



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 3

OTHER NEW INSTITUTIONS

Chief Inspector of Criminal Justice

49 Reports

[^{F1}(1) The Chief Inspector must report to the Department of Justice on each inspection and review carried out by the Chief Inspector.

(1A) In this section “protected information” means information the inclusion of which in a report under subsection (1) would be against the public interest on the ground of national security.

(1B) If it appears to the Secretary of State that—

- (a) the Chief Inspector is required to prepare a report in compliance with subsection (1), and
- (b) the report might contain (or once completed might contain) protected information,

the Secretary of State may require the Chief Inspector to refer the report to the Secretary of State or, if the report is not completed when the requirement is imposed, to refer the report once it is completed.

(1C) The Secretary of State must, within—

- (a) the period of 30 days after the date on which the Chief Inspector refers the report to the Secretary of State under subsection (1B), or
- (b) such longer period as may be agreed between the Secretary of State and the Department of Justice,

notify the Chief Inspector whether, in the opinion of the Secretary of State, the report contains any protected information.

Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2002, Section 49. (See end of Document for details)

- (1D) If it appears to the Chief Inspector that a report in compliance with subsection (1) may contain protected information and the Chief Inspector has not been required to refer the report to the Secretary of State under subsection (1B), the Chief Inspector must refer the report to the Secretary of State.
- (1E) The Secretary of State must, within—
- (a) the period of 30 days after the date on which the Chief Inspector refers the report to the Secretary of State under subsection (1D), or
 - (b) such longer period as may be agreed between the Secretary of State and the Department of Justice,
- notify the Chief Inspector whether, in the opinion of the Secretary of State, the report contains any protected information.
- (1F) Where the Secretary of State has required a report to be referred to him under subsection (1B), or the Chief Inspector is required to refer a report to the Secretary of State under subsection (1D), the Chief Inspector must not disclose the report to anyone apart from the Secretary of State, except—
- (a) in accordance with subsection (1G),
 - (b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any protected information, or
 - (c) after the period mentioned in subsection (1C) or (1E) has expired without any notification being given by the Secretary of State.
- (1G) Where the Secretary of State informs the Chief Inspector under subsection (1C) or (1E) that, in the opinion of the Secretary of State, a report contains protected information—
- (a) the Secretary of State may direct the Chief Inspector to exclude from the report any information that, in the opinion of the Secretary of State, is protected information;
 - (b) the Chief Inspector must exclude that information from the report;
 - (c) the Secretary of State must inform the Department of Justice that the Secretary of State has given a direction under paragraph (a);
 - (d) the Secretary of State must, either before or as soon as practicable after the report is laid before the Northern Ireland Assembly under subsection (1I), lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).
- (1H) When the Chief Inspector sends a report to the Department of Justice under subsection (1) from which information has been excluded under subsection (1G), the Chief Inspector must at the same time send a copy of the report to the Secretary of State.
- (1I) Where a report is received by the Department of Justice under subsection (1), the Department must—
- (a) lay a copy of it before the Northern Ireland Assembly, and
 - (b) arrange for it to be published.
- (1J) But the Department of Justice may exclude a part of a report from the copy so laid or published if, in the opinion of the Department, the laying or publication of the part—
- (a) would be against the public interest, or
 - (b) might jeopardise the safety of any person.

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- (1K) If the Department of Justice excludes a part of a report from laying or publication, the Department must lay or publish with the report a statement that it has been excluded.
- (1L) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsections (1I) and (1K) in relation to the laying of a copy of a report or a statement as it applies in relation to the laying of a statutory document under an enactment.]
- (5) If a report relates (wholly or partly) to the Public Prosecution Service for Northern Ireland, the Chief Inspector must send a copy of it to [^{F2}the Advocate General for Northern Ireland and] the Attorney General for Northern Ireland.
- ^{F3}(6)

Textual Amendments

- F1** S. 49(1)-(1L) substituted for s. 49(1)-(4) (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 7(2)** (with arts. 28-31)
- F2** Words in s. 49(5) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 7 para. 17**; S.R. 2010/113, art. 2, Sch. para. 19(c)
- F3** S. 49(6) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 64** (with arts. 28-31)

Changes to legislation:

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