

INQUIRIES ACT 2005

EXPLANATORY NOTES

INQUIRIES FOR WHICH MORE THAN ONE MINISTER RESPONSIBLE

Section 32: Joint inquiries

78. In practice, this section would probably be used in situations where the subject matter of the inquiry fell within the responsibilities of more than one Minister. For example, the Victoria Climbié inquiry was established by the Home Secretary and the Secretary of State for Health. Sometimes, a joint inquiry might involve Ministers from more than one administration. For example, if devolution had been in place at the time of the Dunblane inquiry, which related both to firearms (a reserved issue) and safety in schools (a devolved one), the Scottish and UK Ministers might have chosen to set up a joint inquiry. Inquiries involving more than one administration are dealt with in more detail in the next section.

Section 33: Inquiries involving more than one jurisdiction

79. This section applies specifically to joint inquiries for which the responsibility is shared between two (or more) administrations – for example a joint inquiry set up by a United Kingdom Minister and the Welsh Assembly, or even a joint inquiry set up by the Scottish Ministers and the Northern Ireland Assembly. (The wording of subsection (1) reflects the fact that there are several United Kingdom Ministers and several Northern Ireland Ministers, whereas the Scottish Ministers and the National Assembly for Wales are each a single legal entity.)
80. This section sets out how the restrictions on terms of reference and powers of compulsion will work. Subsection (2) means that the terms of reference of the joint inquiry can cover matters that any one of the relevant Ministers would be able to establish an inquiry into. For example, the terms of reference of a joint inquiry established by Scottish Ministers and the National Assembly for Wales could require the inquiry to receive evidence or make recommendations that are wholly a primarily concerned with a Welsh or Scottish matter, but not on anything else. The terms of reference of a joint inquiry established by United Kingdom Ministers and Scottish Ministers could require the inquiry to receive evidence or make recommendations about anything not wholly concerned with a Welsh or Northern Ireland matter, and could extend to Welsh and Northern Ireland matters only if the UK Minister had first consulted the relevant administrations. The restrictions on powers of compulsion will operate in the same way.

Section 34: Change of responsibility for inquiry

81. This section might be used if it became clear, during the course of the inquiry, that its focus was more properly within the responsibilities of a Minister other than the commissioning Minister. For example, if a United Kingdom Minister had established an inquiry into events in Scotland that was expected to examine primarily reserved matters, and it subsequently became clear that there were significant implications for devolved matters, the establishing Minister might agree with the Scottish Ministers to

*These notes refer to the Inquiries Act 2005 (c.12)
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share responsibility for the inquiry, making it an inquiry to which section 33 applied. This section might also be used to pass responsibility for an inquiry from one Minister to another within the same administration.