

Changes to legislation: Justice (Northern Ireland) Act 2002, SCHEDULE 8 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

Section 45

CHIEF INSPECTOR OF CRIMINAL JUSTICE

Chief Inspector's tenure

- 1 (1) Subject as follows, the Chief Inspector holds office in accordance with the terms of his appointment (or re-appointment).
- (2) The Chief Inspector must not be appointed for more than five years at a time.
- (3) The Chief Inspector may resign by notice in writing to the [F1Department of Justice].
- (4) The [F1Department of Justice] may dismiss the Chief Inspector if satisfied that—
 - (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
 - (b) he has been convicted of a criminal offence,
 - (c) a bankruptcy order has been made against him [F2or he has become the subject of a bankruptcy restrictions order][F3], or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order], or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (d) he is otherwise unable or unfit to exercise his functions.

Textual Amendments

- F1** Words in Sch. 8 para. 1(3)(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. 24(2)** (with arts. 28-31)
- F2** Words in Sch. 8 para. 1(4)(c) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. Pt. 1 para. 12(5)**
- F3** Words in Sch. 8 para. 1(4)(c) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 19(4)**

Salary etc. of Chief Inspector

- 2 (1) The [F4Department of Justice] must pay to or in respect of the Chief Inspector such—
 - (a) salary,
 - (b) allowances, and
 - (c) sums for the provision of pensions,as the [F4Department of Justice] determines.

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[^{F5}(1A) If a person who, by reference to any office or employment, is a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 becomes the Chief Inspector, the Department of Finance and Personnel may determine that (instead of payments being made to him under sub-paragraph (1)(c)) his service as Chief Inspector is to be treated for the purposes of the scheme as service in that office or employment.]

^{F6}(2)

Textual Amendments

- F4** Words in Sch. 8 para. 2(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. 24(3)(a)** (with arts. 28-31)
- F5** Sch. 8 para. 2(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. 24(3)(b)** (with arts. 28-31)
- F6** Sch. 8 para. 2(2) 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. 13 para. 24(3)(c)** (with arts. 28-31, Sch. 13 para. 26)

Staff

- 3 (1) The Chief Inspector may employ staff, but subject to the approval of the [^{F7}Department of Justice] as to—
- (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.
- (2) The Chief Inspector may make arrangements for securing the provision to him of such assistance by persons employed in—
- (a) the civil service of the United Kingdom, or
 - (b) the civil service of Northern Ireland,
- as he considers appropriate for or in connection with the exercise of his functions.
- [^{F8}(2A) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—
- “Employment by the Chief Inspector of Criminal Justice in Northern Ireland”.
- (2B) The Chief Inspector must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (2A).]
- (3) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act

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(employments etc. to which section 1 can apply), at the appropriate place in the list of “Other Bodies” insert—

“Employment by the Chief Inspector of Criminal Justice in Northern Ireland.”

- (4) The Chief Inspector must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Textual Amendments

- F7** Words in Sch. 8 para. 3(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. 24(4)(a)** (with arts. 28-31)
- F8** Sch. 8 para. 3(2A)(2B) 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. 24(4)(b)** (with arts. 28-31)

Modifications etc. (not altering text)

- C1** [Sch. 8 para. 3\(2B\)](#) extended (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. 26(6)(a)** (with arts. 28-31)

Annual report

- 4 (1) The Chief Inspector must, as soon as possible after the end of each financial year, prepare a report on how he has exercised his functions during the financial year.
- [^{F9}(1A) The Chief Inspector must send a copy of each annual report to the Department of Justice.
- (1B) In this paragraph “protected information” means information the inclusion of which in a report under sub-paragraph (1) would be against the public interest on the ground of national security.
- (1C) If it appears to the Secretary of State that a report in compliance with sub-paragraph (1) may contain protected information (or once completed may 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).
- (1D) If it appears to the Chief Inspector that a report in compliance with sub-paragraph (1) may contain protected information and the Chief Inspector has not been required to refer the report to the Secretary of State under sub-paragraph (1C), the Chief Inspector must refer the report to the Secretary of State.
- (1E) The Secretary of State must, within the period of 30 days after the date of a referral under sub-paragraph (1C) or (1D), or within such longer period as may be agreed between the Secretary of State and the Department of Justice, notify the Chief Inspector whether, in the Secretary of State’s opinion, the report contains any protected information.
- (1F) Where the Secretary of State has required that a report be referred to the Secretary of State under sub-paragraph (1C) or the Chief Inspector is required to refer a report to the Secretary of State under sub-paragraph (1D), the Chief Inspector must not disclose the report to anyone apart from the Secretary of State, except—

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- (a) in accordance with sub-paragraph (1G), or
- (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 sub-paragraph (1E) has expired without any notification being given by the Secretary of State.

(1G) Where the Secretary of State informs the Chief Inspector under sub-paragraph (1E) that, in the Secretary of State’s opinion, 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 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 sub-paragraph (1A) from which information has been excluded under sub-paragraph (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 sub-paragraph (1A), it 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 its opinion, 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, it 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 sub-paragraphs (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.]

F10(2)

F10(3)

F10(4)

(5) In this paragraph “financial year” means—

- (a) the period beginning with the day on which section 45 comes into force and ending with the first 31st March which falls at least six months after that day, and
- (b) each subsequent period of twelve months beginning with 1st April.

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Textual Amendments

- F9** Sch. 8 para. 4(1A)-(1L) 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. 24(5)(a)** (with arts. 28-31)
- F10** Sch. 8 para. 4(2)-(4) 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. 13 para. 24(5)(b)** (with arts. 28-31)

Financial provisions

5 The ^{F11}Department of Justice] may make grants to the Chief Inspector.

Textual Amendments

- F11** Words in Sch. 8 para. 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. 24(6)** (with arts. 28-31)

- 6 (1) The Chief Inspector must—
- keep proper accounts and proper financial records, and
 - prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- contain such information, and
 - be in such form,
- as the ^{F12}Department of Justice] directs.
- (3) The Chief Inspector must send copies of the statement of accounts relating to a financial year to—
- the ^{F12}Department of Justice], and
 - the ^{F13}Comptroller and Auditor General for Northern Ireland],
- within such period after the end of the financial year as the ^{F12}Department of Justice] directs.
- (4) The ^{F14}Comptroller and Auditor General for Northern Ireland] must—
- examine, certify and report on the statement of accounts, and
 - lay a copy of the statement of accounts and of his report on it before ^{F15}the Northern Ireland Assembly].
- ^{F16}(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.]
- (5) In this paragraph “financial year” has the same meaning as in paragraph 4.

Textual Amendments

- F12** Words in Sch. 8 para. 6(2)(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. 24(7)(a)** (with arts. 28-31, Sch. 13 para. 27)

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- F13** Words in Sch. 8 para. 6(3)(b) 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. 24(7)(b)** (with arts. 28-31, Sch. 13 para. 27)
- F14** Words in Sch. 8 para. 6(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. 24(7)(c)(i)** (with arts. 28-31, Sch. 13 para. 27)
- F15** Words in Sch. 8 para. 6(4)(b) 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. 24(7)(c)(ii)** (with arts. 28-31, Sch. 13 para. 27)
- F16** Sch. 8 para. 6(4A) 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. 24(7)(d)** (with arts. 28-31, Sch. 13 para. 27)

Delegation of functions

- 7 (1) The Chief Inspector may delegate any of his functions (to such extent as he may determine) to—
- (a) any member of his staff,
 - (b) any person providing assistance by virtue of paragraph 3(2), or
 - (c) the holder of any office within sub-paragraph (2).
- (2) Those offices are—
- (a) Her Majesty’s Inspector of Constabulary,
 - (b) Her Majesty’s Chief Inspector of Prisons, ^{F17} . . .
 - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service^{F18} and,
 - (d) Her Majesty’s Chief Inspector of the National Probation Service in England and Wales.]
- (3) The [^{F19}Department of Justice] may by order amend sub-paragraph (2) by—
- (a) adding an office,
 - (b) omitting an office, or
 - (c) altering the description of an office.
- (4) If the carrying out of an inspection or review is delegated under this paragraph it is nevertheless to be regarded for the purposes of sections 46 to 49 as carried out by the Chief Inspector.

Textual Amendments

- F17** Word in Sch. 8 para. 7(2)(b) 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. 3(2)}
- F18** Sch. 8 para. 7(2)(d) and preceding word 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. 3(3)}
- F19** Words in Sch. 8 para. 7(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. 24(8)** (with arts. 28-31)

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Inspections of Police Service

- 8 (1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty's Inspectors of Constabulary who have been appointed under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland.
- (2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7.
- (3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out, consult the [^{F20}Department of Justice] with a view to obtaining [^{F21}the Department's] approval of the inspection which it is proposed to carry out.

Textual Amendments

- F20** Words in Sch. 8 para. 8(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. 24(9)(a) (with arts. 28-31)
- F21** Words in Sch. 8 para. 8(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. 24(9)(b) (with arts. 28-31)

Miscellaneous

- 9 The Chief Inspector is a corporation sole.
- 10 (1) The Chief Inspector is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Chief Inspector's property is not to be regarded as property of, or held on behalf of, the Crown.
- 11 The Chief Inspector may do anything, apart from borrowing money, which he considers is—
- (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
- the exercise of his functions.
- 12 The application of the seal of the Chief Inspector is to be authenticated by the signature of the Chief Inspector or any member of his staff who has been authorised (whether generally or specially) for the purpose.
- 13 A document purporting to be—
- (a) duly executed by the Chief Inspector under his seal, or
 - (b) signed on his behalf,
- is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

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Disqualification

- 14 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices), insert (at the appropriate place in alphabetical order)—

“Chief Inspector of Criminal Justice in Northern Ireland.”

- 15 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (disqualifying offices), insert (at the appropriate place in alphabetical order)

—
“Chief Inspector of Criminal Justice in Northern Ireland.”

Freedom of information

- 16 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—

“The Chief Inspector of Criminal Justice in Northern Ireland.”

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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\(4\)](#)