

These notes refer to the Public Services Ombudsman Act (Northern Ireland) 2016 (c.4) which received Royal Assent on 19 February 2016

Public Services Ombudsman Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON CLAUSES

Schedule 6: Amendments consequent upon the Ombudsman being the Northern Ireland Judicial Appointments Ombudsman

This Schedule is introduced by section 58. The Northern Ireland Judicial Appointments Ombudsman (NIJAO) was established and is regulated by the Justice (Northern Ireland) Act 2002. Under section 58, the NIPSO automatically becomes the NIJAO. This Schedule makes the necessary changes to the 2002 Act consequent upon this. Under the 2002 Act, if a person has ever practised law or held judicial office, the person is ineligible to be the NIJAO. If the NIPSO has this legal background, then he or she is ineligible to exercise certain NIJAO functions. In this case, the NIPSO must appoint another person to carry out those particular functions. This Schedule also amalgamates certain of the administrative functions of the two offices. DoJ commented:

“In particular this Schedule amends Schedule 3A to that Act. Paragraph 4 of this Schedule substitutes for paragraph 1 of Schedule 3A new paragraphs 1, 1A and 1B and 1C. New paragraph 1(1) and (2) specifies various conditions that will make the NIJAO ineligible to exercise specified functions. New paragraph 1(1), (3), (4) and (5) requires him or her to consider if certain past experience or service would make it inappropriate for him or her to exercise specified functions, and that he or she may consult the Department of Justice as part of such consideration. New paragraph 1A requires the NIJAO, where he or she is ineligible under paragraph 1, to direct an appropriate eligible person or persons to exercise these functions; and new paragraph 1B specifies the eligibility criteria for a person so directed. New paragraph 1C provides that specified functions are those relating to the investigation of judicial-appointments complaints and to the convening of a removal tribunal. Paragraphs 5-11 of this Schedule omit or amend various provisions of Schedule 3A to take account of the effect of section 49.