



Inquiries Act 2005

2005 CHAPTER 12

Constitution of inquiry

12 Duration of appointment of members of inquiry panel

- (1) Subject to the following provisions of this section, a member of an inquiry panel remains a member until the inquiry comes to an end (or until his death if he dies before then).
- (2) A member of an inquiry panel may at any time resign his appointment by notice to the Minister.
- (3) The Minister may at any time by notice terminate the appointment of a member of an inquiry panel—
 - (a) on the ground that, by reason of physical or mental illness or for any other reason, the member is unable to carry out the duties of a member of the inquiry panel;
 - (b) on the ground that the member has failed to comply with any duty imposed on him by this Act;
 - (c) on the ground that the member has—
 - (i) a direct interest in the matters to which the inquiry relates, or
 - (ii) a close association with an interested party,such that his membership of the inquiry panel could reasonably be regarded as affecting its impartiality;
 - (d) on the ground that the member has, since his appointment, been guilty of any misconduct that makes him unsuited to membership of the inquiry panel.
- (4) In determining whether subsection (3)(a) applies in a case where the inability to carry out the duties is likely to be temporary, the Minister may have regard to the likely duration of the inquiry.
- (5) The Minister may not terminate a member's appointment under subsection (3)(c) if the Minister was aware of the interest or association in question when appointing him.

Status: This is the original version (as it was originally enacted).

- (6) Before exercising his powers under subsection (3) in relation to a member other than the chairman, the Minister must consult the chairman.
- (7) Before exercising his powers under subsection (3) in relation to any member of the inquiry panel, the Minister must—
 - (a) inform the member of the proposed decision and of the reasons for it, and take into account any representations made by the member in response, and
 - (b) if the member so requests, consult the other members of the inquiry panel (to the extent that no obligation to consult them arises under subsection (6)).