

Statement of the Right Honourable Lord Gill to the Finance and Public Administration Committee of the Scottish Parliament

I have been following the progress of the Committee's project on the shortcomings of public inquiries in Scotland. This is a subject of which I have had long experience, firstly as an advocate at the Scottish Bar, and later as Lord Justice Clerk. In the latter role I conducted the Stockline Inquiry and the Scottish Civil Courts Review. The Stockline Inquiry was completed well under budget and ahead of schedule. In my Report I recommended that there should be a new and stronger safety regime for LPG installations throughout the UK, and I recommended what the content of that should be. My recommendations were accepted by the UK Government and implemented by the Health and Safety Executive. Since then, HSE, in consultation with the LPG industry, has built on my recommendations in strengthening the regime even further.

In 2014 I gave evidence to a House of Lords Committee, at its request, when it was considering similar questions to those that are raised in your consultation.

My views on the general principles of efficiency on which an inquiry should be run are reflected in the Report of [the Stockline Inquiry Appendix 4](#).

The onus is on the chairman of the inquiry to conduct it with thoroughness and efficiency. In doing so he should be subject to clear and precise terms of reference. The preparation for, and the detailed orders made during, any inquiry vitally affect the length and the public cost of even the simplest inquiries. Treating the inquiry as though it were a full-blown adversarial litigation is not the way forward. Key matters include directions as to:

- selection of an Inquiry team
- forms of application for admission to the Inquiry as core participants
- decision whether a technical assessor is required
- drafting of pre-inquiry procedural protocols
- the form and content of witness statements
- the limitations on the scope of statements and cross examinations
- the relevant information required in support of an application for funding
- the drafting of the Report, including findings of fact, and speedy interim reports.

The two problems with inquiries are notorious by now. They are the excessive and unreasonable length of many inquiries and the enormous costs that some of them incur. The public have every right to be concerned.

The two areas in which reform is long overdue are—

(1) to place the recruitment and training of inquiry chairmen and staff under a centralised framework; and

(2) to create a system of inquiry supervision that will detect when an inquiry is becoming disorganised, its timetable is slipping or it is simply losing its way; and will constantly monitor costs and require that they be justified.

It should be possible to draw up a set of general principles of practice that will ensure that inquiries are conducted with constant regard to efficiency, economy and the avoidance of wasted cost. I am convinced that it can be done.

Brian Gill

3 June 2025