



Inquiries Act 2005

2005 CHAPTER 12

Scotland, Wales and Northern Ireland

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

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).