

**REPORT**

To: CORPORATE SERVICES COMMITTEE		Subject: DRAFT INQUIRIES (SCOTLAND) RULES 2007 - CONSULTATION PAPER
From: HEAD OF LEGAL SERVICES		
Date: 24 MAY 2012	Ref: AL CO OPN 0032/NY	

**1. PURPOSE OF REPORT/INTRODUCTION**

- 1.1. The purpose of this report is to seek homologation by Committee for the Council's response to the Scottish Government Consultation Paper on amendments to the Inquiries (Scotland) Rules 2007.
- 1.2. A copy of the Paper is in the Members' Library and further details are available at:-  
[www.scotland.gov.uk/Publications/2012/03/9427](http://www.scotland.gov.uk/Publications/2012/03/9427)
- 1.3. The closing date for responses to the Paper is 8 June 2012. A response was sent from the Head of Legal Services on 24 May 2012.

**2. BACKGROUND**

The Consultation Paper is concerned with amendments to the Inquiries (Scotland) Rules 2007. These Rules have been developed in response to the Inquiries Act 2005. The 2005 Act was intended to modernise the law on statutory enquiries and to create a comprehensive new statutory framework for inquiries set up by Ministers to look into matters of public concern. As part of this new framework, the Scottish Government may set up an enquiry where the terms of reference do not require enquiry to determine any fact or make any recommendation that is not wholly or primarily concerned with a matter which is within their competence in accordance with the devolution settlement. The Scottish Government developed the 2007 Rules to apply to inquiries established by Scottish Ministers and which are wholly or primarily concerned with Scottish matters. The Rules came into force on 19 January 2008 and there have been four public inquiries established under the 2005 Act following the 2007 Rules since that time. The four inquiries are:-

- The ICL Inquiry (a joint inquiry with the Department for Work and Pensions)
- The Fingerprint Inquiry
- The Vale of Leven Hospital Inquiry
- The Penrose Inquiry

The current amendments have been proposed in order to reflect the experience of these inquiries and in an attempt to ensure that the Rules are user friendly and relevant.

**3. PROPOSALS/CONSIDERATION**

The 2007 Rules provide a procedural framework for the running of public inquiries. As such, the proposed amendments are all of a technical nature. It is stated that the changes are made in response to feedback from those who have been involved in the inquiries which have been run according to the Rules. North Lanarkshire Council has not had any involvement in any of these four inquiries and it is not therefore possible to relate any of the

proposed changes to direct experience. None of the proposed changes would have any particular impact on the Council, were it to be involved in a public inquiry in the future. The proposed amendments all appear to achieve the desired effect, as stated in the Consultation Paper.

#### 4. **SUMMARY OF THE COUNCIL'S RESPONSE TO THE CONSULTATION PAPER**

Given the closing date for responses, it was not possible to obtain Committee approval in advance of a response being sent.

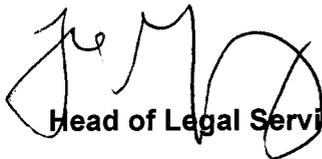
No official response form was provided with the Consultation Paper, so the response took the form of a letter addressed to the relevant Department at the Scottish Government (the Legal System Division). The response was relatively short and simply stated that North Lanarkshire Council has no comment to make. A copy of the response is attached at Appendix 1.

#### 5. **CORPORATE CONSIDERATIONS**

The amendments proposed to the Inquiries Rules do not raise any corporate considerations.

#### 6. **RECOMMENDATIONS**

6.1. The Committee is asked to approve the report and homologate the Council's response, as detailed in Appendix 1 to this report.



**Head of Legal Services**

For further information on this report please contact Nairn Young on telephone 01698 302290.

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Date: 24 May 2012



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Dear Sirs

### **Draft Inquiries (Scotland) Rules 2011 - Consultation Paper**

I refer to the above Consultation dated March 2012. The proposed changes to the 2007 Rules would appear to be well founded. The specific amendments described in the Consultation Paper would appear to be sufficient to achieve their intended purpose. North Lanarkshire Council has no further comment to make in relation to these proposals.

Yours faithfully

A handwritten signature in black ink, appearing to read "June Murray", written over a horizontal line.

**M** Head of Legal Services

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INVESTOR IN PEOPLE