

Concordat between the UK Government and the Scottish Executive on the Inquiries Act 2005

1. This Concordat sets out the understanding of, on the one hand, the United Kingdom Government and, on the other hand, the Scottish Ministers, of the way in which Ministers of the United Kingdom Government (“UK Ministers”) will, under the circumstances set out in paragraph 3, exercise their power to establish an inquiry under section 1 of the Inquiries Act 2005 or to convert an inquiry under section 15 of the Act.
2. This Concordat is a statement of political intent. It does not give rise to legal obligations and is binding in honour only.
3. The circumstances referred to in paragraph 1 are that the inquiry which the UK Minister is proposing to establish or to convert is one whose terms of reference include a requirement to determine any fact or make any recommendation that is wholly or primarily concerned with a “Scottish matter” as defined by section 28(5) of the Act.
4. Where such circumstances arise, the UK Minister in question will (as part of the process of consultation with the Scottish Ministers which is required by section 27(2) of the Act) invite the Scottish Ministers to consider exercising, with the UK Minister, the power under section 32 of the Act to hold the inquiry (whether by establishing or, as the case may be, by converting the inquiry) jointly.
5. Where, upon being invited to do so the Scottish Ministers agree in principle to the holding of a joint inquiry, the UK Minister in question and the Scottish Ministers will use their best endeavours to agree on such arrangements as are necessary to give effect to that agreement.
6. A UK Minister will not, other than in exceptional circumstances, establish an inquiry under section 1 of the Act to which section 27(2) applies unless the Scottish Ministers have agreed to the proposal to do so.