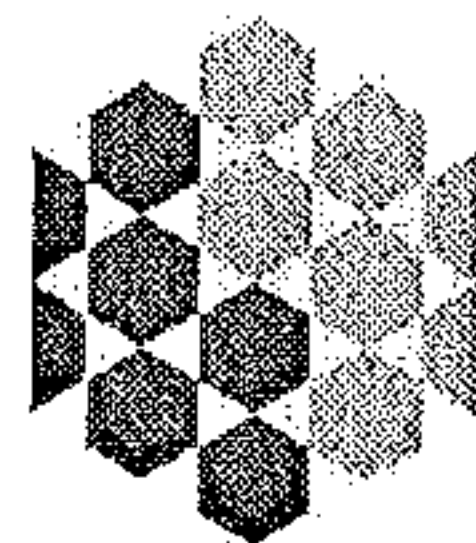


Andrew Hamilton
Deputy Secretary
Primary, Secondary & Community Care Group



Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

Tel:

Fax:

Email:

Andrew.Hamilton@

Your Ref:

Our Ref:

Date: 26 November 2004

Dear Mr O'Hara

INQUIRIES BILL

I am writing to inform you of the Government's intention, as mentioned in this year's Queen's Speech, to bring forward new legislation on inquiries.

The Inquiries Bill was introduced into the House of Lords yesterday and is published this morning. I have arranged for a copy of the Bill and the Explanatory Notes to be sent to you for your information and I enclose a copy of the Press Notice, which was released today by the Department of Constitutional Affairs (DCA). The introduction of the Bill will not have any impact on the operation of the inquiry you are chairing.

This Bill is an important measure, fully consistent with the Government's programme of reform and modernisation. The policy in this area has been under review for a number of years and in particular incorporates the results of the DCA's consultation exercise from earlier this year.

The Bill's main purpose is to modernise the framework for conducting statutory inquiries set up by Ministers into events that have caused public concern or have potential to cause public concern. It will bring the clarity of a single statutory framework, replacing the current legislation which has grown up piecemeal, which does not cover all areas where inquiries might be needed, and which can sometimes be too narrow in scope. It is designed to provide a framework within which future inquiries can operate effectively to deliver valuable and practicable recommendations at a reasonable cost.

The Bill does not set out when an inquiry should be called. Decisions on those matters, as at present, will rest with Ministers and will continue to be made on the merits of each individual case.

The Bill contains a power to make rules of procedure for inquiries. This will be one of the most important tools in ensuring the effectiveness of inquiries under the Bill and keeping costs to a reasonable level. It is envisaged that the rules will cover areas such as the taking of evidence, the granting of legal representation, costs assessment and the status of records. They will be as flexible as possible, providing a guide to the chairman in decision-making rather than a set of directives.



Although the Bill will repeal many of the current statutory powers that enable Ministers to call inquiries, please be reassured that all statutory inquiries currently underway will be unaffected. The Bill provides that they can continue as if the old legislation were still in force. Although the Bill contains a power to convert inquiries, there are no plans to convert any on-going inquiry held under existing legislation into an inquiry under the new Bill. It is possible that an existing non-statutory inquiry may be converted, if it were found that the inquiry needed powers to enforce the attendance of witnesses and compel the production of documents in order to achieve its objectives effectively.

If you have any questions about the Bill, please refer them in the first instance to: Neil Magowan, Office of the Permanent Secretary, DHSSPS, Room C.5.20 Castle Buildings, Stormont Estate, Belfast BT4 3SH. (or at e-mail address: [Neil.Magowan@](mailto:Neil.Magowan@dhssps.dca.gov.uk) [REDACTED]) Should you wish to peruse the Bill immediately, a copy should be available for viewing from 10:30 am today at <http://www.dca.gov.uk/legist/inquiries.htm>.

Yours sincerely



ANDREW HAMILTON
Deputy Secretary

cc Clive Gowdy

DHSSPS



dca

Department for
Constitutional Affairs
Justice, rights and democracy

News Release

T 020 7210 8512/8513 F 020 7210 8633 E press.office@dca.gsi.gov.uk

www.dca.gov.uk

26 November 2004

559/04

MODERNISING STATUTORY INQUIRIES

A Bill to modernise the statutory inquiry process was published today.

The main aim of the Bill is to help inquiries deliver high quality conclusions and recommendations quickly and at reasonable cost.

New requirements to publish and contain costs will provide a greater level of accountability to the public. Ministers will also be required to ensure impartiality when appointing an inquiry panel.

Proposals in the Bill cover:

- setting up inquiries
- appointing panels to conduct inquiries
- procedures and powers
- submission and publication of reports.

Welcoming publication of the Bill, Constitutional Affairs Minister Baroness Cathy Ashton said:

“The Bill overhauls legislation dating back to 1921 and produces a single framework for conducting inquiries. The aim is to make them as effective as possible, so that they can deliver their conclusions and recommendations more quickly and at a reasonable cost.

"The purpose of an inquiry is not to apportion blame or suggest punishment. It is designed to examine events that have caused serious public concern, decide what went wrong and recommend how that can be avoided in future.

"This Bill will make that process more effective."

The Inquiries Bill will provide a single framework for calling inquiries, replacing various pieces of legislation that have grown up over many years and which do not cover all situations in which an inquiry might be needed.

The Bill is supported by the devolved administrations in Scotland, Wales and Northern Ireland, whose Ministers will be able to use the new framework to set up statutory inquiries into matters within their remit.

Notes to Editors

1. The Inquiries Bill was introduced into the Lords on 25 November 2004.
2. A link to the Inquiries Bill and the Explanatory Notes can be found at <http://www.dca.gov.uk/legist/inquiries.htm>.
3. Legislation that would be replaced by the Inquiries Bill includes the Tribunals of Inquiry (Evidence) Act 1921, and a number of inquiry powers in various subject areas, including s.49 of the Police Act 1996, s.81 of the Children Act 1989 and s.84 of the NHS Act 1977.
4. The DCA published a consultation paper on inquiries, *Effective Inquiries* on 6 May 2004. It is available at on the DCA website at: www.dca.gov.uk/consult/inquiries/index.htm
5. A paper summarising the responses to the consultation was published on 28 September 2004 is also on the DCA website at: www.dca.gov.uk/consult.inquiries/inquiriesCPR-12-04.htm

ENDS