



Northern Ireland  
Assembly

Public Services Ombudsperson Bill  
Marshalled List of Amendments  
Consideration Stage  
Tuesday 20 October 2015

Amendments tabled up to 9.30am Wednesday, 14 October 2015 and selected for debate

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The Bill will be considered in the following order-  
Clauses, Schedules and Long Title

**Amendment 1**                      *[Made on division]*

**Clause 1**, Page 1, Line 4

Leave out 'Ombudsperson' and insert 'Ombudsman'

*Chair, Ad Hoc Committee on the Public Services Ombudsperson Bill*

**Amendment 2**                      *[Made]*

**Clause 1**, Page 1, Line 4

After 'Ombudsperson' insert '(in this Act "the Ombudsperson")'

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 3** *[Made]*

**Clause 1**, Page 1, Line 5

Leave out subsection (2)

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 4** *[Made]*

**Clause 1**, Page 1, Line 7

After ‘investigate’ insert ‘alleged’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 5** *[Made]*

**Clause 2**, Page 2, Line 1

Leave out subsection (2) and insert -

‘(2) But this is subject to—

- (a) the power of the Assembly Commission to determine the salary, pension and terms of appointment of the Ombudsperson under paragraphs 6, 7 and 8 of Schedule 1,
- (b) the power of the Assembly to request Her Majesty to remove the Ombudsperson from office under paragraph 9 of Schedule 1,
- (c) the power of the Department of Finance and Personnel to direct the form of accounts the Ombudsperson must prepare, under paragraph 7 of Schedule 2, or sections 9 to 13 of the Government Resources and Accounts Act (Northern Ireland) 2001.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 6** *[Made]*

**Clause 9**, Page 4, Line 18

After ‘publish’ insert ‘and have regard to’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 7** *[Not moved]*

**Clause 12**, Page 5, Line 5

Leave out ‘First Minister and deputy First Minister acting jointly may’ and insert ‘Office of the First Minister and deputy First Minister may, with the concurrence of the Assembly Commission’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 8** *[Made]*

**Clause 12**, Page 5, Line 27

At end insert -

‘(b) its expenses are defrayed out of moneys appropriated by Act of Parliament,’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 9** *[Made]*

**Clause 12**, Page 5, Line 31

Leave out ‘First Minister and deputy First Minister acting jointly’ and insert ‘Office of the First Minister and deputy First Minister’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 10** *[Made]*

**Clause 12**, Page 5, Line 33

Leave out ‘they think’ and insert ‘it thinks’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 11** *[Made]*

**Clause 14**, Page 6, Line 8

After ‘taken’ insert ‘in the exercise of administrative functions’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 12** *[Made]*

**Clause 15**, Page 6, Line 18

After ‘taken’ insert ‘in the exercise of administrative functions’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 13** *[Made]*

**Clause 15**, Page 6, Line 20

Leave out paragraph (b)

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 14**                    *[Made]*

**Clause 15**, Page 6, Line 22

After ‘decision’ insert ‘of that body’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 15**                    *[Made]*

**Clause 16**, Page 6, Line 29

After ‘taken’ insert ‘in the exercise of administrative functions’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 16**                    *[Made]*

**Clause 16**, Page 6, Line 31

After ‘decision’ insert ‘of that body’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 17**                    *[Made]*

**Clause 16**, Page 6, Line 32

Leave out ‘clinical’ and insert ‘professional’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 18**                    *[Made]*

**Clause 17**, Page 7, Line 10

After ‘taken’ insert ‘in the exercise of administrative functions’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 19**                    *[Made]*

**Clause 17**, Page 7, Line 13

Leave out paragraph (b)

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 20**                    *[Made]*

**Clause 17**, Page 7, Line 15

After ‘decision’ insert ‘of that body’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 21**                    *[Made]*

**Clause 18**, Page 7, Line 26

Leave out subsection (2) and insert -

‘(2) The Ombudsperson may investigate alleged maladministration through action taken by a university in the exercise of administrative functions, in respect of students enrolled in courses validated by the university.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 22**                    *[Not called]*

**Clause 18**, Page 7, Line 27

Leave out ‘in respect of students’

*Mr Jim Allister*

**Amendment 23**                    *[Not moved]*

**Clause 18**, Page 7, Line 28

Leave out subsection (3)

*Mr Jim Allister*

**Amendment 24**                    *[Made]*

**Clause 18**, Page 7, Line 37

At end insert -

‘(7) In this Act, references to a university include references to a constituent college, school or hall or other institution of a university.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 25** *[Not moved]*

**Clause 19**, Page 8, Line 10

Leave out ‘First Minister and deputy First Minister acting jointly may’ and insert ‘Office of the First Minister and deputy First Minister may, with the concurrence of the Assembly Commission’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 26** *[Not moved]*

**Clause 22**, Page 9, Line 7

After ‘may’ insert ‘, with the concurrence of the Office of the First Minister and deputy First Minister’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 27** *[Made]*

**Clause 24**, Page 9, Line 22

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 28** *[Made]*

**Clause 24**, Page 9, Line 24

Leave out ‘it is reasonable to do so in the circumstances’ and insert ‘there are special circumstances which make it proper to do so’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 29** *[Made]*

**Clause 25**, Page 9, Line 26

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 30** *[Made]*

**Clause 25**, Page 9, Line 28

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 31**                    *[Made]*

**Clause 25**, Page 9, Line 30

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 32**                    *[Made]*

**Clause 26**, Page 10, Line 2

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 33**                    *[Made]*

**Clause 26**, Page 10, Line 5

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 34**                    *[Made]*

**Clause 27**, Page 10

Leave out subsections (1) and (2)

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 35**                    *[Made]*

**Clause 27**, Page 10, Line 22

Leave out ‘complaints procedure’ and insert ‘complaints handling procedure’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 36**                    *[Made]*

**Clause 28**, Page 10, Line 35

Leave out ‘it is reasonable to do so’ and insert ‘there are special circumstances which make it proper to do so’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 37**                    *[Made]*

**Clause 30**, Page 11, Line 36

Leave out ‘furnishes’ and insert ‘provides’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 38**                    *[Made]*

**Clause 30**, Page 12, Line 1

Leave out ‘furnishing’ and insert ‘providing’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 39**                    *[Made]*

**Clause 31**, Page 12, Line 12

Leave out ‘supply’ and insert ‘provide’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 40**                    *[Made]*

**Clause 31**, Page 12, Line 16

Leave out ‘supply’ and insert ‘provide’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 41**                    *[Made]*

**Clause 31**, Page 12, Line 24

Leave out ‘supply’ and insert ‘provide’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 42**                    *[Made]*

**Clause 32**, Page 12, Line 38

Leave out ‘supply’ and insert ‘provide’

*Chair, Committee for the Office of the First Minister and deputy First Minister*



**Amendment 43**                      *[Made]*

**Clause 33**, Page 13, Line 6

Leave out ‘officer’ and insert ‘member of staff’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 44**                      *[Made]*

**New Clause**

After clause 33 insert -

‘PART 3

COMPLAINTS HANDLING PROCEDURE

**Meaning of complaints handling procedure**

**34.**—(1) In this Act “complaints handling procedure” is the procedure of a listed authority for—

- (a) examining complaints, or
- (b) reviewing decisions,

in respect of matters which the Ombudsperson may investigate.

(2) But for the purposes of this Act, the following do not form part of a complaints handling procedure—

- (a) a right of appeal, complaint, reference or review to or before a tribunal constituted under any statutory provision or by virtue of Her Majesty’s prerogative,
- (b) a remedy by way of proceedings in a court of law.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 45**                      *[Made]*

**New Clause**

After clause 33 insert -

**‘Statement of principles**

**35.**—(1) The Ombudsperson must publish a statement of principles concerning complaints handling procedures of listed authorities.

(2) The first statement of principles is not to be published unless a draft of the statement has been laid before, and approved by a resolution of, the Assembly.

(3) Before laying a draft statement of principles before the Assembly, the Ombudsperson must consult—

- (a) Ministers of Northern Ireland departments, and
- (b) such listed authorities and other persons as the Ombudsperson thinks fit.

(4) The Ombudsperson must, in preparing the draft statement of principles, have regard to any representations made during the consultation.

(5) The statement of principles comes into force when it is published by the Ombudsperson.

(6) The Ombudsperson may from time to time revise and re-publish the statement of principles.

(7) Where the Ombudsperson considers that any revision of the statement of principles is material, subsections (2) to (5) apply to that statement of principles as they do to the first statement of principles.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

## **Amendment 46**                      *[Made]*

### **New Clause**

After clause 33 insert -

#### **‘Obligation for listed authority to have complaints handling procedure**

**36.**—(1) A listed authority must ensure—

- (a) it has a complaints handling procedure in respect of action taken by the listed authority, and
- (b) any such procedure complies with the statement of principles.

(2) A listed authority which is responsible for a complaints handling procedure—

- (a) in relation to, or
- (b) operated by,

another listed authority, must ensure the procedure complies with the statement of principles.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

## **Amendment 47**                      *[Made]*

### **New Clause**

After clause 33 insert -

#### **‘Model complaints handling procedures**

**37.**—(1) The Ombudsperson may publish model complaints handling procedures (referred to in this Act as “model CHP”) for listed authorities.

(2) A model CHP must comply with the statement of principles.

(3) The Ombudsperson may publish different model CHPs for different purposes.

(4) Before publishing a model CHP the Ombudsperson must consult such listed authorities and other persons as the Ombudsperson thinks fit.

(5) The Ombudsperson may from time to time revise and re-publish any model CHP; and in doing so, subsection (4) applies.

(6) Where a model CHP is revised and re-published, section *[Obligation for listed authority to comply with model CHPs: Amendment 48]* has effect with the following modifications—

- (a) any specification under section *[Obligation for listed authority to comply with model CHPs: Amendment 48]*(1) in relation to the model CHP continues in effect as a specification in relation to the revised and re-published model CHP,

- (b) any other reference to a model CHP is to the model CHP as revised and re-published,

(c) section *[Obligation for listed authority to comply with model CHPs: Amendment 48](2)(b)* is omitted.

(7) The Ombudsperson may withdraw any model CHP at any time; and any specification under section *[Obligation for listed authority to comply with model CHPs: Amendment 48](1)* in relation to the model CHP ceases to have effect upon that withdrawal.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

## **Amendment 48**                      *[Made]*

### **New Clause**

After clause 33 insert -

#### **‘Obligation for listed authority to comply with model CHPs**

**38.**—(1) The Ombudsperson may specify a listed authority to which a model CHP is relevant, and must notify the authority accordingly.

(2) Where subsection (1) applies—

- (a) the listed authority must ensure that there is a complaints handling procedure which complies with the model CHP,
- (b) the authority must submit a description of the complaints handling procedure, having taken account of the relevant model CHP, within 6 months of the specification.

(3) A listed authority may, with the consent of the Ombudsperson, modify the application of the model CHP which is relevant to it, but only to the extent that is necessary for the effective operation of the procedure by the authority.

(4) The Ombudsperson may revoke a specification at any time.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

## **Amendment 49**                      *[Made]*

### **New Clause**

After clause 33 insert -

#### **‘Declaration of non-compliance of complaints handling procedure**

**39.**—(1) The Ombudsperson may make a declaration of non-compliance in relation to a complaints handling procedure if subsection (2) or (3) applies.

(2) This subsection applies where the Ombudsperson—

- (a) has specified that a model CHP is relevant to a listed authority, and
- (b) is of the opinion that a listed authority’s complaints handling procedure does not comply with the model CHP.

(3) This subsection applies where the Ombudsperson—

- (a) has not specified that a model CHP is relevant to a listed authority, and
- (b) is of the opinion that a listed authority’s complaints handling procedure does not comply with the statement of principles.

(4) Where a declaration is made, the Ombudsperson—

- (a) must give reasons in writing,
- (b) may specify such modifications to the complaints handling procedure as would result in the declaration being withdrawn.

(5) Where a declaration is made, the listed authority must submit a description of its complaints handling procedure to the Ombudsperson, having taken account of the reasons given under subsection (4)(a) and any modifications specified under (4)(b), within 2 months of the declaration.

(6) The Ombudsperson may withdraw a declaration at any time if the Ombudsperson thinks fit.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

## **Amendment 50**                      *[Made]*

### **New Clause**

After clause 33 insert -

#### **‘Submission of description of complaints handling procedure: general**

**40.**—(1) A listed authority must submit a description of its complaints handling procedure to the Ombudsperson if the Ombudsperson so directs.

(2) The description must be submitted within three months of being so directed, or such other period as the Ombudsperson may direct.

(3) Sections *[Obligation for listed authority to comply with model CHPs: Amendment 48](2)(b)* and *[Declaration of non-compliance of complaints handling procedure: Amendment 49](5)* are subject to any direction given under this section.

(4) Where a listed authority has submitted a description of its complaints handling procedure to the Ombudsperson under this Act or otherwise, the authority must provide such additional information in relation to that procedure as the Ombudsperson may reasonably request.

(5) The additional information must be provided within such period as the Ombudsperson directs.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

## **Amendment 51**                      *[Made]*

### **New Clause**

After clause 33 insert -

#### **‘Application of other enactments**

**41.** The duties in sections *[Obligation for listed authority to have complaints handling procedure: Amendment 46]* and *[Obligation for listed authority to comply with model CHPs: Amendment 48](2)(a)* do not apply to the extent that—

- (a) the listed authority lacks necessary powers (other than by virtue of this Act) to ensure compliance with the duties, or
- (b) the duties are inconsistent with any other statutory provision.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 52**                      *[Made]*

**New Clause**

After clause 33 insert -

**‘Promotion of best practice etc.**

**42.**—(1) The Ombudsperson must—

- (a) monitor practice and identify any trends in practice as respects the way in which listed authorities handle complaints,
- (b) promote best practice in relation to such complaints handling,
- (c) encourage co-operation and the sharing of best practice among listed authorities in relation to complaints handling.

(2) A listed authority must co-operate with the Ombudsperson in the exercise of the function in subsection (1).

(3) The duty in subsection (2) does not apply to the extent that—

- (a) the listed authority lacks the necessary powers (other than by virtue of this Act) to ensure compliance with the duty, or
- (b) the duty is inconsistent with any other statutory provision.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 53**                      *[Made]*

**Clause 35, Page 14, Line 5**

Leave out subsection (1) and insert -

‘(1) This section—

- (a) applies where the Ombudsperson proposes to publish a report of a type referred to in section 34(1), but
- (b) does not apply in respect of an investigation conducted under section 8.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 54**                      *[Negatived]*

**Clause 35, Page 14**

Leave out subsections (1) to (4) and insert -

‘(1) The Ombudsperson shall publish all reports of a type referred to in section 34(1) on the public website of the Ombudsperson, with personal details redacted upon the request of any person affected, unless the Ombudsperson believes it would not be in the public interest to publish the report.’

*Mr Jim Allister*

**Amendment 55** *[Made]*

**Clause 37**, Page 14, Line 24

After ‘investigation’ insert ‘(other than one under section 8)’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 56** *[Made]*

**Clause 38**, Page 14, Line 35

Leave out ‘in accordance with section 32(2)’ and insert ‘under section 31(1) by virtue of section 32(2)’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 57** *[Made]*

**Clause 41**, Page 16, Line 26

After ‘give’ insert ‘written’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 58** *[Negatived]*

**Clause 41**, Page 17, Line 1

Leave out ‘the Secretary of State’ and insert ‘each of the office holders named in section 41(2)’

*Mr Jim Allister*

**Amendment 59** *[Not called]*

**Clause 41**, Page 17, Line 4

Leave out subsection (5) and insert -

‘(5) The Ombudsperson must lay before the Assembly copies of all such memoranda and any revisions to them.’

*Mr Jim Allister*

**Amendment 60**                      *[Made]*

**Clause 42**, Page 17, Line 38

At end insert -

- ‘(i) a local government auditor within the meaning of Article 4 of the Local Government (Northern Ireland) Order 2005,
- (j) the Comptroller and Auditor General, and
- (k) the Health and Social Care Regulation and Quality Improvement Authority under the Health and Social Care (Reform) Act (Northern Ireland) 2009.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 61**                      *[Made]*

**Clause 47**, Page 19, Line 27

Leave out ‘in accordance with section 32(2)’ and insert ‘under section 31(1) by virtue of section 32(2)’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 62**                      *[Made]*

**Clause 48**, Page 19, Line 35

Leave out ‘or an officer of the Ombudsperson’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 63**                      *[Made]*

**Clause 49**, Page 20, Line 11

At end insert -

‘(3) The person holding office as Northern Ireland Judicial Appointments Ombudsman immediately before the coming into operation of this section ceases to hold that office upon the coming into operation of this section.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 64**                      *[Made]*

**Clause 50**, Page 20, Line 15

At end insert -

“‘action taken by a listed authority’ has the meaning given in section 13,”

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 65**                      *[Made]*

**Clause 50**, Page 20, Line 16

At end insert -

“complaints handling procedure” has the meaning given in section *[Meaning of complaints handling procedure: Amendment 44]*,

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 66**                      *[Made]*

**Clause 50**, Page 20

Leave out lines 34 to 38 and insert -

‘(a) Minister of a Northern Ireland department, and  
(b) junior Minister,’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 67**                      *[Made]*

**Clause 50**, Page 20, Line 38

At end insert -

“model CHP” has the meaning given in section *[Model complaints handling procedures: Amendment 47]*,

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 68**                      *[Made]*

**Clause 50**, Page 20, Line 38

At end insert -

“Northern Ireland Minister” has the same meaning as in the Northern Ireland Act 1998,

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 69**                      *[Made]*

**Clause 50**, Page 21, Line 1

At end insert -

“statement of principles” has the meaning given in section *[Statement of principles: Amendment 45]*,

*Chair, Committee for the Office of the First Minister and deputy First Minister*



**Amendment 70**                      *[Made]*

**New Clause**

After clause 51 insert -

**‘Orders**

**52.**—(1) No order to which subsection (2) applies is to be made unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(2) This subsection applies to an order under section 12(2), 19(3), 22(2) or 51.

(3) Orders under paragraph 6(1) of Schedule 1 are subject to negative resolution.

(4) Orders mentioned in this section may contain such incidental, consequential, supplementary, transitional and savings provisions as appear to the authority making them to be necessary or expedient.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Clause 52**                      *[Question that clause 52 stand part was negatived]*

*The Chair, Committee for the Office of the First Minister and deputy First Minister gives notice of his intention to oppose the question that clause 52 stand part of the Bill.*

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 71**                      *[Made]*

**Clause 55, Page 21, Line 31**

At end insert -

‘(a) section *[Meaning of complaints handling procedure: Amendment 44]*,’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 72**                      *[Made]*

**Clause 55, Page 22, Line 2**

Leave out ‘paragraph 11’ and insert ‘paragraphs 5(2) and 11’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 73**                      *[Made]*

**Clause 55, Page 22, Line 3**

At end insert -

‘(a) section 14(2)(d),’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 74**                      *[Made]*

**Clause 55**, Page 22, Line 23

At end insert -

- ‘(c) section 11(c),
- (d) section 29,
- (e) section 30(4),
- (f) section 36,
- (g) section 37(3).’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 75**                      *[Made]*

**Clause 55**, Page 22, Line 23

At end insert -

‘(7) Part 3 (other than section *[Meaning of complaints handling procedure: Amendment 44]*) comes into operation on such day as the Assembly Commission may by order appoint.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 76**                      *[Negatived]*

**Clause 56**, Page 22, Line 25

Leave out ‘Ombudsperson’ and insert ‘Ombudsman’

*Chair, Ad Hoc Committee on the Public Services Ombudsperson Bill*

**Amendment 77**                      *[Made]*

**Schedule 1**, Page 23, Line 5

At end insert -

‘1.—(1) The person for the time being holding the office of the Northern Ireland Public Services Ombudsperson is by that name a corporation sole.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 78**                      *[Made]*

**Schedule 1**, Page 24, Line 40

Leave out sub-paragraph (4) and insert -

‘(4) But—

- (a) a person is not disqualified from being appointed as Ombudsperson by virtue of being the Northern Ireland Judicial Appointments Ombudsman,
- (b) the Ombudsperson is not prevented from being appointed as the Northern Ireland Judicial Appointments Ombudsman.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 79**                      ***[Made]***

**Schedule 1**, Page 27, Line 4

At end insert -

*‘Delegation of functions*

14.—(1) Any function of the Ombudsperson may be performed by any member of staff of the Ombudsperson authorised by the Ombudsperson for that purpose.

(2) Any function of the Ombudsperson may be performed by any other person authorised by the Ombudsperson for that purpose if—

- (a) that other person is suitably qualified to do so, and
- (b) there are special circumstances which make it proper to do so.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 80**                      ***[Made]***

**Schedule 1**, Page 27, Line 19

Leave out sub-paragraph (5)

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 81**                      ***[Made]***

**Schedule 2**, Page 28, Line 40

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 82**                      ***[Made]***

**Schedule 2**, Page 29, Line 4

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 83**                    *[Made]*

**Schedule 2**, Page 29, Line 11

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 84**                    *[Made]*

**Schedule 2**, Page 29, Line 12

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 85**                    *[Made]*

**Schedule 2**, Page 29, Line 13

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 86**                    *[Made]*

**Schedule 2**, Page 29, Line 19

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 87**                    *[Made]*

**Schedule 2**, Page 29, Line 22

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 88**                    *[Made]*

**Schedule 2**, Page 29, Line 24

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 89**                      *[Made]*

**Schedule 2**, Page 30, Line 16

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 90**                      *[Made]*

**Schedule 2**, Page 30, Line 21

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 91**                      *[Made]*

**Schedule 2**, Page 30, Line 36

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 92**                      *[Made]*

**Schedule 2**, Page 31, Line 3

Leave out sub-paragraph (2) and insert -

‘(2) Accordingly, Article 4(4) to (6) of, and Schedule 1 to, the Commissioner for Complaints (Northern Ireland) Order 1996, or, as the case may be, Article 5(4) to (6) of, and Schedule 1 to, the Ombudsman (Northern Ireland) Order 1996 continue to have effect with respect to such persons.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 93**                      *[Made]*

**Schedule 2**, Page 31, Line 7

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 94**                    *[Made]*

**Schedule 2**, Page 31, Line 10

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 95**                    *[Made]*

**Schedule 2**, Page 31, Line 31

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 96**                    *[Made]*

**Schedule 2**, Page 31, Line 31

Leave out ‘but’ and insert ‘and’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 97**                    *[Made]*

**Schedule 2**, Page 31, Line 32

Leave out ‘no complaint was’ and insert ‘a complaint could have been, but was not’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 98**                    *[Made]*

**Schedule 2**, Page 31, Line 33

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 99**                    *[Made]*

**Schedule 2**, Page 31, Line 34

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 100** *[Made]*

**Schedule 2**, Page 32, Line 1

Leave out ‘appointed’ and insert ‘transfer’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 101** *[Made]*

**Schedule 3**, Page 32

Leave out lines 9 to 21 and insert -

*‘Northern Ireland Departments*

*A Northern Ireland department’*

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 102** *[Made]*

**Schedule 3**, Page 32, Line 29

Leave out ‘A’ and insert ‘The board of governors of a’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 103** *[Made]*

**Schedule 3**, Page 32, Line 31

At end insert -

‘The General Teaching Council for Northern Ireland’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 104** *[Made]*

**Schedule 3**, Page 33, Line 10

At end insert -

‘The Police Rehabilitation and Retraining Trust’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 105**                    *[Made]*

**Schedule 3**, Page 33

Leave out lines 30 to 32

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 106**                    *[Made]*

**Schedule 3**, Page 34, Line 26

At end insert -

‘The Health and Safety Executive for Northern Ireland’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 107**                    *[Made]*

**Schedule 3**, Page 34

Leave out line 32

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 108**                    *[Made]*

**Schedule 3**, Page 35

Leave out lines 2 and 3

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 109**                    *[Made]*

**Schedule 4**, Page 35, Line 30

Leave out ‘Article 110 of the Planning (Northern Ireland) Order 1991’ and insert ‘section 203 of the Planning Act (Northern Ireland) 2011’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 110**                    *[Made]*

**Schedule 5**, Page 36, Line 17

Leave out paragraph 3

*Chair, Committee for the Office of the First Minister and deputy First Minister*



**Amendment 111**                      *[Made]*

**Schedule 5**, Page 36, Line 31

Leave out sub-paragraph (2) and insert -

‘(2) But the Ombudsperson may investigate that action, notwithstanding any limitation of time imposed by section 26, if conditions 1 and 2 are satisfied.

(3) Condition 1 is that—

- (a) the Attorney General has decided not to proceed with an investigation,
- (b) the Attorney General has decided not to institute proceedings, or
- (c) there has been a final determination of those proceedings.

(4) Condition 2 is that—

- (a) a person aggrieved complains that the action resulted in the person aggrieved sustaining injustice in consequence of maladministration,
- (b) that injustice has not been remedied, and
- (c) the Ombudsperson is satisfied that there are reasonable grounds for that complaint.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 112**                      *[Made]*

**Schedule 6**, Page 39, Line 27

At end insert -

‘9. Omit paragraph 13 (financial provisions and directions).’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 113**                      *[Not moved]*

**Schedule 6**, Page 39, Line 33

After ‘Assembly’ insert ‘Commission’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 114**                      *[Not moved]*

**Schedule 6**, Page 39, Line 36

After “‘Assembly’ insert ‘Commission’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 115**                    *[Made]*

**Schedule 7**, Page 40, Line 7

Leave out paragraph 2

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 116**                    *[Made]*

**Schedule 7**, Page 40, Line 19

At end insert -

‘3. After section 56 insert—

*“Adjudication hearings*

**Adjudication hearings**

56A.—(1) Where the Commissioner proposes to make an adjudication under section 55(5)(c), the Commissioner may first hold an adjudication hearing.

(2) The adjudication hearing must be held in public save to the extent that the Commissioner determines that this would not be in the public interest.

(3) Subject to—

(a) subsection (2), and

(b) the provisions of the 2015 Act which apply to adjudication hearings by virtue of section 63,

the procedure for an adjudication hearing is to be such as the Commissioner considers appropriate in the circumstances of the case.”.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 117**                    *[Made]*

**Schedule 7**, Page 40, Line 19

At end insert -

‘4. In section 59 (decision following report) after subsection (7) insert—

“(7A) Where the Commissioner censures a person under subsection (4), the Commissioner must give notice to the clerk of the council concerned—

(a) stating that the person has failed to comply with the code of conduct;

(b) specifying the details of that failure; and

(c) stating that the person is censured in the terms the Commissioner has decided.”.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 118**                    *[Made]*

**Schedule 7**, Page 40, Line 19

At end insert -

- ‘5. In section 59(10)—
- (a) in subsection (a) omit “and”,
  - (b) in subsection (b), at the end insert—  
“and
  - (c) may be published elsewhere.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 119**                    *[Not moved]*

**Schedule 7**, Page 40

Leave out line 22 and insert -

‘63.—(1) The provisions of the 2015 Act set out below have effect in relation to this Part as follows.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 120**                    *[Made]*

**Schedule 7**, Page 40

Leave out line 22 and insert -

‘63.—(1) The provisions of the 2015 Act set out below have effect in relation to this Part as follows, and as if the references to the Ombudsperson in the 2015 Act were references to the Commissioner.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 121**                    *[Made]*

**Schedule 7**, Page 40, Line 34

Leave out ‘Ombudsperson’ and insert ‘Commissioner’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 122**                    *[Made]*

**Schedule 7**, Page 40, Line 40

Leave out ‘Ombudsperson’ and insert ‘Commissioner’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 123** *[Made]*

**Schedule 7**, Page 41, Line 4

Leave out ‘Ombudsperson’ and insert ‘Commissioner’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 124** *[Made]*

**Schedule 7**, Page 41

Leave out lines 10 to 12 and insert -

- ‘(c) applies as if the reference in section 40(2)(e) to section 42 (consultation and co-operation with other ombudspersons) only applied in respect of the persons listed in section 42(4)(i) and (j) (local government auditor and Comptroller and Auditor General),
- (d) applies as if the references to section 45 and 46 (court proceedings) were omitted.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 125** *[Made]*

**Schedule 7**, Page 41, Line 16

Leave out ‘Ombudsperson’ and insert ‘Commissioner’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 126** *[Made]*

**Schedule 7**, Page 41

Leave out lines 18 and 19

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 127** *[Made]*

**Schedule 7**, Page 41, Line 21

At end insert -

- ‘(9) The following provisions of the 2015 Act apply in relation to an adjudication hearing under section 56A as they apply in relation to an investigation under the 2015 Act—
  - (a) section 30(7)(b) of the 2015 Act (legal representation),
  - (b) section 30(8) of the 2015 Act (payments to persons giving evidence),
  - (c) section 31(3) of the 2015 Act (power to compel witnesses and require production of documents), and
  - (d) section 33 of the 2015 Act (obstruction and contempt) except for subsection (3).’.

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 128** [Made]

**Schedule 7**, Page 41

Leave out line 27 and insert -

““the Commissioner” means the Ombudsperson (within the meaning of the 2015 Act) who is to be known, for the purposes of exercising functions under this Part, as the Northern Ireland Local Government Commissioner for Standards;”.’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 129** [Made]

**Schedule 9**, Page 46, Line 40

At end insert -

‘

The Ombudsman and Commissioner for Complaints (Amendment) Act (Northern Ireland) 2015	The whole Act.
--	----------------

’

*Chair, Committee for the Office of the First Minister and deputy First Minister*

**Amendment 130** [Made]

**Long Title**

Leave out first ‘Ombudsperson’ and insert ‘Ombudsman’

*Chair, Ad Hoc Committee on the Public Services Ombudsperson Bill*

**Amendment 131** [Made]

**Long Title**

Leave out second ‘Ombudsperson’ and insert ‘Ombudsman’

*Chair, Ad Hoc Committee on the Public Services Ombudsperson Bill*