

These notes refer to the Commissioner for Older People Act (Northern Ireland) 2011 (c.1) which received Royal Assent on 25 January 2011

Commissioner for Older People Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9 - Actions which may be investigated: restrictions and exclusions

This Section of the Commissioner for Older People Act (Northern Ireland) 2011 provides that the Commissioner is not able to carry out an investigation in a case where the older person involved has a right of appeal, complaint or review to a tribunal set up by law or to a court.

The Commissioner can however act if he/she believes that it is not reasonable to expect the older person to have used the right to appeal or complaint or review or to take the case to court.

Another case in which the Commissioner could not carry out an investigation is in those cases involving criminal proceedings or civil proceedings by any person other than a relevant authority. The Commissioner would not be able to investigate these cases because they will be dealt with by the court.

Finally, the Commissioner would not be able to investigate any cases that a local or public inquiry is investigating or any case where there has been an unreasonable delay in making the complaint.