



2011 CHAPTER 17

PART 2

THE NORTHERN IRELAND ASSEMBLY COMMISSIONER FOR STANDARDS

Establishment and functions

Establishment of the Commissioner

16.—(1) There shall be a Northern Ireland Assembly Commissioner for Standards.

(2) The person for the time being holding office as Northern Ireland Assembly Commissioner for Standards shall be, by the name of that office, a corporation sole.

Functions of the Commissioner

17.—(1) The functions of the Commissioner are—

- (a) where a person has made a complaint or referral to which subsection (2) applies, to investigate the complaint or referral in accordance with the provisions of this Part^[F1], provided the Commissioner is satisfied in the case of a complaint that it is not frivolous or vexatious or otherwise an abuse of the complaints process];
- (b) to initiate an investigation in accordance with the provisions of this Part if the Commissioner believes that, at a relevant time, a breach of the Code of Conduct [^{F2}or the Ministerial Code, or both,] may have occurred;

Changes to legislation: There are currently no known outstanding effects for the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, Cross Heading: Establishment and functions. (See end of Document for details)

- (c) to report to the Assembly on the outcome of any investigation under this section; and
- (d) on the Commissioner's own initiative, or if requested by the Assembly, to give advice on any matter of general principle relating to standards of conduct of members of the Assembly [^{F3}including Ministers].
- (2) This subsection applies to—
- (a) a complaint to the Commissioner that, at a relevant time, a breach of the Code of Conduct [^{F4}or the Ministerial Code, or both,] has occurred;
- (b) a referral to the Commissioner made by any person specified in the standing orders as being a person who may make referrals in relation to any matter specified in the standing orders as being a matter in respect of which the Commissioner must carry out an investigation.
- (3) In this section—
- “the Code of Conduct” means—
- (a) any code of conduct for members of the Assembly, and
- (b) any guide to the rules relating to the conduct of members of the Assembly, which has been agreed to by the Assembly; and
- [^{F5}the Ministerial Code” means the Ministerial Code of Conduct set out in Schedule 4 to the 1998 Act;]
- a “relevant time” means a time (whether before or after this section comes into operation) when a requirement to comply with the Code of Conduct [^{F6}or the Ministerial Code, or both,] was in force.

Textual Amendments

- F1** Words in s. 17(1)(a) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 5\(2\), 14\(2\)](#)
- F2** Words in s. 17(1)(b) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 5\(3\), 14\(2\)](#)
- F3** Words in s. 17(1)(d) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 5\(4\), 14\(2\)](#)
- F4** Words in s. 17(2)(a) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 5\(5\), 14\(2\)](#)
- F5** Words in s. 17(3) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 5\(6\), 14\(2\)](#)
- F6** Words in s. 17(3) inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\), ss. 5\(7\), 14\(2\)](#)
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Commencement Information

- I1** S. 17 in operation at 17.9.2012 by [S.R. 2012/334, art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011, Cross Heading: Establishment and functions.