

1975 No. 1379

TRIBUNALS AND INQUIRIES

The Tribunals and Inquiries (Discretionary Inquiries)
Order 1975

Made - - - - 11th August 1975
Laid before Parliament 28th August 1975
Coming into Operation 19th September 1975

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 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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

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.

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.
(c) 1889 c. 63.

(b) S.I. 1972/2002 (1972 III, p. 5957).
(d) S.I. 1967/451 (1967 I, p. 1391).

SCHEDULE

PART I

1. Any inquiry held under section 9 of the Salmon Fisheries (Scotland) Act 1868(a).
2. Any inquiry held under sections 2 and 4 of the Sea Fisheries (Clam and Bait Beds) Act 1881(b), as amended by section 24 of, and Schedule 2 to, the Sea Fisheries (Shellfish) Act 1967(c).
3. Any inquiry held under section 6 or 8 of the Public Health (Scotland) Act 1897(d).
4. Any inquiry held under section 2(3) of the Commons Act 1899(e).
5. Any inquiry held under the Provisional Order (Marriages) Act 1905(f).
6. Any inquiry held under paragraph 5 of Schedule 1 to the Land Settlement (Scotland) Act 1919(g).
7. Any inquiry held under section 10(1) or 72 of the Land Drainage Act 1930(h).
8. Any inquiry held under section 47 of the Road and Rail Traffic Act 1933(i).
9. Any inquiry held under section 318 or 322 of the Public Health Act 1936(j) or under either of those sections as applied by section 131 of, and Schedule 9 to, the Food and Drugs Act 1955(k).
10. Any inquiry held under sections 5(5) and 12 of the War Charities Act 1940(l).
11. Any inquiry held under section 5(4) of the Hydro-Electric Development (Scotland) Act 1943(m).
12. Any inquiry held under section 93 of the Education Act 1944(n).
13. Any inquiry held under section 13 or 49 of the Water Act 1945(o).
14. Any inquiry held under section 13 or 73 of the Water (Scotland) Act 1946(p).
15. Any inquiry held under section 5 of the Acquisition of Land (Authorisation Procedure) Act 1946(q) or under that section as applied by any other enactment.
16. Any inquiry held under paragraph 11(2)(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 or under that paragraph as applied by any other enactment.
17. Any inquiry held under section 70 of the National Health Service Act 1946(r) or under that section as applied by section 43(4) of, and Part I of Schedule 2 to, the Health Services and Public Health Act 1968(s).
18. Any inquiry held under section 69 of the National Health Service (Scotland) Act 1947(t) or under that section as applied by section 43(4) of, and Part II of Schedule 2 to, the Health Services and Public Health Act 1968.
19. Any inquiry held under section 2(9), 12(4), 19(8) or 33 of the Fire Services Act 1947(u).

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|------------------|-----------------|-------------------------|-----------------|
| (a) 1868 c. 123. | (b) 1881 c. 11. | (c) 1967 c. 83. | (d) 1897 c. 38. |
| (e) 1899 c. 30. | (f) 1905 c. 23. | (g) 1919 c. 97. | (h) 1930 c. 44. |
| (i) 1933 c. 53. | (j) 1936 c. 49. | (k) 4 & 5 Eliz 2 c. 16. | (l) 1940 c. 31. |
| (m) 1943 c. 32. | (n) 1944 c. 31. | (o) 1945 c. 42. | (p) 1946 c. 42. |
| (q) 1946 c. 49. | (r) 1946 c. 81. | (s) 1968 c. 46. | (t) 1947 c. 27. |
| (u) 1947 c. 41. | | | |

20. Any inquiry held under section 5 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(a) or under that section as applied by any other enactment.
21. Any inquiry held under paragraph 11(2)(b) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or under that paragraph as applied by any other enactment.
22. Any inquiry held under section 16(9) or 24(4) of the London County Council (General Powers) Act 1947(b).
23. Any inquiry held under section 20(7) of the British Nationality Act 1948(c) or under that section as applied by section 3(3) of the British Nationality Act 1965(d).
24. Any inquiry held under regulation 14 of the Fire Services (Discipline) Regulations 1948(e).
25. Any inquiry held under section 29(1), 34(2) or 46 of the Coast Protection Act 1949(f).
26. Any inquiry held under section 18 of the Justices of the Peace Act 1949(g).
27. Any inquiry held under section 10 or 16 of the Shops Act 1950(h).
28. Any inquiry held under section 30 of the Rivers (Prevention of Pollution) (Scotland) Act 1951(i).
29. Any inquiry held under the Fire Services (Discipline) (Scotland) Regulations 1953(j).
30. Any inquiry held under section 13 of the Protection of Birds Act 1954(k).
31. Any inquiry held by the Secretary of State under section 5(3)(b) of the Parish Councils Act 1957(l).
32. Any inquiry held under section 34(3) of the Electricity Act 1957(m).
33. Any inquiry held under section 150 or 181 of the Housing Act 1957(n) or under section 181 as applied by any other enactment.
34. Any inquiry held under section 63 of the Local Government Act 1958(o).
35. Any inquiry held under paragraph 3 of Schedule 1 to the Water Act 1958(p).
36. Any inquiry held under paragraph 7(3) of Schedule 1 to the Opencast Coal Act 1958(q).
37. Any inquiry held under section 23 of the Building (Scotland) Act 1959(r).
38. Any inquiry held under section 279 of the Highways Act 1959(s).
39. Any inquiry held under section 143 of the Mental Health Act 1959(t).
40. Any inquiry held under section 248 of the Road Traffic Act 1960(u), as amended by any other enactment.
41. Any inquiry held under section 108 of the Mental Health (Scotland) Act 1960(v).
42. Any inquiry held under paragraph 4(3) of Schedule 2 to the Caravan Sites and Control of Development Act 1960(w).
43. Any inquiry held under section 37 of the Land Compensation Act 1961(x).

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| (a) 1947 c. 42. | (b) 1947 c. xlvi. | (c) 1948 c. 56. | (d) 1965 c. 34. |
| (e) S.I. 1948/545 (Rev. VII, p. 757; 1948 I, p. 1059). | (f) 1949 c. 74. | (g) 1949 c. 101. | (h) 1950 c. 28. |
| (i) 1951 c. 66. | (j) S.I. 1953/1086 (1953 I, p. 766). | (k) 1954 c. 30. | (l) 1957 c. 42. |
| (m) 1957 c. 48. | (n) 1957 c. 56. | (o) 1958 c. 55. | (p) 1958 c. 67. |
| (q) 1958 c. 69. | (r) 1959 c. 24. | (s) 1959 c. 25. | (t) 1959 c. 72. |
| (u) 1960 c. 16. | (v) 1960 c. 61. | (w) 1960 c. 62. | (x) 1961 c. 33. |

44. Any inquiry held under section 90 of the Transport Act 1962(a) in connection with an appeal or application to the Secretary of State under section 63 of that Act.
45. Any inquiry held under section 68 of the Education (Scotland) Act 1962(b).
46. Any inquiry held under paragraph 4(2) of Schedule 1 to the Pipelines Act 1962(c).
47. Any inquiry held under section 88 of the London Government Act 1963(d).
48. Any inquiry held under section 108 or 109 of the Water Resources Act 1963(e).
49. Any inquiry held under section 29(3) of the Police Act 1964(f), not being an inquiry the holding of which is, under this subsection, obligatory.
50. Any inquiry held under section 22 of the Airports Authority Act 1965(g).
51. Any inquiry held under paragraph 8(1) of Schedule 2 to the Gas Act 1965(h).
52. Any inquiry held under section 6(4) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(i).
53. Any inquiry held under section 50 of, or under paragraph 4 of Schedule 3 or paragraph 6 of Schedule 8 to, the New Towns Act 1965(j).
54. Any inquiry which, by virtue of section 52(1) of the Docks and Harbours Act 1966(k), the Secretary of State directs to be held in connection with his power under section 29 of that Act to make a default order.
55. Any inquiry held in pursuance of a direction given by the Secretary of State under section 52 of the Docks and Harbours Act 1966 in connection with any matter concerning the Secretary of State's functions under Part I of that Act, not being a matter mentioned in section 52(1)(a).
56. Any inquiry held under section 193(1) or 200(1) of the Housing (Scotland) Act 1966(l) or under those sections as applied by any other enactment.
57. Any inquiry held under section 51(3) of the Agriculture Act 1967(m).
58. Any inquiry held under any provision of the Road Traffic Regulation Act 1967(n), as amended by Part IX of, and Part V of Schedule 14 to, the Transport Act 1968(o).
59. Any inquiry held under section 31(3) of the Police (Scotland) Act 1967(p), not being an inquiry the holding of which is, under this subsection, obligatory.
60. Any inquiry held under section 55(2) or 60(3) of, or under paragraph 2 of Schedule 3 to, the Countryside (Scotland) Act 1967(q).
61. Any inquiry held under section 43 of, or under paragraph 4 of Schedule 3 or paragraph 6 of Schedule 8 to, the New Towns (Scotland) Act 1968(r).
62. Any inquiry held under section 109 of the National Parks and Access to the Countryside Act 1949(s) as applied by section 46(1) of, or under paragraph 2(4) of Schedule 2 to, the Countryside Act 1968(t).
63. Any inquiry held under section 9(4) of the Caravan Sites Act 1968(u).
64. Any inquiry held under section 158 of the Transport Act 1968 in connection with a proposed order under section 104(3), 105(3) or 112 of that Act, not being an inquiry the holding of which is, under paragraph 5(2) of Schedule 13 to the Act, obligatory.
65. Any inquiry held under paragraph 16(2) of Schedule 5 to the Transport (London) Act 1969(v).

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|-----------------|-----------------|-----------------|-----------------|
| (a) 1962 c. 46. | (b) 1962 c. 47. | (c) 1962 c. 58. | (d) 1963 c. 33. |
| (e) 1963 c. 38. | (f) 1964 c. 48. | (g) 1965 c. 16. | (h) 1965 c. 36. |
| (i) 1965 c. 49. | (j) 1965 c. 59. | (k) 1966 c. 28. | (l) 1966 c. 49. |
| (m) 1967 c. 22. | (n) 1967 c. 76. | (o) 1968 c. 73. | (p) 1967 c. 77. |
| (q) 1967 c. 86. | (r) 1968 c. 16. | (s) 1949 c. 97. | (t) 1968 c. 41. |
| (u) 1968 c. 52. | (v) 1969 c. 35. | | |

66. Any inquiry held under section 282 of the Town and Country Planning Act 1971(a) or under that section as applied by section 109 of the National Parks and Access to the Countryside Act 1949.

67. Any inquiry held under section 186 of the Road Traffic Act 1972(b), not being such an inquiry as is mentioned in section 26 or 27 of that Act.

68. Any inquiry held under section 113(5) or 267(1) of the Town and Country Planning (Scotland) Act 1972(c) or under section 267(1) as applied by any other enactment.

69. Any inquiry held under section 250 of the Local Government Act 1972(d).

70. Any inquiry held under section 52(5), 54(1), 202(8), 210 or 211 of the Local Government (Scotland) Act 1973(e) or under those sections as applied by any other enactment.

71. Any hearing held under section 69(1) of the Health and Safety at Work etc. Act 1974(f).

72. Any inquiry held under section 96 of the Control of Pollution Act 1974(g).

PART II

73. Any inquiry held in connection with any proposed provisional order promoted under the General Pier and Harbour Act 1861(h) and the General Pier and Harbour Act 1861 Amendment Act 1862(i) or under those Acts as applied by the Fishery Harbours Act 1915(j) and the Sea Fish Industry Act 1951(k).

74. Any inquiry held under section 15 of the General Pier and Harbour Act 1861 in connection with such an application as is mentioned in section 4 of the Harbours Piers and Ferries (Scotland) Act 1937(l), not being an inquiry which the Secretary of State has directed under section 5(7) of the Act of 1937 should be held by Commissioners under the Private Legislation Procedure (Scotland) Act 1936(m).

75. Any inquiry or formal investigation held under section 466(1), 466(2), 468 or 471 of the Merchant Shipping Act 1894(n).

76. Any formal investigation held under section 466(1) of the Merchant Shipping Act 1894 as applied and modified by Regulation 20 of, and Schedule 4 to, the Merchant Shipping (Diving Operations) Regulations 1975(o).

77. Any formal investigation held under section 466(1) of the Merchant Shipping Act 1894 as applied and modified by Article 9 of, and Schedule 4 to, the Hovercraft (Application of Enactments) Order 1972(p).

78. Any formal investigation held under section 6(1) of the Boiler Explosions Act 1882(q), as amended by the Boiler Explosions Act 1890(r).

79. Any inquiry held under section 40(2) of the Salmon and Freshwater Fisheries Act 1923(s).

80. Any inquiry held under section 47(4) of, or under paragraph 2 of Part I of Schedule 2 to, the Land Drainage Act 1930.

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|---------------------------------------|-----------------|-------------------------------------|-----------------|
| (a) 1971 c. 78. | (b) 1972 c. 20. | (c) 1972 c. 52. | (d) 1972 c. 70. |
| (e) 1973 c. 65. | (f) 1974 c. 37. | (g) 1974 c. 40. | (h) 1861 c. 45. |
| (i) 1862 c. 19. | (j) 1915 c. 48. | (k) 1951 c. 30. | (l) 1937 c. 28. |
| (m) 1936 c. 52. | (n) 1894 c. 60. | (o) S.I. 1975/116 (1975 I, p. 320). | |
| (p) S.I. 1972/971 (1972 II, p. 3024). | | (q) 1882 c. 22. | (r) 1890 c. 35. |
| (s) 1923 c. 16. | | | |

81. Any inquiry held under section 66 of the Electricity Act 1947(a).
82. Any inquiry or any rehearing of a public inquiry held in pursuance of regulations made under section 10 of the Civil Aviation Act 1949(b) or under that section as applied by the Civil Aviation Act (Application to Crown Aircraft) Order 1959(c).
83. Any hearing or rehearing of a review in pursuance of regulations made under section 10 of the Civil Aviation Act 1949 or under that section as applied by the Civil Aviation Act (Application to Crown Aircraft) Order 1959.
84. Any inquiry held under paragraph 2 of Schedule 1 to the Coast Protection Act 1949.
85. Any inquiry held under section 8(3) of the Copyright Act 1956(d).
86. Any inquiry held under section 84, 89(5) or 180(10) of, and Schedule 4 to, the Factories Act 1961(e).
87. Any inquiry held under section 87(2) of the Factories Act 1961 or under that section as extended by section 116(2)(g) of that Act.
88. Any inquiry held under section 7(2) or 64 of the Pipelines Act 1962.
89. Any inquiry held under section 39(3) of the Weights and Measures Act 1963(f).
90. Any inquiry held under paragraph 3 of Schedule 10 to the Water Resources Act 1963.
91. Any inquiry held under section 80(8) of, and Schedule 1 to, the Offices Shops and Railway Premises Act 1963(g).
92. Any inquiry held under section 32 of the Police Act 1964.
93. Any inquiry held under section 16 of the Public Libraries and Museums Act 1964(h).
94. Any inquiry held under section 64(3) of the National Insurance Act 1965(i) or under regulations made under section 50(2)(f) of the National Insurance (Industrial Injuries) Act 1965(j).
95. Any inquiry held by the Secretary of State by virtue of section 52(1) of the Docks and Harbours Act 1966 in connection with his functions under section 25 or 26 of that Act in relation to a welfare amenity scheme.
96. Any inquiry held under section 29 of the Covent Garden Market Act 1966(k).
97. Any inquiry held under section 7 of the Sea Fisheries Regulation Act 1966(l).
98. Any inquiry held under section 29 of the Police (Scotland) Act 1967.
99. Any inquiry held under section 1 of, and paragraph 5 of Schedule 1 to, the Sea Fisheries (Shellfish) Act 1967.
100. Any inquiry held under section 26(3) of the Trade Descriptions Act 1968(m).
101. Any inquiry held under paragraph 4 of Schedule 5 to the Transport (London) Act 1969.

(a) 1947 c. 54.

(b) 1949 c. 67.

(c) S.I. 1959/1309 (1959 I, p. 682).

(d) 1956 c. 74.

(e) 1961 c. 34.

(f) 1963 c. 31.

(g) 1963 c. 41.

(h) 1964 c. 75.

(i) 1965 c. 51.

(j) 1965 c. 52.

(k) 1966 c. i.

(l) 1966 c. 38.

(m) 1968 c. 29.

102. Any inquiry held under section 6 or 7 of, and Schedule 3 to, the Sea Fish Industry Act 1970(a).

103. Any inquiry under paragraph 15 of Schedule 2 to the Water Act 1973(b).

104. Any inquiry held under section 20(1) of the Hallmarking Act 1973(c).

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

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) 1970 c. 11.

(b) 1973 c. 37.

(c) 1973 c. 43.

(d) 1975 c. 14.

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