



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 3

#### OTHER NEW INSTITUTIONS

##### *Chief Inspector of Criminal Justice*

#### 45 Chief Inspector of Criminal Justice

- (1) There is to be an office of Chief Inspector of Criminal Justice in Northern Ireland.
- (2) The [<sup>F1</sup>Department of Justice] must appoint a person to be the Chief Inspector.
- (3) Schedule 8 makes further provision about the Chief Inspector.

#### Textual Amendments

- F1** Words in s. 45(2) substituted (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. 4(2)** (with arts. 28-31)

#### 46 Functions of Chief Inspector

- (1) The Chief Inspector must carry out inspections of the following organisations—
  - (a) the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve,
  - [<sup>F2</sup>(aa) the National Crime Agency,]
  - (b) Forensic Science Northern Ireland,
  - (c) the State Pathologist's Department,
  - (d) the Public Prosecution Service for Northern Ireland,
  - (e) the Probation Board for Northern Ireland,
  - [<sup>F3</sup>(ea) the [<sup>F4</sup>Parole Commissioners for Northern Ireland],]
  - (f) the Northern Ireland Prison Service,

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- [<sup>F5</sup>(g) the Youth Justice Agency;]
  - (h) any body or person <sup>F6</sup> . . . with whom the [<sup>F7</sup>Department of Justice] has made arrangements for the provision of juvenile justice centres or attendance centres,
  - [<sup>F8</sup>(ha) the [<sup>F9</sup>Department of Justice insofar as it is concerned with the operation of the criminal courts],
  - [<sup>F10</sup>(hb) the Legal Services Agency Northern Ireland,]
  - [<sup>F11</sup>(i) <sup>F12</sup>... Health and Social Care Trusts,]
  - [<sup>F13</sup>(j) the Central Investigation Service within the Department of Agriculture and Rural Development,]
  - [<sup>F14</sup>(ja) the Veterinary Service Enforcement Branch within the Department of Agriculture and Rural Development,]
  - [<sup>F15</sup>[<sup>F16</sup>(k) the Child Maintenance and Enforcement Division,]
  - (l) the Department of Enterprise, Trade and Investment,
  - (m) the Department of the Environment,
  - (n) the Health and Safety Executive for Northern Ireland,
  - (o) the Northern Ireland Tourist Board,
  - (p) the Police Ombudsman for Northern Ireland,
  - (q) the Royal Mail Group plc, <sup>F17</sup> . . .
  - (r) the Northern Ireland Social Security Agency.]
  - [<sup>F18</sup>(s) Belfast International Airport Limited,
  - (t) Belfast Harbour Commissioners, and
  - (u) Larne Harbour Limited.]
- (2) But the Chief Inspector must not carry out inspections of an organisation if he is satisfied that the organisation is subject to adequate inspection by someone other than him.
- (3) An inspection of an organisation carried out by the Chief Inspector may cover any institution provided or managed by the organisation.
- [<sup>F19</sup>(3A) An inspection of the National Crime Agency carried out by the Chief Inspector may cover only the exercise of functions of that Agency in Northern Ireland.]
- (4) An inspection carried out by the Chief Inspector of an organisation providing juvenile justice centres or attendance centres (other than the [<sup>F20</sup>Youth Justice Agency]) may cover only activities relating to the juvenile justice centres or attendance centres.
- (5) An inspection carried out by the Chief Inspector of <sup>F21</sup>... a Health and Social Services trust may cover only activities relating to the keeping of children in secure accommodation under custody care orders.
- (6) The [<sup>F22</sup>Department of Justice] may by order amend subsection (1) by—
- (a) adding any organisation having a role in the criminal justice system in Northern Ireland (apart from a court or tribunal),
  - (b) omitting an organisation, or
  - (c) altering the description of an organisation.
- (7) An order under subsection (6) may make appropriate consequential amendments in this section or in any other enactment or any instrument (whenever passed or made).

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### Textual Amendments

- F2** S. 46(1)(aa) inserted (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), art. 1(3), **Sch. 2 para. 11(2)**
- F3** S. 46(1)(ea) inserted (7.11.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 45(2)(a), 53** (with s. 45(8)); S.I. 2007/3069, **art. 2**
- F4** Words in s. 46(1)(ea) substituted (15.5.2008) by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1, 102, **Sch. 5 para. 9**; S.R. 2008/217, **art. 2**, Sch. para. 18 (subject to art. 3)
- F5** S. 46(1)(g) substituted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), **ss. 9(2), 19(1)**; S.R. 2004/267, **art. 2**
- F6** Words in s. 46(1)(h) repealed (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 9(3), 18, 19(1), **Sch. 4**; S.R. 2004/267, **art. 2**
- F7** Words in s. 46(1)(h) substituted (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. 5(2)** (with arts. 28-31)
- F8** S. 46(1)(ha)(hb) inserted (7.11.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 45(2)(b), 53** (with s. 45(8)); S.I. 2007/3069, **art. 2**
- F9** Words in s. 46(1)(ha) substituted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 9(2)** (with arts. 5-7)
- F10** S. 46(1)(hb) substituted (1.4.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), s. 12(1), **Sch. 2 para. 5** (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(e)
- F11** S. 46(1)(i) substituted (16.1.2015) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014 (S.R. 2014/322), arts. 1(2), **2(2)**
- F12** Words in s. 46(1)(i) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 192(a)**; S.R. 2022/102, art. 2(b)
- F13** S. 46(1)(j) substituted (16.1.2015) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014 (S.R. 2014/322), arts. 1(2), **2(3)**
- F14** S. 46(1)(ja) inserted (16.1.2015) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014 (S.R. 2014/322), arts. 1(2), **2(4)**
- F15** S. 46(1)(k) substituted (16.1.2015) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014 (S.R. 2014/322), arts. 1(2), **2(5)**
- F16** S. 46(1)(k)-(r) inserted (20.2.2002) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order 2002 (S.R. 2002/414), art. 2
- F17** Word in s. 46(1)(q) omitted (21.12.2003) by virtue of The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1) and paragraph 7(2) of Schedule 8) Order 2003 (S.R. 2003/552), {art. 2(2)}
- F18** S. 46(1)(s)-(u) inserted (21.12.2003) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1) and paragraph 7(2) of Schedule 8) Order 2003 (S.R. 2003/552), {art. 2(3)}
- F19** S. 46(3A) inserted (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), art. 1(3), **Sch. 2 para. 11(3)**
- F20** Words in s. 46(4) substituted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), **ss. 9(4), 19(1)**; S.R. 2004/267, **art. 2**
- F21** Words in s. 46(5) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 192(b)**; S.R. 2022/102, art. 2(b)
- F22** Words in s. 46(6) substituted (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. 5(3)** (with arts. 28-31)

### Commencement Information

- I1** S. 46 wholly in force at 18.12.2003; s. 46 not in force at Royal Assent see s. 87: s. 46(6)(7) in force at 15.10.2002 by S.R. 2002/319, art. 2, Sch.; s. 46(1)-(5) in force at 18.12.2003 by S.R. 2003/488, **art. 3**

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**47 Further provisions about functions**

(1) The Chief Inspector must from time to time, after consultation with the [F23Department of Justice][F24, the Advocate General for Northern Ireland]F25... and the Attorney General for Northern Ireland, prepare a programme specifying the inspections which he proposes to carry out under section 46.

[F26(1A) The Chief Inspector must consult the Secretary of State if—  
(a) he proposes to specify an inspection in a programme under subsection (1), and  
(b) it appears to him that the inspection would cover activities relating to national security.]

[F27(1B) The Chief Inspector must consult the Secretary of State if the Chief Inspector proposes to specify an inspection programme under subsection (1) which includes an inspection of the National Crime Agency.]

(2) The Chief Inspector must send a copy of each programme prepared under subsection (1) to—  
[F28(za) the Department of Justice,]  
(a) the Secretary of State,  
F29(aa) .....  
(b) the Attorney General for Northern Ireland.

(3) The [F30Department of Justice] may require the Chief Inspector to carry out an inspection of an organisation specified in section 46.

(4) The [F31Department of Justice] may require the Chief Inspector to carry out a review of any matter relating to the criminal justice system in Northern Ireland (apart from a matter relating to a court or tribunal).

[F32(4A) The Department of Justice must [F32consult the Secretary of State before requiring the Chief Inspector to carry out an inspection under subsection (3) of the National Crime Agency.]

(5) The [F33Department of Justice] may not require the Chief Inspector to carry out an inspection or review under subsection (3) or (4) relating (wholly or partly) to the Public Prosecution Service for Northern Ireland without the consent of [F34the Advocate General for Northern Ireland and] the Attorney General for Northern Ireland.

F35(5A) .....

F35(5B) .....

(6) The Chief Inspector may not—  
(a) carry out inspections or reviews of individual cases, or  
(b) carry out an inspection relating to activities of an organisation which do not concern the criminal justice system in Northern Ireland.

[F36(6A) The Chief Inspector may not inspect persons—  
(a) making judicial decisions, or  
(b) exercising judicial discretion.]

(7) The [F37Department of Justice] may require the Chief Inspector to provide advice in relation to an organisation specified in section 46.

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### Textual Amendments

- F23** Words in s. 47(1) substituted (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. 6(2)** (with arts. 28-31)
- F24** Words in s. 47(1) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 7 para. 16(2)**; [S.R. 2010/113](#), art. 2, Sch. para. 19(c)
- F25** Words in s. 47(1) 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. 63(a)** (with arts. 28-31)
- F26** S. 47(1A) inserted (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. 6(3)** (with arts. 28-31)
- F27** S. 47(1B) inserted (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), art. 1(3), **Sch. 2 para. 12(2)**
- F28** S. 47(2)(za) inserted (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. 6(4)** (with arts. 28-31)
- F29** S. 47(2)(aa) 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. 63(b)** (with arts. 28-31)
- F30** Words in s. 47(3) substituted (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. 6(5)** (with arts. 28-31)
- F31** Words in s. 47(4) substituted (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. 6(5)** (with arts. 28-31)
- F32** S. 47(4A) inserted (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), art. 1(3), **Sch. 2 para. 12(3)**
- F33** Words in s. 47(5) substituted (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. 6(5)** (with arts. 28-31)
- F34** Words in s. 47(5) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), **Sch. 7 para. 16(4)**; [S.R. 2010/113](#), art. 2, Sch. para. 19(c)
- F35** S. 47(5A)(5B) 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. 63(c)** (with arts. 28-31)
- F36** S. 47(6A) inserted (7.11.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), **ss. 45(6), 53**; [S.I. 2007/3069](#), **art. 2**
- F37** Words in s. 47(7) substituted (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. 6(5)** (with arts. 28-31)

## 48 Powers of inspectors

- (1) A person involved in the carrying out of an inspection or review by the Chief Inspector may, on showing evidence of his authority (if required to do so), enter any premises at any reasonable hour for the purposes of the inspection or review.
- (2) Such a person may, for the purposes of the inspection or review, require—
  - (a) that documents be produced in a form in which they can be taken away or be made available for inspection and copying,
  - (b) that an explanation be given of any document produced or made available, or
  - (c) that other information be provided.
- (3) A person commits an offence if—
  - (a) he fails, without reasonable excuse, to comply with a requirement imposed on him by virtue of subsection (2), or

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- (b) he intentionally obstructs a person involved in the carrying out of an inspection or review by the Chief Inspector.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) “Document” includes anything in which information is stored in electronic or any other form; and, in relation to anything containing information in electronic form, references to production or making available are to production or making available in a form in which the information is readily intelligible.

## 49 Reports

<sup>F38</sup>(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.

(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

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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.

(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 [<sup>F39</sup>the Advocate General for Northern Ireland and] the Attorney General for Northern Ireland.

<sup>F40</sup>(6) .....

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#### Textual Amendments

- F38** 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)
- F39** 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)
- F40** 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)



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

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

- s. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)