



2011 CHAPTER 1

Interpretation

Interpretation: “relevant authority”

26.—(1) In this Act “relevant authority” means—

- (a) any body (other than the Office of the Commissioner) listed in Schedule 2 to the [Commissioner for Complaints \(Northern Ireland\) Order 1996 \(NI 7\)](#) (bodies subject to investigation);
- (b) any department or other authority listed in Schedule 2 to the [Ombudsman \(Northern Ireland\) Order 1996 \(NI 8\)](#) (departments and other authorities subject to investigation); and
- (c) any body or person listed in Schedule 3.

(2) The Office may by order amend Schedule 3 so as to—

- (a) add a body or person to that Schedule;
- (b) remove a body or person from that Schedule; or
- (c) modify any entry in that Schedule.

(3) No order may be made under subsection (2) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(4) An order under subsection (2) may contain such transitional provisions as the Office thinks appropriate.

(5) An order under subsection (2) which adds a body or person to Schedule 3 may provide for this Act to apply to that person or body subject to such modifications or exceptions as are specified in the order.

(6) In this Act “relevant authority concerned” means—

- (a) in relation to an investigation for the purposes of the Commissioner's functions under section 3(2) or (3), a relevant authority mentioned in the terms of reference produced for that investigation under paragraph 2(2)(a) of Schedule 2;
- (b) in relation to an investigation for the purposes of the Commissioner's functions under section 5 or 6, the relevant authority in relation to which the investigation is to be, is being, or (as the case may be) has been conducted; and
- (c) in relation to a formal investigation into a complaint under section 8(1), the relevant authority against which the complaint was made.

(7) In this Act any reference to action taken by a relevant authority is a reference to action taken for the purposes of a function exercisable in or as regards Northern Ireland and includes a reference to action taken by—

- (a) a member or committee of the authority (if it is a body);
- (b) an officer or member of staff of the authority;
- (c) any person acting on behalf of the authority;
- (d) any person to whom the authority has delegated functions.