

*These notes refer to the Inquiries Act 2005 (c.12)
which received Royal Assent on 7 April 2005*

INQUIRIES ACT 2005

EXPLANATORY NOTES

SCOTLAND, WALES AND NORTHERN IRELAND

Section 30: Northern Ireland inquiries

72. The provisions on Northern Ireland inquiries are similar to those on Scottish inquiries described above, but reflect the differing circumstances of Northern Ireland and its devolution settlement.
73. The definition of “Northern Ireland matter” in section 30(8) covers some reserved matters in relation to which Northern Ireland Ministers have functions (see paragraph (b)), as well as transferred matters. However, section 30(6) creates some exceptions to the circumstances in which Northern Ireland inquiries can exercise their powers of compulsion in relation to those matters, in order to make the scope of inquiries’ powers equivalent to the scope of the Northern Ireland Assembly’s powers to summon witnesses and compel evidence. Since those exceptions are in section 30(6), rather than in the definition of “Northern Ireland matter”, section 27(6) is needed to ensure that they are not also excluded from the scope of inquiries established by United Kingdom Ministers.
74. In addition to the general restrictions on terms of reference and powers of compulsion, subsection (7) provides that an inquiry established by a Northern Ireland Minister must not receive evidence or make any recommendations on matters falling within paragraph 17 of Schedule 2 to the Northern Ireland Act 1998, which deals with national security.
75. Whilst there is a suspension of devolved government in Northern Ireland, functions conferred on a Northern Ireland Minister may be discharged by the Secretary of State for Northern Ireland, by virtue of section 45.