

SCHEDULES

SCHEDULE 2

INDEPENDENT MONITORING AUTHORITY FOR THE CITIZENS’ RIGHTS AGREEMENTS

PART 2

FUNCTIONS OF THE IMA ETC.

Inquiries

- 25 (1) Subject to sub-paragraph (3), the IMA may carry out an inquiry—
- (a) in response to a request from the Secretary of State,
 - (b) in response to a request from the Scottish Ministers relating to a relevant public authority which is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998),
 - (c) in response to a request from the Welsh Ministers relating to a relevant public authority which is a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006,
 - (d) in response to a request from the Executive Office in Northern Ireland relating to a relevant public authority—
 - (i) which exercises functions only in or as regards Northern Ireland, and
 - (ii) whose functions are wholly or mainly functions which relate to transferred matters (within the meaning of the Northern Ireland Act 1998),
 - (e) following a complaint by a person under paragraph 29, or
 - (f) on its own initiative.
- (2) The purposes of an inquiry are for the IMA—
- (a) to decide whether—
 - (i) the United Kingdom has failed to comply with Part 2, or
 - (ii) a relevant public authority has acted or is proposing to act in a way that prevents a person exercising a relevant right (see paragraph 41(1)), and
 - (b) to identify any recommendations that it considers appropriate to be made to a relevant public authority to promote the adequate and effective implementation or application of Part 2.
- (3) The IMA may not carry out an inquiry under sub-paragraph (1)(e) or (f) unless satisfied that there are reasonable grounds to believe that the inquiry may conclude—
- (a) that the United Kingdom has failed to comply with Part 2, or
 - (b) that a relevant public authority has acted or is proposing to act in a way that prevents a person exercising a relevant right.

Status: This is the original version (as it was originally enacted).

- (4) The IMA may decide not to carry out an inquiry even if satisfied as mentioned in sub-paragraph (3).
- (5) Among the reasons the IMA may decide not to carry out an inquiry is if it considers that there are no reasonable grounds to believe that the inquiry may identify general or systemic failings in the implementation or application of Part 2.