



# Historical Institutional Abuse (Northern Ireland) Act 2019

## 2019 CHAPTER 31

### PART 2

#### THE COMMISSIONER FOR SURVIVORS OF INSTITUTIONAL CHILDHOOD ABUSE

##### *The Commissioner*

#### **21 Establishment of the Commissioner**

- (1) An officer known as the Commissioner for Survivors of Institutional Childhood Abuse is established (and referred to in this Act as “the Commissioner”).
- (2) The Commissioner is to be appointed by the Executive Office.
- (3) Schedule 2 makes further provision about the Commissioner.

#### **Commencement Information**

**II** [S. 21](#) in force at 2.11.2020 by [S.R. 2020/229](#), [art. 2\(a\)](#)

#### **22 Principal aim of the Commissioner**

- (1) The principal aim of the Commissioner in exercising functions under this Act is to promote the interests of any person who suffered abuse while a child and while resident in an institution at some time between 1922 and 1995 (both inclusive).
- (2) Persons of the description given in subsection (1) are referred to in this Part as “victims and survivors”.

*Changes to legislation: There are currently no known outstanding effects for the Historical Institutional Abuse (Northern Ireland) Act 2019, PART 2. (See end of Document for details)*

**Commencement Information**

**I2** [S. 22](#) in force at 2.11.2020 by [S.R. 2020/229](#), [art. 2\(a\)](#)

*The Advisory Panel*

**23 The Advisory Panel**

- (1) The Commissioner must appoint a panel of persons, all of whom are victims and survivors.
- (2) The panel is to be known as “the Advisory Panel”.
- (3) The function of the Advisory Panel is to provide a forum for consultation and discussion with victims and survivors.
- (4) The Commissioner may reimburse each member of the Advisory Panel for such expenses as the member reasonably incurs in acting as such.

**Commencement Information**

**I3** [S. 23](#) in force at 2.11.2020 by [S.R. 2020/229](#), [art. 2\(a\)](#)

*Functions*

**24 General duties of the Commissioner**

- (1) The Commissioner must provide advice on matters concerning the interests of victims and survivors to the Executive Office or a person providing services to victims and survivors—
  - (a) as soon as reasonably practicable after receiving a request for advice, and
  - (b) on whatever other occasions the Commissioner thinks appropriate.
- (2) The Commissioner must take reasonable steps to ensure that victims and survivors are made aware of—
  - (a) the functions of the Commissioner,
  - (b) the location of the Commissioner, and
  - (c) the ways in which they may communicate with the Commissioner.

**Commencement Information**

**I4** [S. 24](#) in force at 2.11.2020 by [S.R. 2020/229](#), [art. 2\(a\)](#)

**25 Powers of the Commissioner**

- (1) The Commissioner may undertake or commission research into matters concerning the interests of victims and survivors.
- (2) The Commissioner may—

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- (a) compile information concerning the interests of victims and survivors;
  - (b) provide advice or information on matters concerning the interests of victims and survivors;
  - (c) publish anything concerning the interests of victims and survivors, including—
    - (i) the results of research undertaken or commissioned under subsection (1), and
    - (ii) advice provided by the Commissioner.
- (3) The Commissioner may make representations or recommendations to any person about matters concerning the interests of victims and survivors.

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**Commencement Information**

**I5** S. 25 in force at 2.11.2020 by S.R. 2020/229, art. 2(a)

## **26 Co-ordination of service provision etc**

- (1) The Commissioner must encourage the provision, and the coordination of the provision, of relevant services in Northern Ireland to victims and survivors.
- (2) “Relevant service” means a service designed—
- (a) to improve a person's physical or mental health,
  - (b) to help a person to overcome an addiction,
  - (c) to provide a person with counselling,
  - (d) to improve a person's literacy or numeracy,
  - (e) to provide a person with other education or training, or
  - (f) to enable a person to access opportunities for work.
- (3) In carrying out the duty under subsection (1), the Commissioner must take account of the current provision of relevant services to victims and survivors and must identify any gaps in the provision of those services.
- (4) The Commissioner must provide, or secure the provision of, advice and information to victims and survivors on—
- (a) the relevant services that are available to them and the facilities that are available for the provision of those services, and
  - (b) how to obtain those services and access those facilities.
- (5) The Commissioner must, on becoming aware in the course of exercising the Commissioner's functions of a matter which comes within the area of responsibility of the Commissioner for Children and Young People in Northern Ireland, consult that Commissioner.

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**Commencement Information**

**I6** S. 26 in force at 2.11.2020 by S.R. 2020/229, art. 2(a)

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## 27 Monitoring specialist facilities

The Commissioner must monitor the operation of whatever facilities there are currently available in Northern Ireland which are solely for providing victims and survivors with—

- (a) counselling and supplementary information about how to access health services, housing services, education services or employment services,
- (b) help to improve literacy or numeracy, or
- (c) advice on opportunities for education or work or on entitlements to housing or social security benefits.

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### Commencement Information

**I7** S. 27 in force at 2.11.2020 by S.R. 2020/229, art. 2(a)

## 28 Functions relating to the Board, etc

- (1) The Commissioner must make arrangements for publicising the role of the Board.
- (2) Where a person is considering whether to make an application to the Board for compensation under Part 1, the Commissioner must provide the person with—
  - (a) such general advice and information on making the application as the person requests, and
  - (b) if the person wishes to obtain information relating to any period in which the person by or in respect of whom the application would be made was resident in an institution while under the age of 18, such assistance in obtaining that information as it is reasonable for the Commissioner to provide.
- (3) The Commissioner must monitor the operation of the Board.
- (4) The Commissioner may establish, or make arrangements for establishing, a panel of solicitors, the members of which the Commissioner is satisfied have the necessary expertise for providing legal advice and assistance on applications and appeals under Part 1.

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### Commencement Information

**I8** S. 28 in force at 2.11.2020 by S.R. 2020/229, art. 2(a)

## *Miscellaneous*

## 29 Independent review

- (1) The First Minister and deputy First Minister acting jointly must, every five years, commission an independent person—
  - (a) to review the operation of the Commissioner, and
  - (b) to send a report to the First Minister and deputy First Minister on the findings of the review.
- (2) The First Minister and deputy First Minister acting jointly may commission an independent person to act as mentioned in subsection (1) at such other times as they

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determine; and, if they do so, the period of five years referred to in subsection (1) accordingly runs from the date on which they do so.

- (3) The report must include an assessment of whether there continues to be a need for the Commissioner; and the First Minister and deputy First Minister acting jointly must, in light of that assessment, determine whether the office of the Commissioner should continue.

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**Commencement Information**

**I9** [S. 29](#) in force at 2.11.2020 by [S.R. 2020/229](#), [art. 2\(a\)](#)

**30 Defamation: privilege**

For the purposes of the law of defamation, publication of anything under this Part by the Commissioner is absolutely privileged.

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**Commencement Information**

**I10** [S. 30](#) in force at 2.11.2020 by [S.R. 2020/229](#), [art. 2\(a\)](#)

**Changes to legislation:**

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