

*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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2

The Prison Ombudsman for Northern Ireland

Section 38: Report on investigation into death

This Section provides that where an investigation into a death has taken place and a report has been produced, certain authorities and persons must be given that report (Section 38(1)).

This includes a personal representative of the deceased. The Section provides that the Ombudsman may report to other persons he considers should receive the report (Section 38(2)).

The Ombudsman has the power to make recommendations in that report to the Department and a health and social care trust (Section 38(3)) who must respond to the recommendations (Section 38(4)). The Ombudsman may report on that response to such persons as the Ombudsman sees fit (Section 38(6)).

Regulations may provide for procedures regarding the report, its publication in whole or in part, for individuals identified in the report to remain anonymous, and its contents (Section 38(7)). It is envisaged that prior to publishing such reports, the consent of the personal representative of the deceased should be obtained