



Northern Ireland Act 1998

1998 CHAPTER 47

PART VII

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

Human rights

[^{F1}69A Investigations: evidence

- (1) For the purpose of an investigation under section 69(8) the Commission may by notice in writing require a person—
 - (a) to provide information in his possession,
 - (b) to produce documents in his possession, or
 - (c) to give oral evidence.
- (2) A notice may include provision about—
 - (a) the form of information, documents or evidence;
 - (b) timing.
- (3) A notice—
 - (a) may not require a person to provide information that he is prohibited from disclosing by virtue of an enactment,
 - (b) may not require a person to do anything that he could not be compelled to do in proceedings before the High Court, and
 - (c) may not require a person to attend at a place unless the Commission undertakes to pay the expenses of his journey.
- (4) The Commission may issue a notice under subsection (1) only if it has—
 - (a) considered whether the matter to which the notice relates has already been sufficiently investigated by another person, and
 - (b) concluded that it has not.

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- (5) The recipient of a notice may apply to a county court to have the notice cancelled on the grounds that the requirement imposed by the notice—
 - (a) is unnecessary having regard to the purpose of the investigation to which the notice relates,
 - (b) contravenes subsection (4) or section 69D, or
 - (c) is otherwise unreasonable.
- (6) Subsection (7) applies where the Commission thinks that a person—
 - (a) has failed without reasonable excuse to comply with a notice, or
 - (b) is likely to fail without reasonable excuse to comply with a notice.
- (7) The Commission may apply to a county court for an order requiring a person to take such steps as may be specified in the order to comply with the notice.
- (8) A person commits an offence if without reasonable excuse he—
 - (a) fails to comply with a notice,
 - (b) fails to comply with an order under subsection (7),
 - (c) falsifies anything provided or produced in accordance with a notice or order, or
 - (d) makes a false statement in giving oral evidence in accordance with a notice.
- (9) A person who is guilty of an offence under subsection (8) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) A notice under this section may not require the Public Prosecution Service for Northern Ireland to supply documents or evidence about a decision whether or not to institute or continue criminal proceedings.]

Textual Amendments

F1 Ss. 69A, 69B inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **ss. 15, 53** (with [s. 20](#)); [S.I. 2007/2045](#), **art. 2(2)(3)(j)** (with [art. 3](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act amendment to earlier affecting provision 2022 c. 48, s. 1 by [2024 c. 2 s. 1](#)
- Act modified (cond.) by [2006 c. 17 Sch. 2 para. 2\(5\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 17 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 53 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk to legislation.gov.uk. It is a conditional amendment that was never brought into force. Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by 2007 c. 4, s. 1(1)), Sch. 4 para. 3 (with s. 1(3)); S.I. 2007/1397, art. 2)
- s. 31(2E) inserted (cond.) by [2006 c. 17 Sch. 3 para. 3\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- Sch. 2 para. 9B inserted by [2009 c. 8 s. 27](#) (This amendment not applied to legislation.gov.uk. The amending provision was repealed (16.2.2011) without ever being in force by 2010 c. 36, ss. 2(1), 4(2))