



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

General

1 Guarantee of continued judicial independence

Those with responsibility for the administration of justice must uphold the continued independence of the judiciary.

Appointment and removal

2 Introductory

- (1) Sections 3 to 8 make provision about appointment to and removal from—
 - (a) the offices of Lord Chief Justice and Lord Justice of Appeal, and
 - (b) the offices listed in Schedule 1.
- (2) The First Minister and deputy First Minister, acting jointly, may by order amend Schedule 1 by—
 - (a) adding an office (other than the office of Lord Chief Justice or Lord Justice of Appeal),
 - (b) omitting an office, or
 - (c) altering the description of an office.
- (3) No order under subsection (2) may be made without the agreement of the Lord Chief Justice.
- (4) An order under subsection (2) may make appropriate consequential amendments in any enactment or instrument (whenever passed or made).

(5) In this Act—

“listed judicial office” means an office listed in Schedule 1, and

“protected judicial office” means the office of Lord Chief Justice, the office of Lord Justice of Appeal or a listed judicial office.

3 Judicial Appointments Commission

(1) There is to be a body corporate known as the Northern Ireland Judicial Appointments Commission.

(2) The Commission is to consist of—

(a) a chairman, and

(b) twelve other members appointed by the First Minister and deputy First Minister, acting jointly.

(3) Schedule 2 makes further provision about the Commission.

(4) The Lord Chief Justice is to be the chairman of the Commission; but for any time during which—

(a) the office of Lord Chief Justice is vacant, or

(b) he is not available,

the senior Lord Justice of Appeal who is available is to act as the chairman (whether or not he is already a member).

(5) The following are to be appointed as the other members—

(a) five persons nominated by the Lord Chief Justice (referred to in this section and Schedule 2 as “judicial members”),

(b) a barrister nominated by the General Council of the Bar of Northern Ireland and a solicitor nominated by the Law Society of Northern Ireland (so referred to as “legal profession members”), and

(c) five persons who do not hold (and have never held) a protected judicial office and are not (and have never been) barristers or solicitors (so referred to as “lay members”);

and a reference in Schedule 2 to a non-judicial member is to a member who is either a legal profession member or a lay member.

(6) The judicial members are to be—

(a) a Lord Justice of Appeal,

(b) a judge of the High Court,

(c) a county court judge,

(d) a resident magistrate, and

(e) a lay magistrate.

(7) A person may not be appointed to be a lay member unless he has declared in writing his commitment to non-violence and exclusively peaceful and democratic means.

(8) In appointing persons to be lay members, the First Minister and deputy First Minister must so far as possible secure that the lay members (taken together) are representative of the community in Northern Ireland.

4 Appointment to most senior judicial offices

For section 12 of the Judicature (Northern Ireland) Act 1978 (c. 23) (appointment of Lord Chief Justice, Lords Justices of Appeal and judges of High Court) substitute—

“12 Appointment of Lord Chief Justice and Lords Justices of Appeal

- (1) Whenever the office of Lord Chief Justice is vacant, Her Majesty may, on the recommendation of the Prime Minister, appoint a qualified person to that office by letters patent under the Great Seal of Northern Ireland.
- (2) Her Majesty may from time to time, on the recommendation of the Prime Minister, appoint a qualified person as a Lord Justice of Appeal by letters patent under the Great Seal of Northern Ireland (but subject to the limit on numbers for the time being imposed by section 3).
- (3) The power of the Prime Minister to make recommendations under subsections (1) and (2) is exercisable only after consultation with—
 - (a) the First Minister and deputy First Minister; and
 - (b) the Lord Chief Justice or, if the office of Lord Chief Justice is vacant or he is not available, the senior Lord Justice of Appeal who is available.
- (4) The Northern Ireland Judicial Appointments Commission shall give to the First Minister and deputy First Minister advice as to the procedure which, whenever they are consulted by the Prime Minister under subsection (3)(a), they should adopt for formulating their response to him.
- (5) After considering that advice, the First Minister and deputy First Minister acting jointly shall, with the approval of the Prime Minister, determine the procedure which, whenever they are consulted by the Prime Minister under subsection (3)(a), they are to adopt for formulating their response to him; and on each occasion on which they are so consulted, they shall adopt that procedure.

12A Appointment of judges of High Court

Her Majesty may from time to time, on the recommendation of the First Minister and deputy First Minister acting jointly, appoint a qualified person as a judge of the High Court by letters patent under the Great Seal of Northern Ireland (but subject to the limit on numbers for the time being imposed by section 2).”

5 Appointment to listed judicial offices

- (1) Schedule 3 transfers to the First Minister and deputy First Minister, acting jointly, the power to make appointments, or recommendations for appointment, to listed judicial offices and makes provision about associated functions.
- (2) Only a person selected by the Commission may be appointed, or recommended for appointment, to a listed judicial office.
- (3) The First Minister and deputy First Minister, acting jointly, may at any time by notice require the Commission to select a person to be appointed, or recommended for appointment, to a listed judicial office.
- (4) When the Commission is so required, it must—

- (a) inform the Office of the First Minister and deputy First Minister of the person selected to be appointed, or recommended for appointment, to the office, and
 - (b) make a report to that Office on its process of selection, indicating the basis of its decision to select that person.
- (5) If the First Minister and deputy First Minister do not (within a reasonable time after receiving the report under subsection (4)(b)) appoint or recommend for appointment the person selected by the Commission, they must by notice require the Commission to reconsider its decision; and the notice must include a statement of their reasons for requiring it to do so.
- (6) If the Commission is required to reconsider its decision, it must—
- (a) after doing so, either re-affirm its selection or select a different person to be appointed, or recommended for appointment, to the office,
 - (b) inform the Office of the First Minister and deputy First Minister of the outcome of its reconsideration, and
 - (c) make a report to that Office indicating the basis of the decision made by it after its reconsideration.
- (7) The First Minister and deputy First Minister must, on being informed by the Commission of the outcome of the reconsideration of its decision, appoint, or recommend for appointment, the person selected by the Commission after the reconsideration.
- (8) The Commission must, so far as it is reasonably practicable to do so, secure that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is required to select a person to be appointed, or recommended for appointment, to a listed judicial office.
- (9) But the selection of the person to be appointed, or recommended for appointment, to the listed judicial office (whether initially or after reconsideration) must be made solely on the basis of merit.

6 Removal from most senior judicial offices

After section 12A of the Judicature (Northern Ireland) Act 1978 (c. 23) (inserted by section 4 of this Act) insert—

“12B Tenure of office

- (1) The Lord Chief Justice, Lords Justices of Appeal and judges of the High Court hold office during good behaviour (subject to section 26 of, and Schedule 7 to, the Judicial Pensions and Retirement Act 1993 (c. 8)).
- (2) Her Majesty may on an address presented to Her Majesty by both Houses of Parliament remove a person from office as Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court.
- (3) A motion for the presentation of an address to Her Majesty for the removal of a person from any of those offices may be made—
 - (a) to the House of Commons only by the Prime Minister; and
 - (b) to the House of Lords only by the Lord Chancellor.

- (4) Neither the Prime Minister nor the Lord Chancellor may make a motion for the presentation of such an address unless—
 - (a) they have been advised to do so by the First Minister and deputy First Minister acting jointly; or
 - (b) they have consulted the First Minister and deputy First Minister about doing so.
- (5) Neither the Prime Minister nor the Lord Chancellor may make a motion for the presentation of such an address unless a tribunal convened under section 8 of the Justice (Northern Ireland) Act 2002 has reported to the First Minister and deputy First Minister recommending that the person be removed from the office on the ground of misbehaviour.
- (6) If such a tribunal has so recommended, the First Minister and deputy First Minister shall send a copy of the report of the tribunal to the Prime Minister and the Lord Chancellor, together with any comments they wish to make about the report.
- (7) The Prime Minister shall lay a copy of the report and any advice, response to consultation or comments of the First Minister and deputy First Minister before the House of Commons before making a motion for the presentation of an address in that House; and the Lord Chancellor shall lay a copy of them before the House of Lords before making such a motion in that House.
- (8) If the Prime Minister and Lord Chancellor are considering the making of motions for the presentation of an address to Her Majesty in relation to the Lord Chief Justice, the Prime Minister may suspend him from office; and if they are considering the making of such motions in relation to a Lord Justice of Appeal or a judge of the High Court the Prime Minister may suspend him from office with the agreement of the Lord Chief Justice.
- (9) If a person is suspended from an office under subsection (8), he may not perform any of the functions of the office (but his other rights as holder of the office are unaffected).
- (10) Nothing in subsections (1) to (9) applies to a judge of the High Court appointed after the coming into force of section 7 of the Justice (Northern Ireland) Act 2002 (as to the removal and suspension of whom see that section).”

7 Removal from listed judicial offices

- (1) A person holding a listed judicial office may be removed from office (and suspended from office pending a decision whether to remove him) but only in accordance with this section.
- (2) The power to remove or suspend him is exercisable by the First Minister and deputy First Minister, acting jointly.
- (3) He may only be removed if a tribunal convened under section 8 has reported to the First Minister and deputy First Minister recommending that he be removed on the ground of misbehaviour or inability to perform the functions of the office.
- (4) He may only be suspended if the tribunal, at any time when it is considering whether to recommend his removal, has recommended to them that he be suspended.

- (5) He may not be removed or suspended without the agreement of the Lord Chief Justice.
- (6) If he is suspended he may not perform any of the functions of the office until the decision whether to remove him has been taken (but his other rights as holder of the office are unaffected).
- (7) Nothing in subsections (1) to (6) applies to a judge of the High Court appointed before the coming into force of this section (as to the removal and suspension of whom see section 12B of the Judicature (Northern Ireland) Act 1978 (c. 23) (inserted by section 6 of this Act)).
- (8) But, subject to that, those subsections apply whatever the date of a person's appointment.

8 Tribunals for considering removal

- (1) A tribunal to consider the removal of the Lord Chief Justice may be convened by the First Minister and deputy First Minister, acting jointly.
- (2) A tribunal to consider the removal of the holder of any other protected judicial office may be convened—
 - (a) by the First Minister and deputy First Minister, acting jointly, after consulting the Lord Chief Justice, or
 - (b) by the Lord Chief Justice, after consulting the First Minister and deputy First Minister.
- (3) A tribunal to consider the removal of the Lord Chief Justice or a Lord Justice of Appeal may not be convened unless the Prime Minister has been consulted.
- (4) A tribunal to consider the removal of the Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court is to consist of—
 - (a) a person who holds the office of Lord of Appeal in Ordinary or high judicial office as defined in section 25 of the Appellate Jurisdiction Act 1876 (c. 59) (ignoring for this purpose section 5 of the Appellate Jurisdiction Act 1887 (c. 70)) and does not hold (and has never held) the office of Lord Chief Justice, Lord Justice of Appeal or judge of the High Court,
 - (b) a person who is, or has been, a judge of the Court of Appeal of England and Wales or the Inner House of the Court of Session, and
 - (c) a person who does not hold (and has never held) a protected judicial office and is not (and has never been) a barrister or solicitor.
- (5) A tribunal to consider the removal of the holder of any other protected judicial office is to consist of—
 - (a) a person who holds, or has held, the office of Lord Chief Justice or Lord Justice of Appeal,
 - (b) a person who holds the office of judge of the High Court, and
 - (c) a person who does not hold (and has never held) a protected judicial office and is not (and has never been) a barrister or solicitor.
- (6) The chairman of a tribunal is the person mentioned in paragraph (a) of subsection (4) or (5).
- (7) The selection of the persons to be the members of a tribunal under paragraphs (a) and (b) of subsection (4) is to be made by the Lord Chancellor.

- (8) The selection of the persons to be the members of a tribunal under paragraphs (a) and (b) of subsection (5) is to be made by the Lord Chief Justice.
- (9) The selection of the person who is to be the member of a tribunal under paragraph (c) of subsection (4) or (5) is to be made by the First Minister and deputy First Minister, acting jointly.
- (10) The procedure of a tribunal is to be determined by the Lord Chief Justice except where—
 - (a) the office of Lord Chief Justice is vacant,
 - (b) he is not available, or
 - (c) the tribunal is to consider his removal from office;and in such a case its procedure is to be determined by its chairman.
- (11) The First Minister and deputy First Minister, acting jointly, may pay to a member of a tribunal any such allowances or fees as they may determine.

Magistrates

9 Lay magistrates

- (1) The Lord Chancellor must, for each county court division, appoint persons to be lay magistrates for the division.
- (2) A person may not be appointed to be a lay magistrate unless—
 - (a) he has completed a course of training approved by the Lord Chancellor, or
 - (b) he has given an undertaking in writing to attend such a course of training.
- (3) It is a condition of the appointment of a person under subsection (2)(b) that he will complete such a course of training within the period of one year beginning with the date of his appointment or such longer period as the Lord Chancellor may allow.
- (4) The Lord Chancellor may by order make further provision about eligibility for appointment to be a lay magistrate.
- (5) The provision which may be made by an order under subsection (4) includes (in particular) provision that a person may not be appointed to be a lay magistrate—
 - (a) if he does not reside or work in, or within a prescribed distance of, the county court division to which the appointment relates,
 - (b) if he, or a person related to or otherwise connected with him in a prescribed manner, holds an office of a prescribed description, has an occupation of a prescribed description or has been selected as a candidate for election to a prescribed body,
 - (c) if a bankruptcy order has been made against him, or his estate has been sequestered, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (d) if he has been convicted of a prescribed offence,unless the Lord Chancellor otherwise determines in the case of a particular person.
- (6) “Prescribed” means prescribed in the order.

- (7) No act by a person appointed to be a lay magistrate is invalidated by reason only that he is not a lay magistrate because he was not eligible to be appointed.
- (8) A lay magistrate ceases to hold office on the day on which he attains the age of 70.
- (9) No act by a person who has been a lay magistrate is invalidated by reason only that he has ceased to hold office under subsection (8).
- (10) The Lord Chancellor may remove a lay magistrate from office.
- (11) The Lord Chancellor must pay to lay magistrates any such allowances as he may determine.
- (12) The Lord Chief Justice, Lords Justices of Appeal, judges of the High Court and county court judges may exercise any function of a lay magistrate (in relation to any matter arising within any county court division).
- (13) In paragraph 11 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (excepted matters: judicial offices), after “resident magistrates,” insert “lay magistrates.”
- (14) “County court division” means a division specified under Article 3(1) of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)).

10 Transfer of functions of justices of the peace

- (1) Subject as follows, the functions of justices of the peace (including their functions as members of a court) are transferred to lay magistrates.
- (2) A lay magistrate sitting out of petty sessions may not exercise any function conferred or imposed on a magistrates' court in relation to the conduct of proceedings for an offence, apart from a function to which subsection (3) applies.
- (3) This subsection applies to —
 - (a) any function of issuing a warrant or summons,
 - (b) any function of remanding an accused who has not previously been remanded for the offence,
 - (c) any function of ordering a person to enter into a recognisance to keep the peace or to be of good behaviour,
 - (d) the function under section 21(3) of the [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29 \(N.I.\)\)](#) (committal where offence committed during suspended sentence etc.),
 - (e) the function under Article 5(4) of the [Treatment of Offenders \(Northern Ireland\) Order 1976 \(S.I. 1976/226 \(N.I. 4\)\)](#) (committal where offence committed after early discharge),
 - (f) the functions under section 51(8) of the [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#) (committal etc. of person in custody in pursuance of Crown Court warrant),
 - (g) any function relating to perjury, misbehaviour or failure to testify in proceedings before a lay magistrate exercising any function to which this subsection applies,
 - (h) any function relating to adjournment of, or any other ancillary matter concerning, such proceedings,

- (i) the function of granting a criminal aid certificate in respect of a person where the lay magistrate is dealing, or has previously dealt, with him by virtue of paragraph (b), (c) or (g), and
 - (j) the function of granting a criminal aid certificate in relation to an appeal against anything done by a lay magistrate by virtue of paragraph (c) or (g).
- (4) The Lord Chancellor may by order amend subsection (3).
- (5) Subsection (1) is subject to paragraphs 1 to 3 of Schedule 4 which specify functions which are to remain functions of justices of the peace (instead of, or as well as, becoming functions of lay magistrates) or to become functions only of resident magistrates.
- (6) Schedule 4 also contains amendments consequential on this section.
- (7) In this section references to a function are to a function conferred or imposed by an enactment or instrument passed or made before the time when this section comes into force (including a function conferred or imposed by a provision not in force at that time).

11 Transfer of functions of lay panellists

- (1) In paragraph 3(1) of Schedule 2 to the [Children and Young Persons Act \(Northern Ireland\) 1968 \(c. 34 \(N.I.\)\)](#) (composition of juvenile courts), for “persons selected from one or more of the panels mentioned in sub-paragraph (2)” substitute “lay magistrates for the county court division which includes the petty sessions district or districts for which the court acts or any other county court division which adjoins that county court division”.
- (2) In section 178 of that Act (assessors for county court in appeals from juvenile courts)
- (a) in subsection (1), for “persons selected from one or more than one of the appropriate juvenile court panels,” substitute “appropriate lay magistrates, at least one of whom (where practicable) is a woman,”
 - (b) in subsection (2), for “person” (in each place) substitute “lay magistrate”, and
 - (c) in subsection (4), for the definition of “the appropriate juvenile courts panels” substitute—
““appropriate lay magistrate” means a lay magistrate for the county court division for which the county court is held or any other county court division which adjoins that county court division;”
- (3) In Article 165(2)(i) of the [Children \(Northern Ireland\) Order 1995 \(S.I. 1995/755 \(N.I. 2\)\)](#) (rules of court: discharge of functions of court of summary jurisdiction by member of juvenile court panel), for “member of a juvenile court panel” substitute “lay magistrate”.

Lord Chief Justice

12 Role of Lord Chief Justice

- (1) The Lord Chief Justice is president of—
- (a) the Court of Appeal,
 - (b) the High Court,

- (c) the Crown Court,
 - (d) the county courts, and
 - (e) the magistrates' courts,
- and head of the judges and magistrates who sit in them.

- (2) Schedule 5 transfers to the Lord Chief Justice certain functions of the Lord Chancellor in relation to the operation of the courts.
- (3) The Lord Chancellor may by order make amendments in any enactment or instrument (whenever passed or made) for, or in connection with, the transfer of other functions of his to the Lord Chief Justice.

13 Presiding county court judge

- (1) After section 102 of the [County Courts Act \(Northern Ireland\) 1959 \(c. 25 \(N.I.\)\)](#) insert—

“102A Presiding judge

- (1) The Lord Chief Justice must appoint one of the judges to be the Presiding judge with responsibility for the county courts and the other judges and the deputy judges.
 - (2) The person appointed as Presiding judge holds that office in accordance with the terms of his appointment.
 - (3) If the office of Presiding judge becomes vacant, the Lord Chief Justice may appoint a judge to act as Presiding judge, pending a new appointment.”
- (2) The Lord Chief Justice may delegate any of his functions relating to county courts to the Presiding county court judge.

14 Presiding resident magistrate

- (1) The Lord Chief Justice must appoint one of the resident magistrates to be the Presiding resident magistrate with responsibility for the magistrates' courts, the other resident magistrates and the deputy resident magistrates.
- (2) The person appointed as Presiding resident magistrate holds that office in accordance with the terms of his appointment.
- (3) If the office of Presiding resident magistrate becomes vacant, the Lord Chief Justice may appoint a resident magistrate to act as Presiding resident magistrate, pending a new appointment.
- (4) The Lord Chief Justice may delegate any of his functions relating to magistrates' courts to the Presiding resident magistrate.

15 Presiding lay magistrate

- (1) The Lord Chief Justice must appoint one of the lay magistrates to be the Presiding lay magistrate with responsibility for the other lay magistrates.

- (2) The person appointed as Presiding lay magistrate holds that office in accordance with the terms of his appointment.
- (3) If the office of Presiding lay magistrate becomes vacant, the Lord Chief Justice may appoint a lay magistrate to act as Presiding lay magistrate, pending a new appointment.

16 Complaints about holders of judicial office

- (1) The Lord Chief Justice must prepare a code of practice relating to the handling of complaints against any person who holds a protected judicial office.
- (2) The code must include provision for any complaints appearing to the Lord Chief Justice—
 - (a) to involve a serious allegation of misbehaviour or inability to perform the functions of an office, and
 - (b) to have a reasonable prospect of being substantiated,to be referred to a tribunal for it to provide advice about any steps which should be taken to deal with the complaint.
- (3) The Lord Chief Justice may from time to time prepare a new code or make alterations to a code.
- (4) The Lord Chief Justice must publish each code prepared by him and any alterations which he makes to a code (or the code as altered).

17 Secretaries to Lord Chief Justice

- (1) In Schedule 3 to the Judicature (Northern Ireland) Act 1978 (c. 23) (qualification for appointment to statutory offices), omit the entries relating to the Principal Secretary to the Lord Chief Justice and the Legal Secretary to the Lord Chief Justice.
- (2) In section 53(2) of that Act (secretary to Crown Court Rules Committee), for the words from “secretary to” to “such secretary” substitute “joint secretaries to the Crown Court Rules Committee shall be the Principal Secretary to the Lord Chief Justice and a person designated by the Lord Chancellor; and whichever of them is nominated by the Lord Chancellor”.
- (3) In section 54(5) of that Act (joint secretaries to Supreme Court Rules Committee), for the words from “such persons” to the end substitute “the Principal Secretary to the Lord Chief Justice and a person designated by the Lord Chancellor.”
- (4) In paragraph 6 of Schedule 2 to the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6)) (joint secretaries to Northern Ireland Family Proceedings Rules Committee), for the words from “such persons” to the end substitute “the Principal Secretary to the Lord Chief Justice and a person designated by the Lord Chancellor.”

Other provisions

18 Qualification for appointment

- (1) In section 6 of the Appellate Jurisdiction Act 1876 (c. 59) (qualification for appointment as Lord of Appeal in Ordinary), for “practising member of the Bar of

Northern Ireland” substitute “member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Judicature of Northern Ireland”.

- (2) In section 7(1)(a) of the Judicature (Northern Ireland) Act 1978 (c. 23) (further assistance for transaction of business of High Court or Court of Appeal by Lord of Appeal in Ordinary), for “had practised for not less than ten years at the Bar of Northern Ireland” substitute “was a member of the Bar of Northern Ireland, or a solicitor of the Supreme Court, of at least ten years' standing”.
- (3) For section 9 of that Act (qualification for appointment as judge of High Court or Court of Appeal) substitute—

“9 Qualification to be judge of High Court or Court of Appeal

A person is not qualified for appointment as Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court unless he is—

- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
 - (b) a solicitor of the Supreme Court of at least ten years' standing.”
- (4) In section 103(1) of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) (qualification for appointment as county court judge), for the words after “unless” substitute “he is—
- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
 - (b) a solicitor of the Supreme Court of at least ten years' standing.”
- (5) In section 107(1) of that Act (qualification for appointment as deputy county court judge), for the words after “deputy judge” substitute “a person who is—
- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
 - (b) a solicitor of the Supreme Court of at least ten years' standing.”
- (6) In section 9(1) of the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.)) (qualification for appointment as resident magistrate), for the words after “appointments” substitute “are—
- (a) members of the Bar of Northern Ireland of at least seven years' standing; or
 - (b) solicitors of the Supreme Court of at least seven years' standing.”
- (7) In section 2(3) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) (qualification for appointment as coroner), for the words after “unless” substitute “he is—
- (a) a member of the Bar of Northern Ireland of at least five years' standing; or
 - (b) a solicitor of the Supreme Court of at least five years' standing.”
- (8) In section 70(2) of the Judicature (Northern Ireland) Act 1978 (c. 23) (qualification for appointment to offices in Schedule 3), for the words after “unless” substitute “he is—
- (a) a barrister or solicitor, or in the case of the Official Solicitor a solicitor, who has at least the number of years' standing specified in relation to that office in column 3 of that Schedule; or
 - (b) the holder of any other office so listed.”

- (9) In Schedule 3 to that Act, in each of the entries relating to a Master and in the entry relating to the Official Solicitor, in column 3 (number of years' standing), for “10” substitute “7”.
- (10) In section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland), after subsection (1) insert—
- “(1A) A person is not qualified for appointment as Crown Solicitor unless he is—
- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
 - (b) a solicitor of the Supreme Court of at least ten years' standing.”

19 Judicial oath or affirmation

- (1) Every person appointed to an office specified in Schedule 6 must, before undertaking any functions of the office, either—
- (a) take the oath specified in subsection (2), or
 - (b) make the affirmation and declaration specified in subsection (3).
- (2) The oath is—
- “I do swear that I will well and faithfully serve in the office of and that I will do right to all manner of people without fear or favour, affection or ill-will according to the laws and usages of this realm.”
- (3) The affirmation and declaration is—
- “I do solemnly and sincerely and truly affirm and declare that I will well and faithfully serve in the office of and that I will do right to all manner of people without fear or favour, affection or ill-will according to the laws and usages of this realm.”
- (4) The Lord Chancellor may by order amend Schedule 6 by—
- (a) adding an office,
 - (b) omitting an office, or
 - (c) altering the description of an office.
- (5) An order under subsection (4) may make appropriate consequential amendments in any enactment or instrument (whenever passed or made).

20 Crown Solicitor

In section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland), for subsection (3) substitute—

- “(3) The Crown Solicitor—
- (a) must make his services available to any Minister or department of the Government of the United Kingdom; and
 - (b) may make his services available to any Northern Ireland Minister or Northern Ireland department or any other public body or holder of public office.”

21 Judicial pensions: pension sharing

- (1) Article 40 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) (power to extend judicial pension schemes in connection with pension credits) is amended as follows.
- (2) In paragraph (2), after sub-paragraph (g) insert—
 - “(h) the Judicial Pensions Act 1981 (c. 20); and
 - (i) the Judicial Pensions and Retirement Act 1993 (c. 8).”
- (3) In paragraph (3)(a)—
 - (a) for “(2)(d) and (e)” substitute “(2)(d) or (e)”, and
 - (b) for “(2)(a) to (c), (f) and (g),” substitute “(2)(a), (b), (c), (f), (g), (h) or (i)”.
- (4) In paragraph (4)(a), for “(2)(a) to (c), (f) and (g)” substitute “(2)(a), (b), (c), (f), (g), (h) or (i)”.