



Inquiries Act 2005

2005 CHAPTER 12

Inquiry proceedings

17 Evidence and procedure

- (1) Subject to any provision of this Act or of rules under section 41, the procedure and conduct of an inquiry are to be such as the chairman of the inquiry may direct.
- (2) In particular, the chairman may take evidence on oath, and for that purpose may administer oaths.
- (3) In making any decision as to the procedure or conduct of an inquiry, the chairman must act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others).

18 Public access to inquiry proceedings and information

- (1) Subject to any restrictions imposed by a notice or order under section 19, the chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able—
 - (a) to attend the inquiry or to see and hear a simultaneous transmission of proceedings at the inquiry;
 - (b) to obtain or to view a record of evidence and documents given, produced or provided to the inquiry or inquiry panel.
- (2) No recording or broadcast of proceedings at an inquiry may be made except—
 - (a) at the request of the chairman, or
 - (b) with the permission of the chairman and in accordance with any terms on which permission is given.

Any such request or permission must be framed so as not to enable a person to see or hear by means of a recording or broadcast anything that he is prohibited by a notice under section 19 from seeing or hearing.

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Changes to legislation: There are currently no known outstanding effects for the Inquiries Act 2005, Cross Heading: Inquiry proceedings. (See end of Document for details)

- (3) Section 32(2) of the Freedom of Information Act 2000 (c. 36) (certain inquiry records etc exempt from obligations under that Act) does not apply in relation to information contained in documents that, in pursuance of rules under section 41(1)(b) below, have been passed to and are held by a public authority.
- (4) Section 37(1)(b) of the Freedom of Information (Scotland) Act 2002 (asp 13) (certain inquiry records etc exempt from obligations under that Act) does not apply in relation to information contained in documents that, in pursuance of rules under section 41(1)(b) below, have been passed to and are held by a Scottish public authority.

19 Restrictions on public access etc

- (1) Restrictions may, in accordance with this section, be imposed on—
 - (a) attendance at an inquiry, or at any particular part of an inquiry;
 - (b) disclosure or publication of any evidence or documents given, produced or provided to an inquiry.
- (2) Restrictions may be imposed in either or both of the following ways—
 - (a) by being specified in a notice (a “restriction notice”) given by the Minister to the chairman at any time before the end of the inquiry;
 - (b) by being specified in an order (a “restriction order”) made by the chairman during the course of the inquiry.
- (3) A restriction notice or restriction order must specify only such restrictions—
 - (a) as are required by any statutory provision, enforceable Community obligation or rule of law, or
 - (b) as the Minister or chairman 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 that he is to give, or has given, to the inquiry;
 - (d) the extent to which not imposing any particular restriction would be likely—
 - (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) In subsection (4)(b) “harm or damage” includes in particular—
 - (a) death or injury;
 - (b) damage to national security or international relations;
 - (c) damage to the economic interests of the United Kingdom or of any part of the United Kingdom;
 - (d) damage caused by disclosure of commercially sensitive information.

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20 Further provisions about restriction notices and orders

- (1) Restrictions specified in a restriction notice have effect in addition to any already specified, whether in an earlier restriction notice or in a restriction order.
- (2) Restrictions specified in a restriction order have effect in addition to any already specified, whether in an earlier restriction order or in a restriction notice.
- (3) The Minister may vary or revoke a restriction notice by giving a further notice to the chairman at any time before the end of the inquiry.
- (4) The chairman may vary or revoke a restriction order by making a further order during the course of the inquiry.
- (5) Restrictions imposed under section 19 on disclosure or publication of evidence or documents (“disclosure restrictions”) continue in force indefinitely, unless—
 - (a) under the terms of the relevant notice or order the restrictions expire at the end of the inquiry, or at some other time, or
 - (b) the relevant notice or order is varied or revoked under subsection (3), (4) or (7).

This is subject to subsection (6).

- (6) After the end of the inquiry, disclosure restrictions do not apply to a public authority, or a Scottish public authority, in relation to information held by the authority otherwise than as a result of the breach of any such restrictions.
- (7) After the end of an inquiry the Minister may, by a notice published in a way that he considers suitable—
 - (a) revoke a restriction order or restriction notice containing disclosure restrictions that are still in force, or
 - (b) vary it so as to remove or relax any of the restrictions.
- (8) In this section “restriction notice” and “restriction order” have the meaning given by section 19(2).

21 Powers of chairman to require production of evidence etc

- (1) The chairman of an inquiry 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 his custody or under his control that relate to a matter in question at the inquiry;
 - (c) to produce any other thing in his custody or under his control for inspection, examination or testing by or on behalf of the inquiry panel.
- (2) The chairman may by notice require a person, within such period as appears to the inquiry panel to be reasonable—
 - (a) to provide evidence to the inquiry panel in the form of a written statement;
 - (b) to provide any documents in his custody or under his control that relate to a matter in question at the inquiry;
 - (c) to produce any other thing in his custody or under his control for inspection, examination or testing by or on behalf of the inquiry panel.
- (3) A notice under subsection (1) or (2) must—

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- (a) explain the possible consequences of not complying with the notice;
 - (b) indicate what the recipient of the notice should do if he wishes to make a claim within subsection (4).
- (4) A claim by a person that—
- (a) he is unable to comply with a notice under this section, or
 - (b) it is not reasonable in all the circumstances to require him to comply with such a notice,
- is to be determined by the chairman of the inquiry, 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 chairman 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 a person's control if it is in his possession or if he has a right to possession of it.

22 Privileged information etc

- (1) A person may not under section 21 be required to give, produce or provide any evidence or document if—
- (a) he could not be required to do so if the proceedings of the inquiry were civil proceedings in a court in the relevant part of the United Kingdom, or
 - (b) the requirement would be incompatible with a Community obligation.
- (2) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an inquiry as they apply in relation to civil proceedings in a court in the relevant part of the United Kingdom.

23 Risk of damage to the economy

- (1) This section applies where it is submitted to an inquiry panel, on behalf of the Crown, the Financial Services Authority or the Bank of England, that there is information held by any person which, in order to avoid a risk of damage to the economy, ought not to be revealed.
- (2) The panel must not permit or require the information to be revealed, or cause it to be revealed, unless satisfied that the public interest in the information being revealed outweighs the public interest in avoiding a risk of damage to the economy.
- (3) In making a decision under this section the panel must take account of any restriction notice given under section 19 or any restriction order that the chairman has made or proposes to make under that section.
- (4) In this section—
- “damage to the economy” means damage to the economic interests of the United Kingdom or of any part of the United Kingdom;
 - “revealed” means revealed to anyone who is not a member of the inquiry panel.

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- (5) This section does not prevent the inquiry panel from communicating any information in confidence to the Minister.
- (6) This section does not affect the rules of law referred to in section 22(2).

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