



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.

### *Law Commission*

## **50 Law Commission**

- (1) There is to be a body corporate known as the Northern Ireland Law Commission.
- (2) The Commission is to consist of—

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- (a) a chairman, and
  - (b) four other Commissioners,  
appointed by the Secretary of State.
- (3) The chairman is to be a person who holds the office of judge of the High Court.
- (4) Of the other Commissioners—
- (a) one is to be a person appearing to the Secretary of State to be suitably qualified to be a Commissioner by experience as a barrister,
  - (b) one is to be a person appearing to the Secretary of State to be suitably qualified to be a Commissioner by experience as a solicitor,
  - (c) one is to be a person appearing to the Secretary of State to be suitably qualified to be a Commissioner by experience as a teacher of law in a university, and
  - (d) the other is to be a person who does not hold (and has never held) judicial office and is not (and has never been) a barrister, solicitor or teacher of law in a university.
- (5) Before appointing a person to be a Commissioner the Secretary of State must consult—
- (a) the Lord Chancellor,
  - (b) the First Minister and deputy First Minister, and
  - (c) the Attorney General for Northern Ireland.
- (6) In appointing persons to be Commissioners, the Secretary of State must so far as possible secure that the Commissioners (taken together) are representative of the community in Northern Ireland.
- (7) Schedule 9 makes further provision about the Commission.

## **51 Duties of Commission**

- (1) The Commission must keep under review the law of Northern Ireland with a view to its systematic development and reform, including in particular by—
- (a) codification,
  - (b) the elimination of anomalies,
  - (c) the repeal of legislation which is no longer of practical utility, and
  - (d) the reduction of the number of separate legislative provisions,  
and generally by simplifying and modernising it.
- (2) For that purpose the Commission must—
- (a) consider any proposals for the reform of the law of Northern Ireland made or referred to it,
  - (b) prepare and submit to the Secretary of State (from time to time) programmes for the examination of different branches of that law with a view to reform, including recommendations as to the agency (whether itself or another body) by which any such examination should be carried out,
  - (c) undertake, pursuant to any such recommendations approved by the Secretary of State, the examination of particular branches of that law and the formulation (by means of draft legislation or otherwise) of proposals for reform of those branches,
  - (d) prepare (from time to time) at the request of the Secretary of State comprehensive programmes of consolidation and repeal of legislation, and

- undertake the preparation of draft legislation pursuant to any such programme approved by the Secretary of State,
- (e) provide advice and information to government departments and, with the consent of the Secretary of State, to Northern Ireland departments and other authorities or bodies concerned with proposals for the reform or amendment of any branch of the law of Northern Ireland, and
  - (f) obtain such information as to the legal systems of other countries as appears to the Commission likely to facilitate the performance of its other duties.
- (3) Before approving any programme prepared by the Commission, the Secretary of State must consult—
- (a) the Lord Chancellor,
  - (b) the First Minister and deputy First Minister, and
  - (c) the Attorney General for Northern Ireland.
- (4) In performing its duties the Commission must consult—
- (a) the Law Commission,
  - (b) the Scottish Law Commission, and
  - (c) the Law Reform Commission of the Republic of Ireland.
- (5) The Commission must make an annual report on how it has performed its duties.

## **52 Reports etc.**

- (1) The Commission must send to the Secretary of State and the Office of the First Minister and deputy First Minister a copy of—
- (a) each programme prepared by the Commission and approved by the Secretary of State,
  - (b) each set of proposals for reform formulated by the Commission pursuant to such a programme, and
  - (c) each annual report of the Commission.
- (2) The Secretary of State must lay before each House of Parliament a copy of each document received by him under subsection (1).
- (3) The First Minister and deputy First Minister, acting jointly, must lay before the Assembly a copy of each document received by their Office under subsection (1).
- (4) After a copy of a document has been laid in accordance with subsections (2) and (3), the Commission must arrange for the document to be published.