
STATUTORY INSTRUMENTS

2003 No. 439

**The Commissioner for Children and Young
People (Northern Ireland) Order 2003**

Functions of the Commissioner

Actions which may be investigated: restrictions and exclusions

13.—(1) The Commissioner shall not conduct an investigation in respect of any action in respect of which the complainant has or had—

- (a) a right of appeal, complaint, reference or review to or before a tribunal constituted under any statutory provision or otherwise; or
- (b) a remedy by way of proceedings in any court,

unless the Commissioner is satisfied that, in the particular circumstances, it is not reasonable to expect the complainant to resort to or have resorted to the right or remedy.

(2) The Commissioner shall not conduct an investigation in respect of—

- (a) the commencement before any court in the United Kingdom of—
 - (i) any criminal proceedings; or
 - (ii) any civil proceedings by any person other than a relevant authority;
- (b) the conduct of any civil or criminal proceedings before any court in the United Kingdom; or
- (c) the commencement or conduct of any proceedings before any international court or tribunal.

(3) The Commissioner shall not conduct an investigation in respect of any action which is, or has been,^{F1} the subject of—

- (a) an inquiry under the Inquiries Act 2005 ^{F2}or the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013], or
- (b) any such inquiry as is referred to in section 23 of the Interpretation Act (Northern Ireland) 1954 (inquiries and investigations)]

(4) The Commissioner shall not conduct an investigation into a complaint if it appears to the Commissioner that there has been an unreasonable delay in making the complaint to the Commissioner.

F1 2005 c. 12

F2 Words in art. 13(3) inserted (19.1.2013) by [Inquiry into Historical Institutional Abuse Act \(Northern Ireland\) 2013 \(c. 2\), ss. 23\(2\), 25\(1\)](#) (with s. 22)

Changes to legislation:

There are currently no known outstanding effects for the The Commissioner for Children and Young People (Northern Ireland) Order 2003, Section 13.