



Inquiries Act 2005

2005 CHAPTER 12

Scotland, Wales and Northern Ireland

27 United Kingdom inquiries

- (1) This section applies to an inquiry for which a United Kingdom Minister is responsible.
- (2) The Minister may not, without first consulting the relevant administration, include in the terms of reference anything that would require the inquiry—
 - (a) to determine any fact that is wholly or primarily concerned with a Scottish matter or a Welsh matter;
 - (b) to determine any fact that is wholly or primarily concerned with a matter which is, and was at the relevant time, a transferred Northern Ireland matter;
 - (c) to make any recommendation that is wholly or primarily concerned with a Scottish matter, a Welsh matter or a transferred Northern Ireland matter.
- (3) Unless the Minister gives written permission to the chairman, the powers conferred by section 21 are not exercisable—
 - (a) in respect of evidence, documents or other things that are wholly or primarily concerned with—
 - (i) a Scottish matter or a Welsh matter, or
 - (ii) a matter which is, and was at the relevant time, a Northern Ireland matter;
 - (b) so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of the Scottish Ministers, the National Assembly for Wales or a Northern Ireland Minister.
- (4) Before granting permission under subsection (3) the Minister must consult the relevant administration.
- (5) Permission under subsection (3) may be granted subject to such conditions or qualifications as the Minister may specify.

- (6) Permission under subsection (3) is not required for the exercise of powers in circumstances in which subsection (6) of section 30 would prevent the powers from being exercised in the case of an inquiry to which that section applies.
- (7) In this section—
- “Northern Ireland matter” means—
- (a) a transferred Northern Ireland matter, or
 - (b) a matter falling within section 44(2)(b) of the Northern Ireland Act 1998 (c. 47) (matters in relation to which statutory functions are exercisable by Northern Ireland Ministers etc);
- “the relevant administration” means whichever of the following the case requires—
- (a) the Scottish Ministers;
 - (b) the National Assembly for Wales;
 - (c) such one or more Northern Ireland Ministers as appear to the Minister to be appropriate;
- “the relevant time” means the time when the fact or event in question occurred (or is alleged to have occurred);
- “Scottish matter” means a matter that relates to Scotland and is not a reserved matter within the meaning of the Scotland Act 1998 (c. 46);
- “transferred Northern Ireland matter” means a matter that relates to Northern Ireland and is a transferred matter within the meaning of the Northern Ireland Act 1998 (c. 47) (or, in relation to any time when Part 1 of the Northern Ireland Constitution Act 1973 (c. 36) was in force, within the meaning of that Act);
- “Welsh matter” means a matter in relation to which the National Assembly for Wales has functions.

28 Scottish inquiries

- (1) This section applies to an inquiry for which the Scottish Ministers are responsible.
- (2) The terms of reference of the inquiry must not require it to determine any fact or to make any recommendation that is not wholly or primarily concerned with a Scottish matter.
- (3) The powers conferred by section 21 are exercisable only—
 - (a) in respect of evidence, documents or other things that are wholly or primarily concerned with a Scottish matter, or
 - (b) for the purpose of inquiring into something that is wholly or primarily a Scottish matter.
- (4) Those powers are not exercisable so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of Her Majesty’s Government in the United Kingdom, the National Assembly for Wales or a Northern Ireland Minister.
- (5) In this section “Scottish matter” means a matter that relates to Scotland and is not a reserved matter (within the meaning of the Scotland Act 1998).

29 Welsh inquiries

- (1) This section applies to an inquiry for which the National Assembly for Wales is responsible.
- (2) The terms of reference of the inquiry must not require it to determine any fact or to make any recommendation that is not wholly or primarily concerned with a Welsh matter.
- (3) The powers conferred by section 21 are exercisable only—
 - (a) in respect of evidence, documents or other things that are wholly or primarily concerned with a Welsh matter, or
 - (b) for the purpose of inquiring into something that is wholly or primarily a Welsh matter.
- (4) Those powers are not exercisable so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of Her Majesty's Government in the United Kingdom, the Scottish Ministers or a Northern Ireland Minister.
- (5) In this section “Welsh matter” means a matter in relation to which the National Assembly for Wales has functions.

30 Northern Ireland inquiries

- (1) This section applies to an inquiry for which a Northern Ireland Minister is responsible.
- (2) The terms of reference of the inquiry must not require it—
 - (a) to determine any fact that is not wholly or primarily concerned with a matter which is, and was at the relevant time, a Northern Ireland matter, or
 - (b) to make any recommendation that is not wholly or primarily concerned with a Northern Ireland matter.
- (3) The Minister may not, without the consent of the Secretary of State, include in the terms of reference anything that would require the inquiry to inquire into events occurring—
 - (a) before 2nd December 1999 (the “appointed day” for the purposes of the Northern Ireland Act 1998 (c. 47)), or
 - (b) during a period when section 1 of the Northern Ireland Act 2000 (c. 1) is in force (suspension of devolved government in Northern Ireland).
- (4) The powers conferred by section 21 are exercisable only—
 - (a) in respect of evidence, documents or other things that are wholly or primarily concerned with a matter which is, and was at the relevant time, a Northern Ireland matter, or
 - (b) for the purpose of inquiring into something that is, and was at the relevant time, wholly or primarily a Northern Ireland matter.
- (5) Those powers are not exercisable so as to require any evidence, document or other thing to be given, produced or provided by or on behalf of Her Majesty's Government in the United Kingdom, the Scottish Ministers or the National Assembly for Wales.
- (6) Powers conferred by section 21 that would not be exercisable but for subsection (8) (b) below are not exercisable in circumstances in which subsection (3), (4) or (5) of section 44 of the Northern Ireland Act 1998 (power of Assembly to call for witnesses

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and documents) would prevent the power in subsection (1) of that section from being exercised.

- (7) The inquiry must not consider evidence or make recommendations about any matter falling within paragraph 17 of Schedule 2 to the Northern Ireland Act 1998 (excepted matters: national security etc).
- (8) In this section “Northern Ireland matter” means—
- (a) a matter that relates to Northern Ireland and is a transferred matter within the meaning of the Northern Ireland Act 1998 (or, in relation to any time when Part 1 of the Northern Ireland Constitution Act 1973 (c. 36) was in force, within the meaning of that Act), or
 - (b) a matter falling within section 44(2)(b) of the Northern Ireland Act 1998 (matters in relation to which statutory functions are exercisable by Northern Ireland Ministers etc).
- (9) In this section “the relevant time” means the time when the fact or event in question occurred (or is alleged to have occurred).

31 The relevant part of the United Kingdom and the applicable rules

- (1) The Minister responsible for an inquiry must specify whether the relevant part of the United Kingdom in relation to the inquiry is—
- (a) England and Wales,
 - (b) Scotland, or
 - (c) Northern Ireland.
- (2) The Ministers responsible for an inquiry that—
- (a) is one to which section 33 applies, and
 - (b) would (but for this subsection) be subject to more than one set of rules,
- must specify which of those sets, or what combination of rules from more than one of those sets, is to apply.
- (3) In subsection (2) “set of rules” means the rules made by virtue of a particular paragraph of section 41(3).
- (4) If in the case of an inquiry (other than one to which section 33 applies) for which a United Kingdom Minister is responsible—
- (a) the Minister specifies that the relevant part of the United Kingdom is Scotland,
 - (b) the Minister specifies that the relevant part of the United Kingdom is England and Wales, and the inquiry is expected to be held wholly or partly in Wales, or
 - (c) the Minister specifies that the relevant part of the United Kingdom is Northern Ireland,
- he may if he thinks fit specify that some or all of the rules that are to apply are rules made by virtue of paragraph (b), (c) or (d) (as appropriate) of section 41(3).
- (5) The relevant part of the United Kingdom and, where subsection (2) or (4) applies, the applicable rules must be specified no later than the setting-up date or, as the case may be, the date of conversion.