



2016 CHAPTER 21

PART 2

The Prison Ombudsman For Northern Ireland

Own-initiative investigations

PROSPECTIVE

Own-initiative investigations

41.—(1) The Ombudsman may carry out an investigation under this section into a matter if—

- (a) the matter relates—
 - (i) to the way in which a prisoner has been treated by a prison officer;
 - (ii) to the way in which a person visiting a prison has been treated by a prison officer;
 - (iii) to the facilities available to a person at a prison (including, in the case of a prisoner, facilities for the welfare of the prisoner);
 - (iv) to the cleanliness and adequacy of a prison; and
- (b) the Ombudsman has reasonable grounds for believing that, in relation to the matter—
 - (i) a number of events of the same or a similar nature have occurred; and
 - (ii) the number or frequency of the events requires the matter to be investigated under this section.

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Cross Heading: Own-initiative investigations. (See end of Document for details)

- (2) Before commencing an investigation under this section, the Ombudsman must—
- (a) consult the Department; and
 - (b) inform the Department of the matter proposed to be investigated and of the grounds referred to in subsection (1)(b).
- (3) It is for the Ombudsman to determine the procedures to be applied to an investigation under this section.
- (4) This section applies to a matter whether or not a complaint has been, or could be, made about the matter under section 35.

Report on investigation under section 41

42.—(1) Where the Ombudsman has carried out an investigation under section 41, the Ombudsman must report in writing on the outcome of the investigation to—

- (a) the Department; and
- (b) any other person the Ombudsman considers should receive the report.

(2) In a report to the Department the Ombudsman may make recommendations about any matter arising from the investigation.

(3) Where such recommendations are made in a report, the Department must, within the required period, respond in writing to the Ombudsman setting out (with reasons) what it proposes to do about the recommendations.

(4) The required period is the period of 28 days commencing with the day on which the Department receives the report or such longer period as the Ombudsman may in the case of any report allow.

(5) The Ombudsman may report on that response to such persons as the Ombudsman may think fit.

(6) Regulations may make provision as to the procedures to be followed in relation to reports under this section and may in particular include provision—

- (a) enabling the Ombudsman to show any person a draft of the whole or any part of a report;
- (b) enabling the Ombudsman to publish the whole or any part of a report;
- (c) restricting or prohibiting the identification of prescribed persons or persons of a prescribed description in a report or the inclusion of information of a prescribed description.

Commencement Information

II S. 42(6) in operation at 1.9.2016 for specified purposes by S.R. 2016/248, art. 3(f)

Status:

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