
STATUTORY INSTRUMENTS

1996 No. 1297

**The Commissioner for Complaints
(Northern Ireland) Order 1996**

The Northern Ireland Commissioner for Complaints

The Northern Ireland Commissioner for Complaints

3.—(1) There shall continue to be a Commissioner, known as the Northern Ireland Commissioner for Complaints.

(2) A person appointed under section 36(1) of the Northern Ireland Constitution Act 1973 to be the Commissioner shall, subject to paragraphs (3) and (4), hold office during good behaviour.

(3) A person appointed to be the Commissioner—

- (a) may, at his own request, be relieved of office by Her Majesty;
- (b) may be removed from office by Her Majesty in consequence of an Address from the Assembly; and
- (c) shall in any case vacate office on completing the year of service in which he attains the age of 65 years.

(4) Her Majesty may declare the office of Commissioner to have been vacated if she is satisfied that the person appointed to be the Commissioner is incapable for medical reasons—

- (a) of performing the duties of his office; and
- (b) of requesting to be relieved of it.

Salary and pension

4.—(1) There shall be paid to the holder of the office of Commissioner such salary as the Department may by order determine.

(2) An order under paragraph (1) may provide for the salary determined by the order to be payable from such date, whether before or after the making of the order, as may be specified in the order.

(3) The salary payable to a holder of the office of Commissioner shall be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom or elsewhere to which he had previously been appointed or elected.

(4) Schedule 1 shall have effect with respect to the pensions and other benefits to be paid to or in respect of persons who have held office as Commissioner.

(5) Any abatement under paragraph (3) shall be disregarded in computing the salary of any person for the purposes of any pension or other benefit payable by virtue of Schedule 1.

(6) Except in so far as Schedule 1 otherwise provides, any salary, pension or other benefit payable under this Article shall be charged on and issued out of the Consolidated Fund.

Appointment of acting Commissioner

5.—(1) Where the office of Commissioner becomes vacant, Her Majesty may, pending the appointment of a new Commissioner, appoint a person under this Article to act as the Commissioner at any time during the period of 12 months beginning with the date on which the vacancy arose.

(2) A person appointed under this Article shall hold office during Her Majesty's pleasure and, subject to that, shall hold office—

- (a) until the appointment of a new Commissioner or the expiry of the period of 12 months beginning with the date on which the vacancy arose, whichever occurs first; and
- (b) in other respects, in accordance with the terms and conditions of his appointment which shall be such as the Department may determine.

(3) A person appointed under this Article shall, while he holds office, be treated for all purposes, except those of Articles 3 and 4, as the Commissioner.

(4) Any salary, pension or other benefit payable by virtue of this Article shall be charged on and issued out of the Consolidated Fund.

Staff and expenses

6.—(1) The Commissioner may appoint such officers as he may determine with the approval of the Department as to numbers and conditions of service.

(2) The Assembly Ombudsman for Northern Ireland may authorise any of his officers to assist the Commissioner in the exercise of the functions of the Commissioner under this Order.

(3) Any function of the Commissioner under this Order may be performed by any officer of the Commissioner or of the Assembly Ombudsman for Northern Ireland authorised for the purpose by the Commissioner.

(4) References in this Order to officers of the Commissioner include references to officers of the Assembly Ombudsman for Northern Ireland acting under this Article.

(5) The expenses of the Commissioner under this Order shall, to such amount as the Department may approve, be defrayed out of money appropriated by Measure.