



HOUSE OF LORDS

SELECT COMMITTEE ON THE INQUIRIES ACT 2005

DRAFT CALL FOR EVIDENCE

The Select Committee on the Inquiries Act 2005 was set up on 16 May 2013, primarily with the task of conducting post-legislative scrutiny of that Act. Its remit however goes wider: it is “to consider the law and practice relating to inquiries into matters of public concern, in particular the Inquiries Act 2005”. The Committee will therefore be looking at the Act, to see whether it is satisfactorily governing the matters which Parliament intended it to, but will also be looking to see whether the law and practice relating to inquiries generally is satisfactory, and whether the law, practice and procedure may need amending. The Committee has to report by 28 February 2014.

This is a public call for written evidence to be submitted to the Committee. The deadline is 31 July 2013.

An inquiry can be set up under the Inquiries Act 2005 only if it appears to a minister that “(a) particular events have caused, or are capable of causing, public concern, or (b) there is public concern that particular events may have occurred.” Thus, for example, inquiries into major new infrastructure projects, though they may cause great public concern, are outside the remit of the Act, and outside the remit of the Committee’s inquiry.

The objects of the Act were stated to be “to make inquiries swifter, more effective at finding facts and making practical recommendations, and less costly whilst still meeting the need to satisfy the public expectation for a thorough and wide ranging investigation. It also aimed to restore public confidence in the inquiry process particularly given the concerns and controversies generated by the conduct of inquiries such as the Bloody Sunday Inquiry and other earlier pre-2005 Act inquiries.”

The Committee would welcome general views on whether the Act has achieved these objects. It would in particular welcome views on the following issues:

1. What is the function of public inquiries? What principles should underlie their use?
2. To what extent does the Inquiries Act 2005 reflect those principles?
3. Does the Act achieve the right balance between the respective roles of ministers, Parliament, the courts and inquiry panels themselves in making decisions about inquiries?
4. In particular, is it right that ministers should have the power to set up, or not to set up, an inquiry, to set its terms of reference, appoint the chairman and members, suspend or terminate the inquiry, and restrict the publication of documents?
5. Should other persons have any of these powers in addition to or instead of ministers?

6. Are inquiries generally set up when they are needed, and not when they are not? Are there examples of cases where an inquiry would have been useful, but ministers declined to set one up? Are there cases where an inquiry has unnecessarily been set up to deflect or defer criticism?
7. Is there a danger that the role of ministers will prevent the setting up of inquiries into their conduct, or restrict the roles of inquiries looking into the conduct of ministers?
8. Is the degree of involvement of the judiciary in inquiries appropriate?
9. Do lawyers acting for the inquiry or representing those complaining or complained against make an appropriate contribution? Is an inquisitorial or an adversarial process more appropriate for argument before inquiries? Is it easy enough for people to represent themselves?
10. Some inquiries set up before the Act was passed were both lengthy and inordinately expensive. An aim of the Act was to make inquiries briefer and less costly. Has it achieved this? If not, what could be done to improve this?
11. Inquiries are often asked to report by a particular date, and often fail to do so. Should there be a power to curtail an inquiry's proceedings? If so, exercisable by whom?
12. Is it right that ministers can and do continue to set up inquiries otherwise than under the Act? Is there any justification for this?
13. Is there a role for independent reviews to be established otherwise than under the Act (like the Hillsborough Independent Panel)?
14. Has the Act succeeded in securing confidence in inquiries from those closely involved – the core participants – and from the wider public generally? If not, what could be done to improve this?
15. Where an inquiry reveals or confirms wrongdoing, should evidence given to the inquiry be admissible in civil or criminal proceedings, and if so, with what safeguards?
16. Are the recommendations made by inquiries adequately implemented? Should there be a procedure for an inquiry to reconvene to consider this?
17. The Inquiry Rules 2006 have been criticised, not least by the Ministry of Justice, as being too restrictive and not allowing an inquiry panel sufficient freedom to regulate their own proceedings. Do you agree with this view? How might the Rules be improved?
18. At present, certain inquiry records become subject to the Freedom of Information Act 2000 after the inquiry has ended. Should an inquiry's record be kept confidential after the inquiry has concluded? How else might the interface between the Inquiries Act 2005 and the Freedom of Information Act 2000 need to be changed?

You need not address all these questions.

Written submissions should be provided to the Committee as a Microsoft Word document and sent by e-mail to holpostleginquiriesact@parliament.uk. Please do not submit PDFs (if you do not have access to Microsoft Word you may submit in another editable electronic form). If you do not have access to a computer you may submit a paper copy to the Clerk to the Select Committee on the Inquiries Act 2005, Committee Office, House of Lords, London SW1A 0PW, fax 020 7219 4931. The deadline for written evidence is 31 July 2013.

Short, concise submissions, of no more than six pages, are preferred. A longer submission should include a one-page summary. Paragraphs should be numbered. Submissions should be dated, with a note of the author's name, and of whether the author is acting on an individual or corporate basis. All submissions will be acknowledged promptly.

Personal contact details supplied to the Committee will be removed from submissions before publication but will be retained by the Committee staff for specific purposes relating to the Committee's work, such as seeking additional information.

Submissions become the property of the Committee which will decide whether to accept them as evidence. Evidence may be published by the Committee at any stage. It will normally appear on the Committee's website and will be deposited in the Parliamentary Archives. Once you have received acknowledgement that your submission has been accepted as evidence, you may publicise or publish it yourself, but in doing so you must indicate that it was prepared for the Committee. If you publish your evidence separately, you should be aware that you will be legally responsible for its content.

You should be careful not to comment on individual cases currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the Clerk of the Committee how this might affect your submission.

Certain individuals and organisations may be invited to appear in person before the Committee to give oral evidence. Oral evidence is usually given in public at Westminster and broadcast in audio and online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the Committee about the inquiry should be addressed through the Clerk or the Chairman of the Committee, whether or not they are intended to constitute formal evidence to the Committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You may follow the progress of the inquiry at <http://www.parliament.uk/business/committees/committees-a-z/lords-select/inquiries-act-2005/>