

## SCHEDULES

### SCHEDULE 3

Section 33.

#### THE PRISON OMBUDSMAN

##### *Appointment, status and term of office*

1. The Department shall appoint a person to be the Ombudsman.
2. The Ombudsman is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- 3.—(1) A person appointed as Ombudsman holds office for such term, not exceeding 7 years, as may be specified in the terms of appointment.  
(2) At the end of that term the person concerned is not eligible for re-appointment.
- 4.—(1) A person holding office as Ombudsman may resign that office by notice in writing to the Department.  
(2) A person holding office as Ombudsman may be removed from office by the Department if the Department is satisfied that the person—
  - (a) is incapable for medical or other reasons of performing the functions of the office;
  - (b) has, without reasonable excuse, failed to discharge the functions of the office for a continuous period of 3 months;
  - (c) is the subject of a bankruptcy restrictions order or a debt relief restrictions order;
  - (d) has been convicted of a criminal offence; or
  - (e) is otherwise unable, unfit or unwilling to perform the functions of the office.

##### *Remuneration and allowances*

5. The Department shall pay the Ombudsman such remuneration and such travelling and other allowances as the Department may determine.
6. The Department shall pay to or in respect of a person who holds or has held office as Ombudsman such pension, allowances or gratuities as the Department may determine.

### *Appointment of acting Ombudsman*

7.—(1) Where the office of Ombudsman becomes vacant, the Department may appoint a person as acting Ombudsman.

(2) Any person holding office as acting Ombudsman ceases to hold that office—

(a) on the appointment of a new Ombudsman; or

(b) at the end of the period of one year beginning with the day on which the vacancy arose,

whichever first occurs.

(3) Otherwise, a person appointed as acting Ombudsman holds office in accordance with the terms of appointment.

(4) A person holding office as acting Ombudsman is to be treated for all purposes (apart from those of paragraphs 1 to 6) as the Ombudsman.

### *The Ombudsman's officers*

8.—(1) The Ombudsman may, with the approval of the Department as to numbers and conditions of employment, appoint such officers as the Ombudsman may determine.

(2) Any function of the Ombudsman may be performed on behalf of the Ombudsman by any officer of the Ombudsman authorised for the purpose by the Ombudsman.

### *Advisers*

9. The Ombudsman may obtain advice from any person who, in the opinion of the Ombudsman, is qualified to give it, to assist the Ombudsman in the discharge of any function of the Ombudsman.

### *Documents*

10. A document purporting to be duly signed by, or on behalf of, the Ombudsman shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

### *Finance*

11.—(1) The Department may make payments to the Ombudsman out of moneys appropriated by Act of the Assembly.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) The Ombudsman may not borrow money.

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

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*Annual report*

**12.—(1)** As soon as practicable after the end of each financial year, the Ombudsman shall send to the Department a report on the carrying out of the functions of the Ombudsman during that year.

(2) The Department shall lay a copy of the report before the Assembly and arrange for it to be published.

*Data protection*

**13.** In section 31(4) of the Data Protection Act 1998 (regulatory activities) in paragraph (a) after sub-paragraph (v) insert—

“(va) the Prison Ombudsman for Northern Ireland;”

*Freedom of information*

**14.—(1)** In section 76(1) of the Freedom of Information Act 2000 (disclosure of information) in the Table after the entry relating to the Assembly Ombudsman for Northern Ireland insert—

“The Prison Ombudsman for Northern Ireland	Part 2 of the Justice Act (Northern Ireland) 2016”.
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(2) In Part 7 of Schedule 1 to that Act (bodies, etc. which are public authorities for the purposes of the Act) for the entry relating to the Prisoner Ombudsman for Northern Ireland substitute—

“The Prison Ombudsman for Northern Ireland”

*Public Services Ombudsman*

**15.** In Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016 (listed authorities) after the entry relating to the Northern Ireland Police Fund insert—

“The Prison Ombudsman for Northern Ireland”.

*Interpretation*

**16.** In this Schedule “financial year” means—

- (a) the period beginning with the day on which section 47(1) comes into operation and ending on 31st March 2017; and
- (b) any subsequent period of 12 months ending on 31st March.