



## 2016 CHAPTER 21

### **PART 2**

#### The Prison Ombudsman For Northern Ireland

##### *Deaths in custody*

##### **Report on investigation into death**

**38.**—(1) Where the Ombudsman has carried out an investigation into a death under section 37, the Ombudsman shall report in writing on the outcome of the investigation to—

- (a) the Department;
- (b) the coroner who is holding or who is to hold an inquest into the death;
- (c) the health and social care trust responsible for providing healthcare to the deceased while held in prison; and
- (d) at least one person who is a personal representative of the deceased or a relative of the deceased at the time of death.

(2) The Ombudsman may also report on that outcome to any other person the Ombudsman considers should receive the report.

(3) In a report to the Department or a health and social care trust the Ombudsman may make recommendations about any matter arising from the investigation.

(4) Where such recommendations are made in a report, the Department or trust must, within the required period, respond in writing to the Ombudsman setting out (with reasons) what it proposes to do about the recommendations.

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*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 38. (See end of Document for details)*

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(5) The required period is the period of 28 days commencing with the day on which the Department or trust receives the report or such longer period as the Ombudsman may in the case of any report allow.

(6) The Ombudsman may report on that response to such persons as the Ombudsman may think fit.

(7) Regulations may make provision as to the procedures to be followed in relation to reports under this section and may in particular include provision—

- (a) enabling the Ombudsman to show any person a draft of the whole or any part of a report;
- (b) enabling the Ombudsman to publish the whole or any part of a report;
- (c) restricting or prohibiting the identification of prescribed persons or persons of a prescribed description in a report or the inclusion of information of a prescribed description.

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**Commencement Information**

**II** S. 38(7) in operation at 1.9.2016 for specified purposes by S.R. 2016/248, art. 3(c)

**Changes to legislation:**

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 38.