

INQUIRIES ACT 2005

EXPLANATORY NOTES

GENERAL

Section 41: Rules

99. It is envisaged that the Lord Chancellor will make procedural rules for United Kingdom inquiries under this section. There is however no requirement for such rules to have been made before an inquiry may be established under the Act.
100. Subsection (2) enables rules to make provision for assessment of costs by a Costs Judge, among other things.
101. It is for the devolved administrations to make rules for their own inquiries. The rules will generally be subject to annulment by the relevant legislative body, as explained in subsections (5) and (6). However, there is no need for subsection (5) to make provision for Wales, because sections 66(2) and 67(3) of the Government of Wales Act 1998 set out the procedures for all general subordinate legislation made by the National Assembly for Wales.

Section 42: Notices

Section 43: Interpretation

102. These sections are self-explanatory.

Section 44: Transitory, transitional and saving provisions

103. **Section 44** contains provisions for inquiries that have been set up under legislation that is being repealed by the Act. It will ensure, for example, that inquiries set up before this Act was introduced will not be affected by the provisions contained in this Act and will be able to continue as if the old legislation were still in place. It also provides that a Minister may still in the future set up an inquiry in ways other than under this Act, whether on a statutory basis or otherwise.

Section 45: Suspension of devolved government in Northern Ireland

104. This section ensures that during suspension of devolved government, the Secretary of State for Northern Ireland can exercise the powers of Northern Ireland Ministers to establish Northern Ireland Inquiries under section 30 and to make rules of procedure under section 41. The Secretary of State will be consulted, in place of the Northern Ireland Ministers, when consultation is required under section 27 or section 51.