

SCHEDULES

SCHEDULE 13

Amendments of the Justice (Northern Ireland) Act 2002

24.—(1) Amend Schedule 8 (Chief Inspector of Criminal Justice) as follows.

(2) In paragraph 1(3) and (4) (resignation and dismissal of Chief Inspector) for “Secretary of State” substitute “Department of Justice”.

(3) In paragraph 2 (salary etc. of Chief Inspector)—

(a) in sub-paragraph (1) for “Secretary of State” (in both places) substitute “Department of Justice”;

(b) after sub-paragraph (1) insert—

“(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(1) 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.”; and

(c) omit sub-paragraph (2).

(4) In paragraph 3 (staff)—

(a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;

(b) after sub-paragraph (2) insert—

“(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).”; and

(c) omit sub-paragraphs (3) and (4) (and the Superannuation Act 1972(2) has effect accordingly).

(5) In paragraph 4 (annual report)—

(a) after sub-paragraph (1) insert—

“(1A) The Chief Inspector must send a copy of each annual report to the Department of Justice.

(1) S.I. 1972/1073 (N.I. 10).

(2) 1972 c. 11.

(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—

- (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⁽³⁾ 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.”; and

(b) omit sub-paragraphs (2) to (4).

(6) In paragraph 5 (power of Secretary of State to make grants to Chief Inspector) for “Secretary of State” substitute “Department of Justice”.

(7) In paragraph 6 (financial provisions: accounts and statements)—

(a) in sub-paragraphs (2) and (3) for “Secretary of State” (in all places) substitute “Department of Justice”;

(b) in sub-paragraph (3)(b) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;

(c) in sub-paragraph (4)—

(i) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”; and

(ii) in paragraph (b) for “each House of Parliament” substitute “the Northern Ireland Assembly”;

(d) after sub-paragraph (4) insert—

“(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.”

(8) In paragraph 7(3) (delegation of functions) for “Secretary of State” substitute “Department of Justice”.

(9) In paragraph 8(3) (inspections of PSNI)—

(a) for “Secretary of State” substitute “Department of Justice”;

(b) for “his” substitute “the Department’s”.

Commencement Information

II Sch. 13 para. 24 in force at 12.4.2010, see [art. 1\(2\)](#)

(3) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 24.