
DRAFT STATUTORY INSTRUMENTS

2003 No.

**The Commissioner for Children and Young
People (Northern Ireland) Order 2003**

Formal investigations

Powers of entry and inspection for purposes of formal investigation

21.—(1) Where the Commissioner considers it necessary to do so for the proper conduct of a formal investigation, he may, at any reasonable time, enter any premises managed by a relevant authority in which—

- (a) a child or young person is living or being looked after;
- (b) a child or young person is being detained under any statutory provision; or
- (c) education, health, welfare or other services are provided for children or young persons.

(2) On entering any premises under this Article, the Commissioner may—

- (a) make any examination into the state and management of the premises and the treatment of children and young persons there which he thinks appropriate;
- (b) subject to paragraph (3), inspect and take copies of any documents or records which are required by any statutory provision to be kept there;
- (c) subject to paragraphs (4) to (6), interview in private any child or young person present on the premises;
- (d) interview in private any other person present on the premises who is employed there (whether the employment is paid or unpaid or under a contract or otherwise).

(3) The Commissioner shall not exercise his power under paragraph (2)(b) unless he considers it necessary to do so for the proper conduct of the investigation.

(4) Before exercising the power conferred by paragraph (2)(c) in relation to any child or young person, the Commissioner shall inform the parent of the child or young person—

- (a) of his intention to interview the child or young person; and
- (b) of the parent's right under paragraph (6);

and shall supply the parent with sufficient information to enable him to exercise that right.

(5) Paragraph (4) does not apply if in the Commissioner's opinion—

- (a) it would not be in the interests of the child or young person to inform the parent in accordance with that paragraph; or
- (b) it would not in the circumstances be practicable to do so.

(6) The parent of the child or young person has the right to be present at any interview conducted under paragraph (2)(c) unless—

- (a) in the Commissioner's opinion—
 - (i) it would not be in the interests of the child or young person for his parent to be present; or

- (ii) it is in the circumstances not practicable for the parent to be present; or
 - (b) the child or young person objects to the parent being present and, in the Commissioner's opinion, that objection is reasonable (regard being had in particular to the age and understanding of the child or young person).
- (7) Where the Commissioner proposes to exercise the power of entry conferred by this Article he shall, if so required, produce some duly authenticated document showing his authority to exercise the power.
- (8) Nothing in this Article authorises the Commissioner to enter any premises (or any part of any premises) used wholly or mainly as a private dwelling.