STATUTORY INSTRUMENTS

1967 No. 451

TRIBUNALS AND INQUIRIES

The Tribunals and Inquiries (Discretionary Inquiries) Order 1967

Made - - -	*21st March* 1967
Laid before Parliament	*3rd April* 1967
Coming into Operation	*17th April* 1967

We, the Lord High Chancellor of Great Britain and the Secretary of State for Scotland, in exercise of the powers conferred on us by section 1(2) of the Tribunals and Inquiries Act 1966(a), hereby make the following Order:—

1. This Order may be cited as the Tribunals and Inquiries (Discretionary Inquiries) Order 1967 and shall come into operation on 17th April 1967.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The inquiries specified in the Schedule to this Order are hereby designated for the purposes of section 1 of the Tribunals and Inquiries Act 1966, and section 12 of the Tribunals and Inquiries Act 1958(c) shall apply in relation to such inquiries, so, however, that this Article shall not be taken as applying subsection (1) of the said section 12 to any such decision of a Minister as is mentioned in subsection (2) of that section.

Dated 21st March 1967.

Gardiner, C,

William Ross.

SCHEDULE

1. Any inquiry held under section 9 of the Salmon Fisheries (Scotland) Act 1868(d)
2. Any inquiry held under section 8 of the Explosives Act 1875(e)
3. Any inquiry held under section 5 of the Fisheries (Oyster, Crab and Lobster) Act 1877(f)
4. Any inquiry held under sections 2 and 4 of the Sea Fisheries (Clam and Bait Beds) Act 1881(g)
5. Any inquiry held under section 6, 8 or 106 of the Public Health (Scotland) Act 1897(h)
6. Any inquiry held under section 5(1) of the Burial Act 1900(i)

(a) 1966 c. 43. (b) 1889 c. 63. (c) 1958 c. 66.
(d) 1868 c. 123. (e) 1875 c. 17. (f) 1877 c. 42.
(g) 1881 c. 11. (h) 1897 c. 38. (i) 1900 c. 15.

7. Any inquiry held under the Provisional Order (Marriages) Act 1905(a)

8. Any inquiry held under section 3 of the Land Settlement (Scotland) Act 1919(b)

9. Any inquiry held under section 3 of the Petroleum (Consolidation) Act 1928(c)

10. Any inquiry held under section 72 of the Land Drainage Act 1930(d)

11. Any inquiry held under section 11, 25 or 290 of the Local Government Act 1933(e)

12. Any inquiry held under section 47 of the Road and Rail Traffic Act 1933(f)

13. Any inquiry held under section 318 or 322 of the Public Health Act 1936(g), or under either of those sections as applied by section 131 of, and Schedule 9 to, the Food and Drugs Act 1955(h)

14. Any inquiry held under sections 5(5) and 12 of the War Charities Act 1940(i)

15. Any inquiry held under section 5(4) of the Hydro-Electric Development (Scotland) Act 1943(j)

16. Any inquiry held under section 93 of the Education Act 1944(k)

17. Any inquiry held under section 18(7) or 50 of, or under paragraph 6 of Schedule 1 to, the Town and Country Planning (Scotland) Act 1945(l)

18. Any inquiry held under section 13 or 49 of the Water Act 1945(m)

19. Any inquiry held under section 13 or 73 of the Water (Scotland) Act 1946(n)

20. Any inquiry held under section 5 of the Acquisition of Land (Authorisation Procedure) Act 1946(o), or under that section as applied by any other enactment

21. Any inquiry held under paragraph 11(2)(*b*) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 as applied by any other enactment

22. Any inquiry held under section 24(3) of the Hill Farming Act 1946(p)

23. Any inquiry held under section 70 of the National Health Service Act 1946(q)

24. Any inquiry held under section 69 of the National Health Service (Scotland) Act 1947(r)

25. Any inquiry held under section 2 (9), 12(4), 19(8) or 33 of the Fire Services Act 1947(s)

26. Any inquiry held under section 5 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(t), or under that section as applied by any other enactment

27. Any inquiry held under paragraph 11(2)(*b*) of Schedule 1 to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 as applied by any other enactment

28. Any inquiry held under section 49(1), 127(5), 134(7), 152(1) or (3), 201, 301(9), 355, 356 or 370 of the Local Government (Scotland) Act 1947(u)

(a) 1905 c. 23. (b) 1919 c. 97. (c) 1928 c. 32.
(d) 1930 c. 44. (e) 1933 c. 51. (f) 1933 c. 53.
(g) 1936 c. 49. (h) 4 & 5 Eliz. 2. c. 16. (i) 1940 c. 31.
(j) 1943 c. 32. (k) 1944 c. 31. (l) 1945 c. 33.
(m) 1945 c. 42. (n) 1946 c. 42. (o) 1946 c. 49.
(p) 1946 c. 73. (q) 1946 c. 81. (r) 1947 c. 27.
(s) 1947 c. 41. (t) 1947 c. 42. (u) 1947 c. 43.

29. Any inquiry held under section 16(9) or 24(4) of the London County Council (General Powers) Act 1947(a)

30. Any inquiry held under section 4(3) of the Employment and Training Act 1948(b)

31. Any inquiry held under section 20(7) of the British Nationality Act 1948(c)

32. Any inquiry held under regulation 14 of the Fire Services (Discipline) Regulations 1948(d)

33. Any inquiry held under section 29(1), 34(2) or 46 of the Coast Protection Act 1949(e)

34. Any inquiry held under section 18 of the Justices of the Peace Act 1949(f)

35. Any inquiry held under section 10 or 16 of the Shops Act 1950(g)

36. Any inquiry held under section 174(1) of the Housing (Scotland) Act 1950(h)

37. Any inquiry held under section 30 of the Rivers (Prevention of Pollution) (Scotland) Act 1951(i)

38. Any inquiry held under the Fire Services (Discipline) (Scotland) Regulations 1953(j)

39. Any inquiry held under section 13 of the Protection of Birds Act 1954(k)

40. Any inquiry held under section 6A(3) of the Police (Scotland) Act 1956(l)

41. Any inquiry held under section 34(3) of the Electricity Act 1957(m)

42. Any inquiry held under section 150, 172, 173 or 181 of the Housing Act 1957(n)

43. Any inquiry held under section 23 or 63 of the Local Government Act 1958(o)

44. Any inquiry held under paragraph 3 of Schedule 1 to the Water Act 1958(p)

45. Any inquiry held under paragraph 7(3) of Schedule 1 to the Opencast Coal Act 1958(q)

46. Any inquiry held under paragraph 3 of Schedule 1 to the Slaughterhouses Act 1958(r)

47. Any inquiry held under section 23 of the Building (Scotland) Act 1959(s)

48. Any inquiry held under section 143 of the Mental Health Act 1959(t)

49. Any inquiry held under section 248 of the Road Traffic Act 1960(u) (as amended by paragraph 30 of Schedule 5 to the London Government Act 1963(v)) not being an inquiry mentioned in section 78 or 79 of that Act

50. Any inquiry held under section 108 of the Mental Health (Scotland) Act 1960(w)

51. Any inquiry held under paragraph 4(3) of Schedule 2 to the Caravan Sites and Control of Development Act 1960(x)

52. Any inquiry held under section 37 of the Land Compensation Act 1961(y)

(a) 1947 c.xlvi. (b) 1948 c. 46. (c) 1948 c. 56.
(d) S.I. 1948/545 (Rev. VII, p.757). (e) 1949 c. 74. (f) 1949 c. 101.
(g) 1950 c. 28. (h) 1950 c. 34. (i) 1951 c. 66.
(j) S.I. 1953/1086 (1953 I, p.766). (k) 1954 c. 30. (l) 1956 c. 26.
(m) 1957 c. 48. (n) 1957 c. 56. (o) 1958 c. 55.
(p) 1958 c. 67. (q) 1958 c. 69. (r) 1958 c. 70.
(s) 1959 c. 24. (t) 1959 c. 72. (u) 1960 c. 16.
(v) 1963 c. 33. (w) 1960 c. 61. (x) 1960 c. 62.
(y) 1961 c. 33.

53. Any inquiry held under section 213 of the Town and Country Planning Act 1962(a), or under that section as applied by section 109 of the National Parks and Access to the Countryside Act 1949(b)

54. Any inquiry held under section 90 of the Transport Act 1962(c) in connection with an appeal or application to the Minister under section 58, 59 or 63 of that Act

55. Any inquiry held under section 68 or 125(1) or (3) of the Education (Scotland) Act 1962(d)

56. Any inquiry held under paragraph 4(2) of Schedule 1 to the Pipelines Act 1962(e)

57. Any inquiry held under section 88 of, or under paragraph 2 of Part III of Schedule 1 or paragraph 8 of Schedule 2 to, the London Government Act 1963

58. Any inquiry held under section 108 or 109 of the Water Resources Act 1963(f)

59. Any inquiry held under section 61 or 62 of the Offices, Shops and Railway Premises Act 1963(g)

60. Any inquiry held under paragraph 8(1) of Schedule 2 to the Gas Act 1965(h)

61. Any inquiry held under section 6(4) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(i)

62. Any inquiry held under section 50 of or under paragraph 4 of Schedule 3 or paragraph 6 of Schedule 8 to, the New Towns Act 1965(j)

63. Any inquiry which, by virtue of section 52(1) of the Docks and Harbours Act 1966(k), the Minister of Labour directs to be held in connection with his power under section 29 to make a default order

64. Any inquiry held in pursuance of a direction given by the Minister of Transport under section 52 of the Docks and Harbours Act 1966 in connection with any matter concerning the Minister's functions under Part I of that Act, not being a matter mentioned in section 52(1)(*a*)

65. Any inquiry held under section 44(2), 173(1), 193(1) or 200(1) of the Housing (Scotland) Act 1966(l)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the inquiries specified in the Schedule for the purposes of section 1 of the Tribunals and Inquiries Act 1966 and applies section 12 of the Tribunals and Inquiries Act 1958 to all such inquiries. The Order brings the specified inquiries within the jurisdiction of the Council on Tribunals and to give the Lord Chancellor and, in Scotland, the Secretary of State, power to make rules for regulating their procedure. It will be the duty of any Minister who takes a decision after such an inquiry has been held by him, or on his behalf, to give the reasons for his decision unless the case is one falling outside the scope of section 12 of the Act of 1958.

(a) 1962 c. 38. (b) 1949 c. 97. (c) 1962 c. 46.
(d) 1962 c. 47. (e) 1962 c. 58. (f) 1963 c. 38.
(g) 1963 c. 41. (h) 1965 c. 36. (i) 1965 c. 49.
(j) 1965 c. 59. (k) 1966 c. 28. (l) 1966 c. 49.