

EXPLANATORY MEMORANDUM TO
THE PUBLIC SERVICES OMBUDSMAN ACT (NORTHERN
IRELAND) 2016 (COMMENCEMENT) ORDER (NORTHERN
IRELAND) 2021

SR 2021 No.- 113

1. Introduction

- 1.1** This explanatory memorandum has been prepared by the Northern Ireland Assembly Commission (“the Commission”) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2** The Statutory Rule is made under section 64(6) of the Public Services Ombudsman Act (Northern Ireland) 2016 and is not subject to any resolution procedure.
- 1.3** The Statutory Rule is due to come into operation on 24 May 2021.

2. Purpose

- 2.1** This Order brings into operation on 24 May 2021 Part 3 (other than section 34) of the Public Services Ombudsman Act (Northern Ireland) 2016. These sections make provision for the Ombudsman to establish principles of complaints handling for listed authorities in respect of matters which the Ombudsman may investigate.

3. Background

- 3.1** The Public Services Ombudsman Act (Northern Ireland) 2016 established the Office of the Northern Ireland Public Services Ombudsman in April 2016. It replaced and expanded the function of the Assembly Ombudsman and Commissioner for Complaints by establishing a single statutory office.
- 3.2** Part 3 of the 2016 Act are the only remaining provisions of the 2016 Act which have not been commenced.

3.3 All other provisions of the Act are already in force pursuant to section 64 of the Act.

4. Consultation

4.1 Public consultation has not been carried out in relation to the Order: the Northern Ireland Assembly Commission is under a statutory duty to make the Order to bring into operation Part 3 of the Public Services Ombudsman Act (Northern Ireland) 2016 which is the only remaining Part of the Act which has not been commenced.

5. Equality Impact

5.1 An Equality Impact Assessment is not considered necessary as implementation of the Order neither involves commencement of a new policy nor change to an existing one.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment is not necessary as there is no adverse cost or administrative impacts arising from the Commencement Order.

7. Financial Implications

7.1 Not applicable.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Northern Ireland Assembly Commission is satisfied that the Commencement Order is compliant with section 24 of the Northern Ireland Act (convention rights, etc).

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 Not applicable

10.2 Statutory frameworks exist in other jurisdictions. The other frameworks are different and the technical details in this Commencement Order are not relevant to other systems.

11. Northern Ireland Assembly Commission

11.1 The Commission is a rule making authority pursuant to article 3 of the Statutory Rules (Northern Ireland) Order 1979. In the making of this Order, the Commission has sought to fulfil its statutory duties under section 40 and schedule 5 of the Northern Ireland Act 1998.