
STATUTORY INSTRUMENTS

1996 No. 1297

**The Commissioner for Complaints
(Northern Ireland) Order 1996 (revoked)**

Investigations by the Commissioner

Disclosure of information by Commissioner

21.—(1) Information obtained by the Commissioner or his officers in the course of, or for the purposes of, an investigation under this Order shall not be disclosed except^[F1] as permitted by paragraph (1B) or] for the purposes of—

- (a) the investigation and any report to be made thereon under this Order;
- (b) any proceedings for an offence under the Official Secrets Acts 1911 to 1989 alleged to have been committed in respect of information obtained by the Commissioner or any of his officers by virtue of this Order;
- (c) any proceedings for an offence of perjury alleged to have been committed in the course of an investigation under this Order;
- (d) an inquiry with a view to the taking of proceedings of the kind mentioned in subparagraphs (b) and (c); or
- (e) any proceedings under Article 14, 16 or 17.

Para. (1A) rep. by 2001 c. 3 (NI)

^[F2](1B) Where information is to the effect that any person ("the subject") is likely to constitute a threat to the health or safety of any other person ("the person at risk"), the Commissioner may disclose that information to any person to whom the Commissioner thinks it should be disclosed in the interests of the health or safety of the person at risk.

(1C) If the Commissioner discloses information as permitted by paragraph (1B) he shall—

- (a) where he knows the identity of the subject, inform the subject—
 - (i) that he has disclosed the information; and
 - (ii) of the identity of any person to whom he has disclosed it; and
- (b) inform the person from whom the information was obtained that he has disclosed it.]

(2) The Commissioner and his officers^[F1] and advisors] shall not be called upon to give evidence in any proceedings (other than the proceedings mentioned in paragraph (1)(b) or (c) or proceedings in the High Court under Article 14 or 17) of matters coming to his or their knowledge in the course of an investigation under this Order.

^[F1](2A) The reference in paragraph (2) to the Commissioner's advisers is a reference to persons from whom the Commissioner obtains advice under Article 6(1A).]

(3) The Secretary of State or the head of a department may give notice in writing to the Commissioner with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or

Status: Point in time view as at 02/06/2014. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Commissioner for Complaints (Northern Ireland) Order 1996 (revoked), Section 21. (See end of Document for details)

information, or of documents or information of that class, would be prejudicial to the safety of Northern Ireland or the United Kingdom or otherwise contrary to the public interest.

(4) Where a notice is given under paragraph (3) nothing in this Order shall authorise or require the Commissioner or any officer of the Commissioner to communicate to any person or for any purpose any document or information specified in the notice, or any document or information of a class so specified.

[^{F3}(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of paragraph (1) as obtained for the purposes of an investigation under this Order and, in relation to such information, the reference in paragraph (1)(a) to the investigation shall have effect as a reference to any investigation.]

- F1** 1997 NI 14
- F2** 2001 c. 3 (NI)
- F3** 2000 c. 36

Modifications etc. (not altering text)

- C1** Art. 21 applied (with modifications) (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014](#) (c. 8), **ss. 63(1)**, 129 (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1
- C2** Art. 21 applied (with modifications) (2.6.2014) by [Local Government Act \(Northern Ireland\) 2014](#) (c. 8), **ss. 63(3)**, 129 (with s. 124(4)); S.R. 2014/153, art. 2, Sch. 1

- F1** functions transferred by SR 1999/481

Status:

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Changes to legislation:

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