidence;
- (b) to produce any documents in the custody or under the control of that person which relate to a matter in question at the inquiry;
- (c) to produce any other thing in the custody or under the control of that person for inspection, examination or testing by or on behalf of the inquiry.

(2) The chairperson may by notice require a person within a period stated in the notice—

- (a) to provide evidence to the inquiry in the form of a written statement;
- (b) to provide any documents in the custody or under the control of that person which relate to a matter in question at the inquiry;
- (c) to produce any other thing in the custody or under the control of that person for inspection, examination or testing by or on behalf of the inquiry.

(3) A notice under subsection (1) or (2) must—

- (a) explain the possible consequences of not complying with the notice;
- (b) indicate what the recipient of the notice should do to make a claim within subsection (4).

(4) A claim by a person that—

- (a) that person is unable to comply with a notice under this section, or

- (b) it is not reasonable in all the circumstances to require that person to comply with a notice under this section,

is to be determined by the chairperson, who may revoke or vary the notice on that ground.

(5) In deciding whether to revoke or vary a notice on the ground mentioned in subsection (4)(b), the chairperson must consider the public interest in the information in question being obtained by the inquiry, having regard to the likely importance of the information.

(6) For the purposes of this section a thing is under the control of a person if it is in that person's possession or if that person has a right to possession of it.

(7) The powers conferred by this section are exercisable only in respect of evidence, documents or other things which are wholly or primarily concerned with a transferred matter.

(8) In subsection (7) "transferred matter", in relation to a power conferred by this section, means a matter which, when the power is exercised, is a transferred matter within the meaning of the Northern Ireland Act 1998.