



2016 CHAPTER 21

PART 2

The Prison Ombudsman For Northern Ireland

Investigations requested by Department

Investigations requested by the Department

39.—(1) The Department—

- (a) shall request the Ombudsman to investigate any custody-related matter if any of the events to which it relates is of such a nature or description, or occurs in such circumstances, as may be prescribed;
- (b) may request the Ombudsman to investigate any other custody-related matter which is specified in the request.

(2) Before making any request under subsection (1) the Department shall consult the Ombudsman.

(3) A custody-related matter is a matter relating to events which have (or may have) occurred—

- (a) at a prison or juvenile justice centre, or
- (b) while a person is in the custody of a prison officer or a member of the staff of a juvenile justice centre,

and any matter the Department considers is (or may be) linked to such events.

(4) Before making any regulations under subsection (1)(a) the Department shall consult—

- (a) the Ombudsman; and

- (b) such other persons as the Department thinks appropriate.
- (5) The Ombudsman must—
 - (a) decide whether to conduct an investigation in pursuance of a request under this section; and
 - (b) notify the Department of that decision.
- (6) It is for the Ombudsman to determine the procedures to be applied to an investigation under this section.
- (7) At any time in the course of an investigation under this section the Ombudsman may make recommendations to the Department about any matter arising from the investigation.
- (8) At any time in the course of an investigation under this section the Ombudsman shall—
 - (a) draw to the attention of the police any matter which in the Ombudsman's opinion is relevant to any criminal investigation;
 - (b) draw to the attention of any body or person any matter which in the Ombudsman's opinion calls for action to be taken by that body or person.

Report on investigation under section 39

- 40.—**(1) Where the Ombudsman has carried out an investigation under section 39 the Ombudsman must report in writing on the outcome of the investigation to—
- (a) the Department; and
 - (b) such other persons (if any) as the Department may request.
- (2) The report may make recommendations about any matter arising from the investigation.
- (3) Regulations may make provision as to the procedures to be followed in relation to reports under this section and may in particular include provision—
- (a) enabling the Ombudsman to show any person a draft of the whole or any part of a report;
 - (b) enabling the Ombudsman to publish the whole or any part of a report;
 - (c) restricting or prohibiting the identification of prescribed persons or persons of a prescribed description in a report or the inclusion of information of a prescribed description.