

1975 No. 1379

TRIBUNALS AND INQUIRIES

The Tribunals and Inquiries (Discretionary Inquiries) Order 1975

<i>Made</i> - - - -	<i>11th August 1975</i>
<i>Laid before Parliament</i>	<i>28th August 1975</i>
<i>Coming into Operation</i>	<i>19th September 1975</i>

The Lord Chancellor and the Lord Advocate, in exercise of the powers conferred on them by section 19(2) of the Tribunals and Inquiries Act 1971(a), as amended by the Transfer of Functions (Secretary of State and Lord Advocate) order 1972(b), hereby make the following Order:

1. This Order may be cited as the Tribunals and Inquiries (Discretionary Inquiries) Order 1975 and shall come into operation on 19th September 1975.

2. The interpretation Act 1989(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The inquiries and hearing specified in the Schedule hereto and hereby designated for the purposes of section 19 of the Tribunals and Inquiries Act 1971.

In the said s. 19, subsection (2) (which confers the relevant power of designation) was repealed and re-enacted (1.10.92) in s. 16(2) of the Tribunals and Inquiries Act 1992 (c. 53).

4. Section 12 of the Tribunals and Inquiries Act 1971 (which provides for reasons to be given for decisions) shall apply in relation to the inquiries and hearings set out in Part I of the Schedule hereto.

The said s. 12 was repealed and re-enacted with modifications (1.10.92) in s. 10 of the Tribunals and Inquiries Act 1992 (c. 53).

5. The Tribunals and Inquiries (Discretionary Inquiries) Order 1967(d) is hereby revoked.

Dated 3rd August 1975.

Elwyn Jones, C

Dated 11th August 1975

Ronald King Murray
Lord Advocate

(a) 1971 c. 62.
(b) S.I. 1972/2002 (1972 III, p. 5957).
(c) 1989 c. 63.
(d) S.I. 1967/451 (1967 I, p. 1391).

SCHEDULE

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PART II
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105. Any inquiry held under section 93(3) of the Social Security Act 1975(a).

The said s. 93(3) was repealed and re-enacted (1.7.92) in s. 17(4) of the Social Security Administration Act 1992 (c. 5).

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order supersedes the Tribunals and Inquiries (Discretionary Inquiries) Order 1967. It designates the inquiries specified in the Schedule for the purposes of section 19 of the Tribunals and Inquiries Act 1971, thus applying sections 1 and 11 of that Act to such inquiries. This brings the specified inquiries within the jurisdiction of the Council on Tribunals and gives the Lord Chancellor and, in Scotland, the Lord Advocate power to make rules for regulating their procedure.

Section 12 of the Tribunals and Inquiries Act 1971 is applied to the inquiries listed in part I of the Schedule. It will thus be the duty of any minister who takes a decision after any such inquiry has been held by him, or on his behalf, to give the reasons for his decision unless he is relieved of the duty by virtue of section 12(2) or (4). There will be no duty to give reasons for his decision in the case of any inquiry listed in Part II of the Schedule since section 12 does not apply in relation to such inquiries.

(a) 1975 c. 14.