



Justice and Security (Northern Ireland) Act 2007

2007 CHAPTER 6

Human Rights Commission

16 **Investigations: access to prisons, &c.** **U.K.**

- (1) After section 69B of the Northern Ireland Act 1998 (c. 47) (inserted by section 15 above) insert—

“69C Investigations: places of detention

- (1) For the purpose of an investigation under section 69(8) a person authorised in writing by the Commission may enter a specified place of detention in Northern Ireland on one or more occasions during a specified period.
- (2) In subsection (1) “specified” means specified in the terms of reference of the investigation.
- (3) In subsection (1) “place of detention” means—
- a prison specified in the Schedule to the Prisons and Young Offenders Centres Rules (Northern Ireland) 1995,
 - a place used for the purpose of detaining arrested persons in a police station designated under Article 36 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),
 - a place designated under paragraph 1 of Schedule 8 to the Terrorism Act 2000 (c. 11) (detention),
 - in a building where a court sits, a place used for the purpose of detaining arrested persons,
 - a juvenile justice centre provided under Article 51 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)),

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- (f) the secure accommodation in Bangor provided and used in accordance with Article 44 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)),
 - (g) a removal centre or short-term holding facility within the meaning of section 147 of the Immigration and Asylum Act 1999 (c. 33), and
 - (h) any accommodation (including accommodation in a hospital) provided for the purpose of detention under the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).
- (4) The Commission may specify a place of detention in the terms of reference of an investigation only if it has—
 - (a) considered whether the matter in respect of which the place is specified has already been sufficiently investigated by another person, and
 - (b) concluded that it has not.
- (5) The power under subsection (1) may not be exercised—
 - (a) during the period of 15 days beginning with that on which copies of the terms of reference of the investigation are provided in accordance with section 69D(1)(b), or
 - (b) while an application under subsection (6), made during that period, has not yet been determined.
- (6) A county court may, on the application of a person who appears to the court to be responsible for a place of detention specified in terms of reference—
 - (a) order that the power under subsection (1) may not be used to enter the place of detention;
 - (b) impose restrictions on the exercise of the power in relation to the place of detention;
 - (c) require the Commission to amend the terms of reference.
- (7) An order may be made under subsection (6) only if the court thinks that—
 - (a) access to the place of detention is unnecessary having regard to the purpose of the investigation,
 - (b) it would be unreasonable to allow the Commission access to the place of detention, or
 - (c) the Commission has failed to comply with subsection (4) or section 69D.
- (8) In considering whether to make an order under subsection (6), and in considering the terms of an order under subsection (6)(b), the court shall have regard, in particular, to the likely impact of the use of the power under subsection (1) on the operation of the place of detention.
- (9) If a person obstructs the Commission in the exercise of the power under subsection (1) the Commission may apply to a county court for an order requiring the person not to obstruct the Commission.
- (10) A person commits an offence if without reasonable excuse he fails to comply with an order under subsection (9).
- (11) A person who is guilty of an offence under subsection (10) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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(12) The Secretary of State may by order amend subsection (3).”

(2) In section 96(2) of the Northern Ireland Act 1998 (c. 47) (orders) after “55,” insert “ 69C(12), ”.

Changes to legislation:

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