



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 3

OTHER NEW INSTITUTIONS

Chief Inspector of Criminal Justice

45 Chief Inspector of Criminal Justice

- (1) There is to be an office of Chief Inspector of Criminal Justice in Northern Ireland.
- (2) The Secretary of State must appoint a person to be the Chief Inspector.
- (3) Schedule 8 makes further provision about the Chief Inspector.

46 Functions of Chief Inspector

- (1) The Chief Inspector must carry out inspections of the following organisations—
 - (a) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
 - (b) Forensic Science Northern Ireland,
 - (c) the State Pathologist's Department,
 - (d) the Public Prosecution Service for Northern Ireland,
 - (e) the Probation Board for Northern Ireland,
 - (f) the Northern Ireland Prison Service,
 - (g) the Juvenile Justice Board,
 - (h) any body or person (other than the Juvenile Justice Board) with whom the Secretary of State has made arrangements for the provision of juvenile justice centres or attendance centres,
 - (i) Health and Social Services Boards and Health and Social Services trusts, and
 - (j) the Compensation Agency.

Status: This is the original version (as it was originally enacted).

- (2) But the Chief Inspector must not carry out inspections of an organisation if he is satisfied that the organisation is subject to adequate inspection by someone other than him.
- (3) An inspection of an organisation carried out by the Chief Inspector may cover any institution provided or managed by the organisation.
- (4) An inspection carried out by the Chief Inspector of an organisation providing juvenile justice centres or attendance centres (other than the Juvenile Justice Board) may cover only activities relating to the juvenile justice centres or attendance centres.
- (5) An inspection carried out by the Chief Inspector of a Health and Social Services Board or a Health and Social Services trust may cover only activities relating to the keeping of children in secure accommodation under custody care orders.
- (6) The Secretary of State may by order amend subsection (1) by—
 - (a) adding any organisation having a role in the criminal justice system in Northern Ireland (apart from a court or tribunal),
 - (b) omitting an organisation, or
 - (c) altering the description of an organisation.
- (7) An order under subsection (6) may make appropriate consequential amendments in this section or in any other enactment or any instrument (whenever passed or made).

47 Further provisions about functions

- (1) The Chief Inspector must from time to time, after consultation with the Secretary of State and the Attorney General for Northern Ireland, prepare a programme specifying the inspections which he proposes to carry out under section 46.
- (2) The Chief Inspector must send a copy of each programme prepared under subsection (1) to—
 - (a) the Secretary of State, and
 - (b) the Attorney General for Northern Ireland.
- (3) The Secretary of State may require the Chief Inspector to carry out an inspection of an organisation specified in section 46.
- (4) The Secretary of State may require the Chief Inspector to carry out a review of any matter relating to the criminal justice system in Northern Ireland (apart from a matter relating to a court or tribunal).
- (5) The Secretary of State may not require the Chief Inspector to carry out an inspection or review under subsection (3) or (4) relating (wholly or partly) to the Public Prosecution Service for Northern Ireland without the consent of the Attorney General for Northern Ireland.
- (6) The Chief Inspector may not—
 - (a) carry out inspections or reviews of individual cases, or
 - (b) carry out an inspection relating to activities of an organisation which do not concern the criminal justice system in Northern Ireland.
- (7) The Secretary of State may require the Chief Inspector to provide advice in relation to an organisation specified in section 46.

48 Powers of inspectors

- (1) A person involved in the carrying out of an inspection or review by the Chief Inspector may, on showing evidence of his authority (if required to do so), enter any premises at any reasonable hour for the purposes of the inspection or review.
- (2) Such a person may, for the purposes of the inspection or review, require—
 - (a) that documents be produced in a form in which they can be taken away or be made available for inspection and copying,
 - (b) that an explanation be given of any document produced or made available, or
 - (c) that other information be provided.
- (3) A person commits an offence if—
 - (a) he fails, without reasonable excuse, to comply with a requirement imposed on him by virtue of subsection (2), or
 - (b) he intentionally obstructs a person involved in the carrying out of an inspection or review by the Chief Inspector.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) “Document” includes anything in which information is stored in electronic or any other form; and, in relation to anything containing information in electronic form, references to production or making available are to production or making available in a form in which the information is readily intelligible.

49 Reports

- (1) The Chief Inspector must report to the Secretary of State on each inspection and review carried out by him.
- (2) When a report is received by the Secretary of State, he must—
 - (a) lay a copy of it before each House of Parliament, and
 - (b) arrange for it to be published.
- (3) But the Secretary of State may exclude a part of a report from the copy so laid or published if, in his opinion, the laying or publication of the part—
 - (a) would be against the public interest, or
 - (b) might jeopardise the safety of any person.
- (4) If the Secretary of State excludes a part of a report from laying or publication, he must lay or publish with the report a statement that it has been excluded.
- (5) If a report relates (wholly or partly) to the Public Prosecution Service for Northern Ireland, the Chief Inspector must send a copy of it to the Attorney General for Northern Ireland.