

Inquiries Act 2005: Summary of Assembly Functions

Section, Subsection	Provision
1(1) & (2)	Enables any Minister to cause an independent inquiry to be held and sets out the circumstances in which the inquiry may be established. It provides that any references to "Minister" also include references to the National Assembly for Wales (NAW).
4(1)–(3)	<p>Gives NAW power to appoint, by an instrument in writing, members (including the chairman) of an inquiry panel, members to be appointed after consultation with the person it has appointed, or proposes to appoint, as chairman.</p> <p>The instrument appointing the chairman must state that the inquiry is to be held under the Act.</p>
5(1)–(3)	<p>Requires NAW to specify a date and the terms of reference for any inquiry after consultation with the chairman.</p> <p>Gives NAW power to amend the Terms of Reference if it considers that the public interest so requires.</p>
6(1) & (4)	Imposes a duty to inform NAW of an inquiry to be held either in advance or as soon as is reasonably practicable by means of a statement (either written or oral).
6(2) & (3)	Requires that details of the chairman, membership and terms of reference (including any amendments) be included in any statement.
7(1)–(3)	Gives NAW the power to appoint members to fill a vacancy (including that of the chairman) or, with the consent of the chairman, further members to an inquiry panel.
8(1) & (2)	Sets out the criteria to which the NAW must have regard when appointing the inquiry panel to ensure the expertise, necessary balance etc., as appropriate, having regard to the terms of reference.
9(1)	The NAW is prohibited from appointing anyone to the inquiry panel whose interest or association could be regarded as affecting the impartiality of the panel.

10	This section sets out whom the NAW is required to consult before appointing a judge as a panel member.
11(1)–(4)	Gives NAW the power before the inquiry has been set up to appoint assessors to assist the inquiry panel, after consultation with the inquiry chairman. This power vests in the chairman after set up of the inquiry.
11(5)	Requires consent of NAW to any decision by the chairman to terminate the appointment of an assessor appointed by the Assembly.
12(3) & (5)	Provides power for the NAW to terminate appointment of any member of the inquiry panel on the grounds that the member (a) is unable to carry out the duties required (b) has failed to comply with the requirements of the Act (c) their interest or association could be regarded as affecting the impartiality of the panel (unless NAW was aware beforehand) or (d) has been guilty of misconduct which makes the member's appointment unsuitable.
12(4)	If a panel member is temporarily unable to carry out their duties, the NAW may have regard to the likely duration of the inquiry when deciding whether the appointment should be terminated.
12(6) & (7)	The NAW must consult the chairman before exercising powers under section 12 (3) above, must inform the affected member of the proposed decision (and of the reasons for it) and take into account any representations made by the member, and consult other panel members if requested to do so by the affected member.
13(1)–(4)	Sets out the circumstances in which NAW may, by notice, after consulting the chairman, suspend an inquiry to allow other proceedings to be completed.
13(5)	Requires that a copy of any notice suspending an inquiry, to include the reasons for suspension, be laid before the NAW.
14(1)(b)	Provides the NAW with the power to end an inquiry, by notice to the chairman, before delivery of the report of the inquiry.
14(2)	Precludes the ending of the inquiry by NAW at any date prior to the notice being given to the chairman (under section 14(1)(b) above).
14(3)	Requires the NAW to consult the inquiry chairman before using the powers conferred in section 14(1)(b) above.
14(4)	Where a notice has been given by NAW under section 14(1)(b) above, it must contain the reasons for ending the inquiry and a copy must be laid before NAW.
15 & 16	Provides the NAW with the power to convert an inquiry established under other legislation to one under this Act and sets out the procedure for doing so. The NAW may, after consulting the chairman, change the terms of reference when converting the inquiry.

19	<p>Provides power for the NAW by way of a "restriction notice" to restrict (a) the attendance at an inquiry (or part of an inquiry) and (b) disclosure or publication of any evidence or inquiry documents, having regard to matters specified in the section.</p> <p>Section 19(4) sets out matters to be considered prior to issuing such notices.</p>
20	<p>Any such notices may be varied or revoked by giving notice to the chairman.</p> <p>Power after the end of the inquiry to revoke, relax or vary restriction orders or notices containing disclosure restrictions that are still in force.</p>
23	<p>Receipt of confidential information from the inquiry panel.</p>
24	<p>Receipt of the report of the inquiry panel (setting out facts determined and recommendations made).</p> <p>Additionally, receipt of any interim report from the chairman.</p>
25(1)–(3)	<p>Establishes a duty for NAW to arrange for the publication of an inquiry report unless the chairman has been notified by NAW to make these arrangements.</p>
25(4)	<p>Where NAW is responsible for publication, it may withhold material from publication in compliance with a legal obligation or if it is necessary in the public interest.</p>
26	<p>Requirement to lay the published inquiry report before the NAW.</p>
27	<p>To be consulted by a UK Minister prior to that Minister giving permission allowing a UK inquiry to determine facts or make recommendations in relation to a Welsh matter.</p>
29	<p>Gives the NAW power to cause an inquiry to be held into a matter that is wholly or primarily concerned with a matter in relation to which the NAW has functions.</p>
31(1)	<p>Imposes a requirement on NAW to specify the relevant part of the UK to which the inquiry relates.</p>
31(2)	<p>Provides an obligation on NAW to specify which set of procedural rules apply in the case of a joint inquiry involving another UK administration.</p>
32	<p>Provides NAW with power to hold a joint inquiry involving another UK administration.</p>
34	<p>Provides NAW with the option of agreeing in writing responsibilities of those parties concerned for the joint inquiry.</p>

36(1)	Provides a power to certify to the appropriate court that a person has failed to comply with, or acts in breach of, a notice under section 19 or 21 or an order made by an inquiry, or threatens to do so.
39	<p>Provides for payment by NAW of inquiry expenses. These are: remuneration and expenses of panel members, assessors, solicitor or counsel to the inquiry or any person engaged to provide assistance; amounts awarded under section 40: and other expenses incurred (e.g. cost of publishing reports).</p> <p>Where NAW believes the panel is acting outside the scope of the Terms of Reference and notifies the chairman accordingly it is not obliged to meet such expenses (subject to anything to the contrary in the Rules).</p>
40(4)	Provides NAW with the power to impose conditions or qualifications on expenses or compensation for lost time awarded to inquiry witnesses etc.
41(1)–(4)	Gives the NAW power to make rules regarding the conduct of inquiries (dealing with matters of evidence and procedure, return and keeping of documents after the end of the inquiry and awards under section 40). These rules must be made by statutory instrument.