

Line

- There is obvious concern that evidence is still being gathered regarding the 7/7 and 21/7 events. An Inquiry which may have to look at the evidence being currently gathered would have implications for ongoing investigations and future prosecutions. The Home Secretary will need to consider this with colleagues.
- We are continuing our engagement and working with the Muslim Community to prevent extremism together.

Background

- There is a fear that an inquiry may undermine current efforts to bring perpetrators to book.
- Holding a public inquiry requires the co-operation of a number of interested groups and the Home Secretary will need to consider whether a Public Inquiry will have the desired outcome – understanding what happened and why?
- The working groups set up by the Home Secretary are already tackling a number of the issues that may be flagged up by a Public Inquiry.
- Identifying and tackling social inequalities is being dealt with by these working groups
- Extremism is being dealt with by the working groups

Briefing on Types of Inquiries

Statutory Public Inquiry

The Inquiries Act 2005- replaces **over 30 different pieces** of legislation on inquiries, consolidating much of the current legislation and codifying past practice for inquiries.

Because of the shortcomings of The 1921 Tribunals of Inquiry Act, governments set up ad-hoc, non statutory inquiries, often because there was no appropriate legislation for statutory ones.

Statutory inquiries can be held under various specific pieces of legislation. For example, the **Stephen Lawrence Inquiry** was held under the auspices of the **Police Act** which does have statutory powers. However, the **Zahid Mubarek Inquiry** was a non-statutory inquiry as there is no power under the Prisons **Act** for the Home Secretary to set up a statutory inquiry. The **Hutton Inquiry** was administrative rather than judicial-headed by a judge and sat in the Royal Courts of Justice, but Lord Hutton did not have judicial powers, and the power which the inquiry had derived from its moral authority. Lord Hutton secured the co-operation of every one concerned, including the House of Commons.

Cost Implications

- There is no difference in regard to cost, time or scale between a statutory and non-statutory inquiry.
- New requirement under Inquiries Act 2005 for the inquiry chair to have regard to the need to control costs.
- Mubarek and Lawrence Inquiry - the cost was estimated at £10m
- Bloody Sunday Inquiry was the longest inquiry to date -427 days, called 919 witnesses and cost £155m

Non-statutory public inquiry

- Non-statutory public inquiries follow the same general procedures as statutory inquiries but they lack the statutory power to compel witnesses or require the production of papers.
- Despite the lack of statutory powers, such inquiries have not normally had significant difficulty in securing co-operation of witnesses and relevant organisations.

Recent examples of non-statutory inquiries with judicial chairmen include the inquiry into the Strangeways prisons riots, established 1990 (Lord Justice Woolf); the Arms to Iraq inquiry, established 1992 (Sir Richard Scott); the BSE inquiry, established 1997 (Lord Phillips of Worth Matravers). Non-statutory inquiries with non judicial chairmen include those into the escape from HMP Whitemoor in September 1994,

established in 1994 (Sir John Woodcock); and into Prison Service security and the escape from HMP Parkhurst January 1995, established 1995 (Sir John Larmont).

Departmental statutory inquiry under other legislation

Some legislation imposes a statutory obligation on particular Ministers to set up an inquiry in the event of certain circumstances, or provides discretionary powers for them to choose to do so. Statutory inquiries normally provide for the use of statutory powers such as the power to call for evidence, to summon witnesses and hear evidence on oath. The chairman does not have to be a High Court Judge.

These inquiries are more common. Recent examples include the Stephen Lawrence inquiry established in 1997 under the Police Act 1996 (Sir William Macpherson); the Southall and Ladbroke Grove rail disaster inquiries established in 1997 and 1999 under the Health and Safety at Work etc Act 1974 (Professor Sir John Uff QC and Lord Cullen); and the Victoria Climbié inquiry, established in 2001 under the Children's Act 1989, the National Health Service Act 1977, and the Police Act 1996 (Lord Laming).

Other types of Inquiry

- Royal Commission

What is the Royal Commission?

- A group of people commissioned by the Parliament to inquire into various issues, and report their findings back to the Parliament.
- In countries that are members of the Commonwealth a Royal Commission is a major government inquiry into an issue. They have been held in countries such as the United Kingdom, Canada, and Australia.

A Royal Commissioner has considerable powers, generally greater even than those of a judge but restricted to the "Terms of Reference" of the Commission. The Commission is created by Cabinet on behalf of the Monarch and empowered by a Royal Warrant, issued in Letters Patent. While the presenting of the Warrant is often thought of as a formality, it does mean that in practice - unlike lesser forms of inquiry - once a Commission has started the government cannot stop it. Consequently governments are usually very careful about framing the Terms of Reference and generally include in them a date at which the Warrant becomes defunct.

Royal Commissions are called to look into matters of great importance and usually controversy. These can be matters such as government structure, the treatment of minorities, or economic questions. Some critics accuse Royal

Commissions of being little more than a way to end public criticism of government inaction without actually doing anything. Many Royal Commissions last many years, and often a different government is left to respond to the findings. Royal Commissions are usually chaired by one or more notable figures; because of their quasi-judicial powers, the Commissioners are often retired senior judges.

Select Committees

Select Committees are appointed from time to time to conduct investigations into very specific issues. They are parliamentary committees that look at specific issues and proposed law changes. Thus, their terms of reference are usually narrower than those of the Joint Investigatory Committees and a Select Committee normally ceases to exist once its final report is tabled in Parliament. A Select Committee is appointed by a resolution of either or both Houses, or an Act of Parliament which specifies its terms of reference and, generally, provide it with the power to summon and examine witnesses. The operation of Select Committees is governed by the Standing Orders of the Houses. The usual composition of a Select Committee is five to twelve Members

Select Committees are charged with scrutinizing the executive. The influence of a select committee on the political process compared with its US counterparts is indirect. It depends heavily on the personal influence of members of the committee, and on what publicity they can garner.

Privy Council

The Privy Council Office (PCO) reports directly to the Prime Minister and is headed by the Clerk of the Privy Council and Secretary to the Cabinet. It is both the Cabinet secretariat and the Prime Ministers' source of public service advice across the entire spectrum of policy questions and operational issues facing the Government, including matters relating to the management of the federation and constitutional development.

The PCO also provides the necessary support to the Deputy Prime Minister, Government Leaders in the House of Commons and in the Senate, the President of the Privy Council and Minister of Intergovernmental Affairs as well as the Minister designated as the Federal Interlocutor for Métis and non-status Indians.

Membership of the Privy Council is today a titular honour, with the office recognised as a reward for public and political service. Appointments are made by the Sovereign on ministerial advice and are for life – there are no fixed numbers of Members. By convention, all present and past Cabinet Members are appointed to the Privy Council. Also included in the membership are members of the royal family, senior judges, two Archbishops, British Ambassadors, the Speaker of the House of Commons, Prime Minister and Cabinet Members, present and former leaders of the Opposition, and leading Commonwealth spokesmen and judges. The Council now numbers about 420 members, and members are entitled to the prefix 'Right Honourable.'

Example: Franks Inquiry into The Falklands Islands Inquiry –looked at a review of the actions of government in the period leading up to the invasion of the Falkland Islands.
The Butler Inquiry into intelligence on weapons of mass destruction used the Franks template

Intelligence and Security Committee Inquiry

The Intelligence and Security Committee (ISC) is not a select committee as, whilst it is a committee of parliamentarians, it is established under statute rather than Standing Orders, and it reports to the Prime Minister