



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

Appointment and removal

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 [^{F1}Lord Chancellor].
- (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

Changes to legislation: Justice (Northern Ireland) Act 2002, Section 3 is up to date with all changes known to be in force on or before 04 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

- (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.

- [^{F2}(8) It is the duty of—

- (a) the Lord Chancellor, and
 - (b) those responsible for making nominations under subsection (5)(a) and (b),
- to make such arrangements in connection with the exercise of their functions under this section as will, so far as is practicable, secure that the membership of the Commission is reflective of the community in Northern Ireland.]

Textual Amendments

- F1** Words in s. 3(2)(b) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), [Sch. 1 para. 2](#); S.R. 2005/282, [art. 3](#)
- F2** S. 3(8) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), [ss. 2\(1\)](#), 19(1); S.R. 2005/282, [art. 3](#)

Modifications etc. (not altering text)

- C1** S. 3(2)(b): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), [15\(2\)](#) (with arts. 15(6), 28-31)
- C2** S. 3(8)(a): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), [15\(2\)](#) (with arts. 15(6), 28-31)

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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\(4\)](#)