



2011 CHAPTER 1

Interpretation

Interpretation: “older person”

25.—(1) Subject to subsections (2) to (4), for the purposes of this Act “older person” means a person aged 60 or over.

(2) If the Commissioner is of the opinion that a matter raises a question of principle affecting persons aged 50 or over, the Commissioner may direct that, for the purposes of this Act, “older person” means a person aged 50 or over in relation to that matter.

(3) If, in the case of a person aged 50 or over (“P”), there are in the opinion of the Commissioner exceptional circumstances which make it appropriate to do so, the Commissioner may direct that subsection (4) applies in relation to P.

(4) Where this subsection applies in relation to P, then—

- (a) anything which is required or authorised by this Act to be done by an older person may be done by P; and
- (b) anything which is required or authorised by this Act to be done by the Commissioner in relation to an older person may be done in relation to P.

(5) Anything which is required or authorised by this Act to be done by an older person may, where the older person—

- (a) has died; or
- (b) is for some reason unable to act for himself or herself,

be done by the older person's personal representative or by a member of the older person's family or other body or individual suitable to represent the older person.

(6) Subject to subsection (7), the Office may by order amend the ages specified in subsections (1) to (3).

Status: Point in time view as at 09/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Commissioner for Older People Act (Northern Ireland) 2011, Cross Heading: Interpretation. (See end of Document for details)

(7) An order under subsection (6) may not amend the ages specified in subsection (2) or (3) to any age above the age of 60.

(8) No order may be made under subsection (6) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(9) An order under subsection (6) may contain such transitional provisions as the Office thinks appropriate.

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.

Status: Point in time view as at 09/02/2011.

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(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.

Interpretation: general

27 In this Act—

“action” includes failure to act;

“advocacy arrangements”, “complaint arrangements”, “inspection arrangements” and “whistle-blowing arrangements” have the meanings given by section 5(1);

“the Commissioner” means the Commissioner for Older People for Northern Ireland;

“the complainant”, in relation to a formal investigation into a complaint under section 8(1), means the older person by whom or on whose behalf the complaint was made;

“formal investigation” means an investigation under section 13;

“general health care provider” has the meaning given in paragraph 1 of Schedule 3 and references to general health care are to any of the services mentioned in that paragraph;

“health and social care body” means any of the following bodies—

- (a) the Regional Health and Social Care Board;
- (b) the Regional Agency for Public Health and Social Well-being;
- (c) the Regional Support Services Organisation;
- (d) a Health and Social Care trust;
- (e) a special health and social care agency;

“independent provider” has the meaning given in paragraph 2 of Schedule 3;

“information” includes information recorded in any form;

“interests” includes rights;

“notice” means notice in writing;

“the Office” means the Office of the First Minister and deputy First Minister;

“practice” includes policy;

“statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

Status:

Point in time view as at 09/02/2011.

Changes to legislation:

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