



## 2016 CHAPTER 14

### PART 1

#### THE LEGAL SERVICES OVERSIGHT COMMISSIONER FOR NORTHERN IRELAND

##### **General powers of the Commissioner**

- 2.—(1) The Commissioner may—
- (a) require a professional body to provide information to, or make reports to, the Commissioner about the handling of complaints about its members;
  - (b) require a professional body to provide the Commissioner with such information in relation to the number of complaints made against the members of that body as the Commissioner may specify;
  - (c) investigate the manner in which complaints about the members of a professional body are handled by that body;
  - (d) make recommendations in relation to the training of members of—
    - (i) the Bar Complaints Committee;
    - (ii) the Solicitors Complaints Committee;
  - (e) set targets in relation to the handling of complaints about the members of a professional body;
  - (f) make recommendations in relation to the handling of complaints about the members of a professional body;
  - (g) require a professional body to submit to the Commissioner a plan for the handling of complaints about its members; and
  - (h) do any other thing which the Commissioner has power to do by virtue of this Act or any other statutory provision.

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*Status: Prospective version(s) available.*

*Status: This is the original version (as it was originally enacted).*

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(2) For the purposes of an investigation under subsection (1)(c), the Commissioner shall have a right of access at all reasonable times to all such documents as the Commissioner may reasonably require for carrying out the investigation.

(3) Subsection (2) only applies to documents in the custody of or under the control of the professional body to which the investigation relates.

(4) Where the Commissioner requires a professional body to submit a plan for the handling of complaints about its members but the body—

(a) fails to submit a plan which the Commissioner considers adequate for securing that such complaints are handled effectively and efficiently; or

(b) submits such a plan but fails to handle complaints in accordance with it, the Commissioner may require the body to pay a penalty.

(5) Before requiring a professional body to pay a penalty under subsection (4) the Commissioner must consult with the body and afford it a reasonable opportunity of appearing before the Commissioner to make representations.

(6) The Department must by order specify the maximum amount of any penalty under subsection (4).

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

(8) In determining the amount of any penalty which a professional body is to be required to pay under subsection (4) the Commissioner must have regard to all the circumstances of the case, including in particular—

(a) the total number of complaints about members of the body and, where the penalty is imposed in respect of a failure to handle complaints in accordance with a plan, the number of complaints not so handled; and

(b) the assets of the body and the number of its members.

(9) A penalty under subsection (4) must be paid to the Commissioner who must pay it to the Department.