2011 CHAPTER 1

Formal investigations

Powers of entry and inspection for purposes of formal investigation

18.—(1) Where the Commissioner considers it necessary to do so for the proper conduct of a formal investigation, the Commissioner may, at any reasonable time, enter any premises managed by a relevant authority in which—

(a) an older person is living or being looked after;

(b) an older person is being detained whether under any statutory provision or otherwise; or

(c) health, welfare or any other services are provided for older persons.

(2) On entering any premises under this section, the Commissioner may—

(a) make any examination into the state and management of the premises and the treatment of older persons there which the Commissioner thinks appropriate;

(b) subject to subsection (3), inspect and take copies of any documents or records which are required by any statutory provision to be kept there;

(c) subject to subsection (4), interview any older person present on the premises who consents to be interviewed;

(d) interview in private any other person present on the premises who is employed there (whether the employment is paid or unpaid or under a contract or otherwise).

(3) The Commissioner may not exercise the Commissioner's power under subsection (2)(b) unless the Commissioner considers it necessary to do so for the proper conduct of the investigation.

(4) An interview under subsection (2)(c) must be conducted—

(a) if the older person requires another person to be present, in that other person's presence; and

(b) otherwise in the presence of others only to the extent that the older person and the Commissioner have consented to their being present.

(5) Where the Commissioner proposes to exercise the power of entry conferred by this section the Commissioner must, if so required, produce some duly authenticated document showing the Commissioner's authority to exercise the power.

(6) Nothing in this section authorises the Commissioner to enter any premises (or any part of any premises) used wholly or mainly as a private dwelling.

Modifications etc. (not altering text)

C1 Ss. 2-29: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

Commencement Information

I1 S. 18 in operation at 1.12.2012 by S.R. 2012/388, **art. 2(q)**

Changes to legislation:
There are currently no known outstanding effects for the Commissioner for Older People Act (Northern Ireland) 2011, Section 18.