

*These notes refer to the Justice Act (Northern Ireland)  
2016 (c.21) which received Royal Assent on 12 May 2016*

# Justice Act (Northern Ireland) 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2

#### The Prison Ombudsman for Northern Ireland

##### *Section 35: Complaints*

This Section requires the Ombudsman to investigate a complaint (Section 35(1)) to which the Section applies. The Section defines matters about which a complaint may be made (Section 35(2)) and sets out who may bring a complaint (Section 35(3)) and allows a person to be entitled to complain on behalf of another person who has died or is unable to act.

Section 35(5) enables regulations to amend the matters about which complaints may be made or the descriptions of persons who may make complaints

This Section provides for circumstances where the Ombudsman may decide not to conduct an investigation (Section 35(6)) and allows for the deferral of investigations in certain scenarios (Section 35(7)). In particular the Ombudsman may decide not to investigate a complaint which the Ombudsman considers frivolous, vexatious or raises no substantial issue, or one that has not been made within reasonable time from the exhaustion of the internal complaints procedures. The Ombudsman can reopen a deferred investigation at any time (Section 35(8)) and can decide the extent of that investigation (Section 35(9)).

This Section provides that where the Ombudsman decides not to investigate a complaint, defers the investigation or reopens a deferred investigation then the Ombudsman must notify the complainant with reasons as to the decision (Section 35(10)), and this notification may be made orally (Section 35(11)).

Section 35(13) enables regulations to be made about the procedures to be followed when making and investigating a complaint.

The Ombudsman will determine which procedures are applicable in dealing with complaints and their investigation (Section 35(14)).

The Ombudsman shall draw to the attention of the police any matter which is in his opinion relevant to any criminal investigation and may draw to the attention

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of any person or body any matter which calls for action to be taken by that body  
or person (Section 35(15)).