

Compass Chambers



# Public Inquiries

2 November 2020



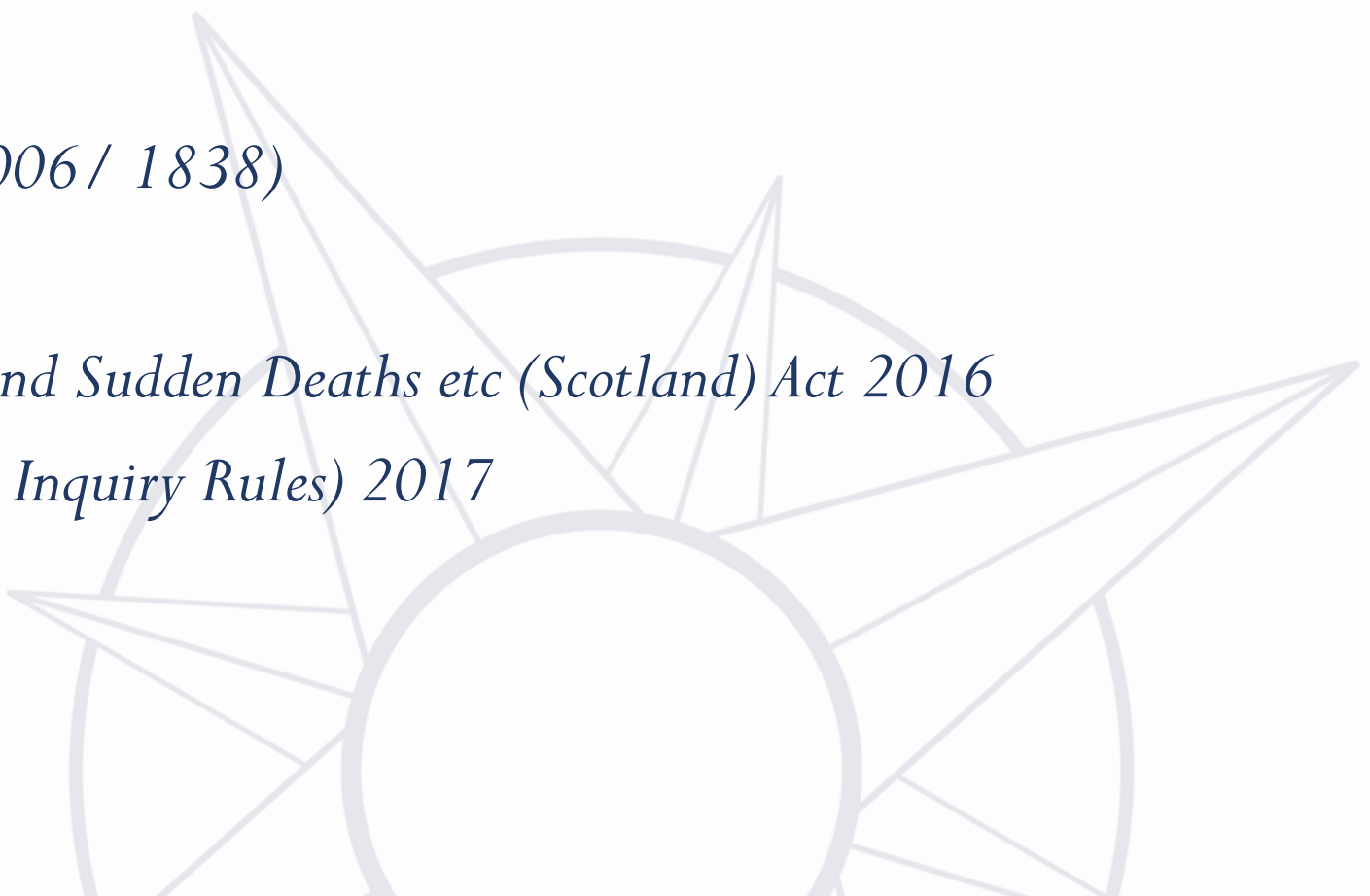
# Public Inquiries- themes

- *Examination of issues of public concern*
- *Focus on matters going forward*
- *Similarities to Fatal Accident Inquiries under 2016 Act?*



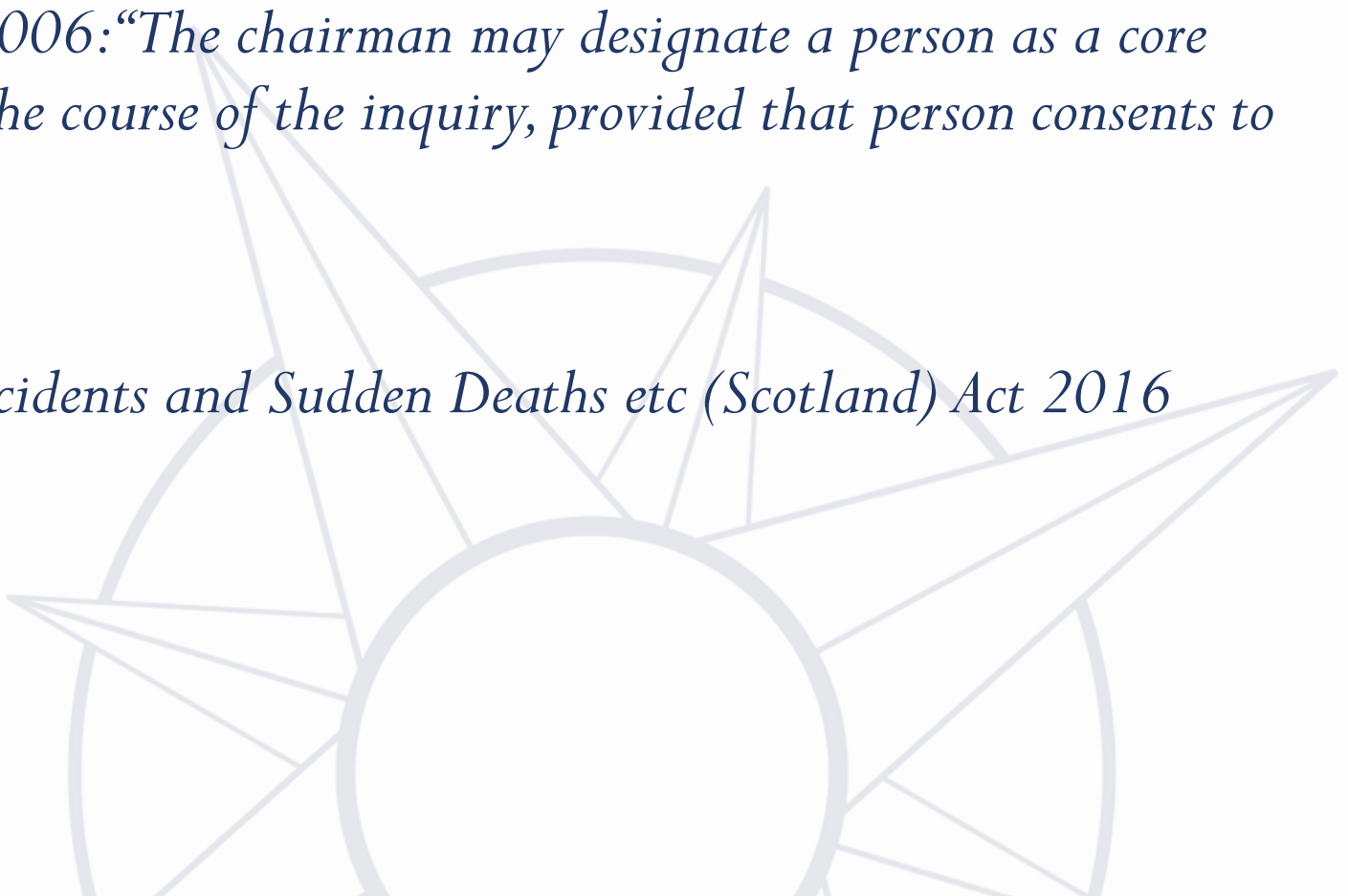


# Statutory framework and accompanying Rules

- *Inquiries Act 2005*
  - *The Inquiry Rules 2006 (SI 2006/ 1838)*
  - *Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016*
  - *Act of Sederunt (Fatal Accident Inquiry Rules) 2017*
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# Permission to participate

- *Rule 5(1) of the Inquiry Rules 2006: “The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.”*
  - *Sec 11 of Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016*
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# Remit

- *Terms of reference*
- *Issues*





# Differences

- Issues of public concern which can be explored- unrestricted at Public Inquiry
- Relative infrequency of Public Inquiries
- Government initiated process



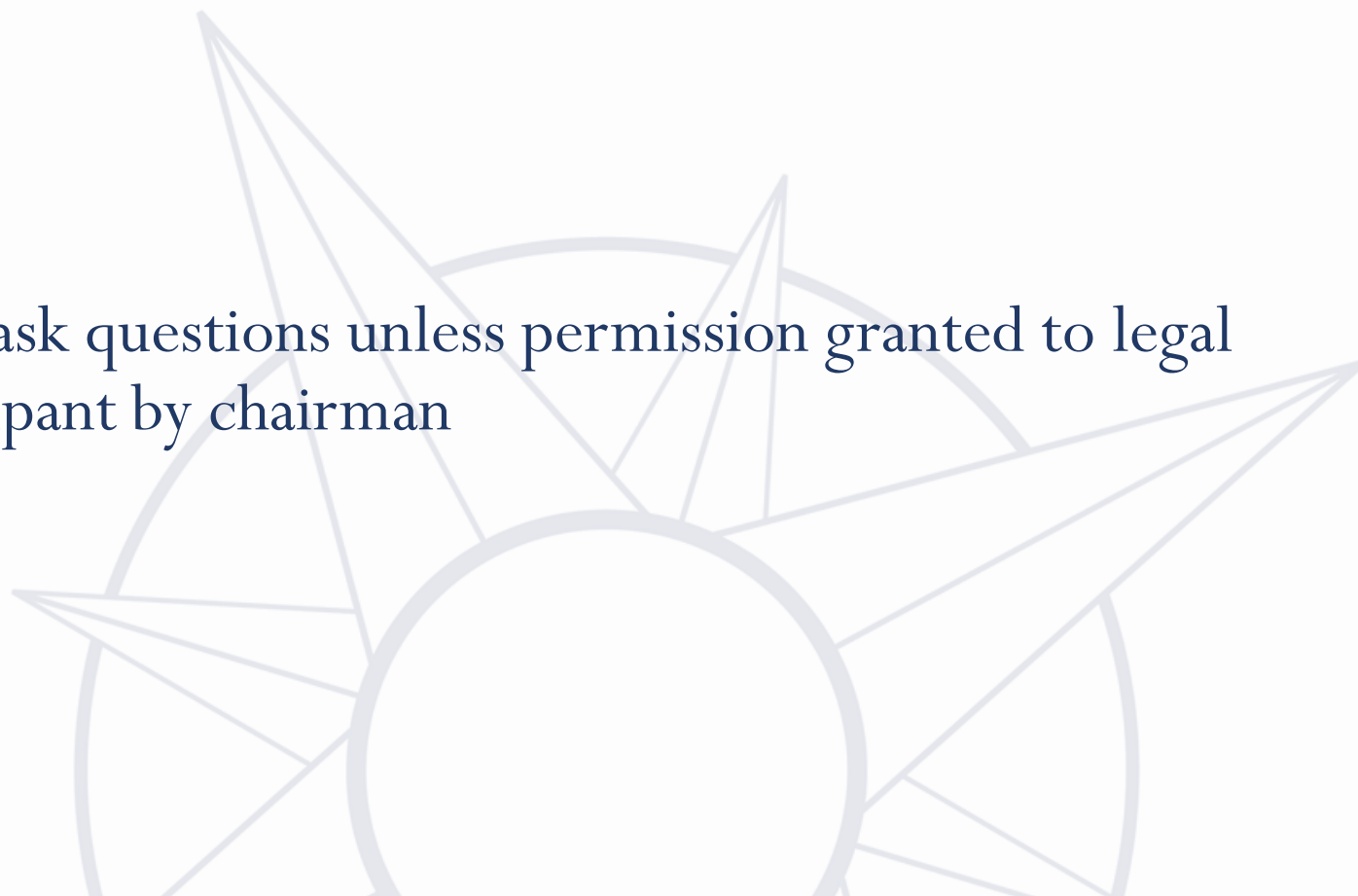


- Composition of inquiry tribunal
- Terms of reference
- Opening speeches





- Permission for line of questioning
- Rule 10 (1), (4) and (5)
- Only counsel to inquiry can ask questions unless permission granted to legal representative of core participant by chairman







# Warning letters

- Can be sent to those who have been, or may be, criticised during the inquiry proceedings or in the inquiry report
- Rules 13- 16





- Greater degree of control by chairman
- Terms of reference





- Unrestricted in issues of concern which can be explored
- Government initiated process
- Control and management power of chairman



# Compass Chambers



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