2011 CHAPTER 1

Functions of the Commissioner

Actions which may be investigated: restrictions and exclusions

9.—(1) The Commissioner may 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 may 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 may not conduct an investigation in respect of any action which is, or has been, the subject of a local or public inquiry.

(4) The Commissioner may 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.

Changes to legislation: *There are currently no known outstanding effects for the Commissioner for Older People Act (Northern Ireland) 2011, Section 9. (See end of Document for details)*

Modifications etc. (not altering text)

C1 Ss. 2-29: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 1 Pt. 2** (with art. 9(2))

Commencement Information

I1 S. 9 in operation at 1.12.2012 by S.R. 2012/388, **art. 2(h)**

Changes to legislation:
There are currently no known outstanding effects for the Commissioner for Older People Act (Northern Ireland) 2011, Section 9.