

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

# **INQUIRIES ACT 2005**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

3. The Inquiries Act is intended to provide a comprehensive statutory framework for inquiries set up by Ministers to look into matters of public concern. It gives effect to proposals contained in a Government consultation paper, dated 6 May 2004 entitled “Effective Inquiries”, which itself arose out of a memorandum, submitted to the House of Commons Public Administration Select Committee as part of its “Government by Inquiry” investigation.
4. The explanatory notes are divided into groups of sections reflecting the structure of the Act. In relation to each group of sections, there is a summary, and also some background. Commentary on particular sections is then set out in numerical order, with the commentary on the various Schedules included with the sections to which they relate.
5. The sections are grouped under 10 cross-headings:

#### ***Constitution of inquiry***

These sections make provision for Ministers to set up formal, independent inquiries relating to particular events which have caused or have potential to cause public concern, or where there is public concern that particular events may have occurred. These sections also make provision for Ministers to set the terms of reference, to appoint a chairman to conduct the inquiry, and also additional panel members and assessors where appropriate.

#### ***Conversion of inquiries***

These sections contain provisions that will allow inquiries established otherwise than under this Act to be converted into inquiries under the Act.

#### ***Inquiry proceedings***

These sections make provision about how inquiries held under this Act are to be conducted. They provide for an inquiry chairman to have powers to require the production of evidence and for the establishing Minister or the chairman, or both, to be able to place restrictions on public access to the inquiry where appropriate.

#### ***Inquiry reports***

These sections place a duty on the inquiry chairman to deliver a report to the commissioning Minister and set out what the final report may contain. They also contain a provision concerning the publication of the inquiry’s report.

***Scotland, Wales and Northern Ireland***

These sections deal with the respective powers of United Kingdom Ministers, Scottish Ministers, Northern Ireland Ministers and the National Assembly for Wales to set up inquiries under this Act.

***Inquiries for which more than one Minister responsible***

Contains provisions on inquiries established jointly by two or more Ministers, including cross-border inquiries within the United Kingdom.

***Supplementary***

These sections create offences and also provide for the enforcement of inquiry orders by the High Court or Court of Session. They also contain provisions which will give members of an inquiry immunity from civil proceedings, place a time limit on bringing an application for judicial review (except in Scotland) and provide for the commissioning Minister to pay the costs of the inquiry panel, any assessors, any counsel and solicitor to the inquiry and anyone engaged to provide assistance to the inquiry. They also contain arrangements for payments of expenses of witnesses, including legal representation, where appropriate.

***General***

This group of sections contains definitions of words and expressions used in the Act. It also contains a provision which allows the Lord Chancellor, the Scottish Ministers, the National Assembly for Wales and the First Minister and deputy First Minister in Northern Ireland to make procedural rules.

***Amendments etc***

This group of sections contains amendments to the Financial Services and Markets Act 2000 and to section 23 of the Interpretation Act (Northern Ireland) 1954 and also introduces the Schedules of consequential amendments and repeals.

***Final provisions***

These include provisions about commencement.