

SCHEDULES

SCHEDULE 5

Section 22.

OTHER EXCLUDED MATTERS

1 Action which has been or is the subject of—

- (a) an inquiry which is referred to in section 23 of the Interpretation Act (Northern Ireland) 1954 (inquiries and investigations),
- (b) an inquiry under the Inquiries Act 2005, or
- (c) an inquiry under the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013.

2 Action taken by [^{F1}the Department of Health] in the exercise of its functions under regulations made under Articles 61, 62 or 63 of the Health and Personal Social Services (Northern Ireland) Order 1972 by virtue of Article 10 of the Health and Medicines (Northern Ireland) Order 1988 (investigations of matters relating to services).

Textual Amendments

- F1** Words in Sch. 5 para. 2 substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 250\(4\)](#); S.R. 2022/102, art. 2(b)

3 The commencement or conduct of any civil or criminal proceedings before a court of law in the United Kingdom, or of proceedings before any international court or tribunal.

4.—(1) Action which is or may be investigated by the Attorney General with a view to the institution of proceedings under section 31 or 46(9) of the Local Government Act (Northern Ireland) 1972.

(2) But the Ombudsman may investigate that action, notwithstanding any limitation of time imposed by section 26, if conditions 1 and 2 are satisfied.

(3) Condition 1 is that—

- (a) the Attorney General has decided not to proceed with an investigation,
- (b) the Attorney General has decided not to institute proceedings, or
- (c) there has been a final determination of those proceedings.

(4) Condition 2 is that—

Changes to legislation: *There are currently no known outstanding effects for the Public Services Ombudsman Act (Northern Ireland) 2016, SCHEDULE 5. (See end of Document for details)*

- (a) a person aggrieved complains that the action resulted in the person aggrieved sustaining injustice in consequence of maladministration and that such injustice has not been remedied, and
- (b) the Ombudsman is satisfied that there are reasonable grounds for that complaint.

5 Action taken in matters certified by the First Minister and deputy First Minister acting jointly, or by a Northern Ireland Minister, to affect relations or dealings between the Government of Northern Ireland and any other Government.

6 Action taken by a member of the administrative staff of any court or tribunal who was appointed or assigned to serve as a member of that staff by the Department of Justice, so far as the action is taken at the direction, or on the authority (whether express or implied), of any person acting in a judicial capacity or in the capacity of a member of the tribunal.

7 Action taken by any member of the administrative staff of a tribunal listed in Schedule 4, so far as that action is taken at the direction, or on the authority (whether express or implied), of any person acting in the capacity of a member of the tribunal.

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman Act (Northern Ireland) 2016, SCHEDULE 5.