



# Local Government (Scotland) Act 1947

## 1947 CHAPTER 43

### PART XX

#### GENERAL.

##### *Local Inquiries.*

#### **355 Provisions as to local inquiries.**

- (1) Where a Minister is authorised to determine any difference, to make or confirm any order, rules, regulations or byelaws, to make any adjustment, to frame any scheme or to give any consent, confirmation, sanction or approval to any matter or otherwise to act under this Act or any other enactment or any statutory order relating to the functions of a local authority or is authorised or required to inquire into any matter or hold an inquiry under this Act or any other enactment or any statutory order relating to the functions of a local authority, he may or shall, as the case may be, cause a local inquiry to be held, and the provisions of this section shall apply to such local inquiry.
- (2) Save as otherwise provided in any enactment or any statutory order that may be applicable, the Minister may appoint an officer of his department or any other person to conduct the inquiry and to report thereon to him.
- (3) The person appointed to hold the inquiry shall cause notice of the time and place of the inquiry to be given to the bodies and persons appearing to him to be interested.
- (4) For the purpose of any such inquiry, the person appointed to hold the inquiry may by notice in writing—
  - (a) require any person to attend at the time and place set forth in the notice to give evidence or to produce any books, documents and accounts in his custody or under his control which relate to any matter in question at the inquiry;
  - (b) require any local authority or person to furnish within such reasonable period as is specified in the notice such returns and such information relating to the matter in question as the person appointed to hold the inquiry may think fit and as the authority or person is able to furnish:

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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Provided that—

- (i) no person shall be required in obedience to such a notice to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him; and
  - (ii) nothing in this subsection shall empower the person appointed to hold the inquiry to require any person to produce any book or document or to answer any question which he would be entitled, on the ground of privilege or confidentiality, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
- (5) The person appointed to hold any such inquiry may administer oaths to witnesses and examine witnesses on oath and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
  - (6) Any person who refuses or wilfully neglects to attend in obedience to a notice under this section or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book, document or account which he may be required to produce for the purposes of this section, or who refuses or wilfully neglects to comply with any requirement under subsection (4) of this section of the person appointed to hold the inquiry shall be liable on summary conviction to a fine not exceeding five pounds and for the second and every subsequent offence to a fine not exceeding twenty pounds nor less than five pounds.
  - (7) The Minister causing the inquiry to be held may if he thinks fit pay such expenses of witnesses and such expenses of or concerning the production of any books, documents or accounts or the furnishing of returns or information as to him seems reasonable, and such expenses shall be deemed to be part of the expenses of the inquiry.
  - (8) The expenses incurred by a Minister in relation to any such inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer of a government department engaged in the inquiry) shall, unless he is of opinion having regard to the object and result of the inquiry that the expenses should be defrayed in whole or in part by him, be paid by such local authority or party to the inquiry as he may direct, and the Minister may certify the amount of the expenses so incurred, and any sum so certified and directed by him to be paid to him by any authority or person shall be a debt due by that authority or person to the Crown and shall be recoverable accordingly.
  - (9) The Minister causing an inquiry to be held may make an award as to the expenses of the parties at the inquiry, and as to the parties by whom such expenses shall be paid.
  - (10) Provisions in any enactment applying with or without modifications the provisions of section ninety-three of the Local Government (Scotland) Act, 1889, relating to local inquiries shall cease to have effect, but, save as aforesaid, the provisions of this section shall not apply in the case of a local inquiry held under any enactment or a statutory order where the enactment or order contains provisions with regard to such inquiries.