

**EXPLANATORY MEMORANDUM TO
THE JUSTICE (NORTHERN IRELAND) ACT 2002 (ADDITION OF LISTED
JUDICIAL OFFICES ETC.) ORDER 2006**

Statutory Rule 2006 No. 469

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 This instrument amends the Justice (Northern Ireland) Act 2002 (c.26) (“the 2002 Act”) to add the offices of President and Member of the Northern Ireland Valuation Tribunal to:

- the list of judicial offices in Schedule 1 to which only a person selected by the Northern Ireland Judicial Appointments Commission may be appointed; and
- the list of judicial office holders in Schedule 6 required to take the judicial oath.

3. **Matter of Special Interest to the Merits Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 The Rates (Amendment) (Northern Ireland) Order 2006 (“the Rates Order 2006”) (S.I. 2006/2954 N.I.18), which amends the Rates (Northern Ireland) Order 1977 (S.I. 1977/1257 N.I.28) (“the Rates Order 1977”), was made at Privy Council on 14th November 2006. The Rates Order 2006 will create a new Northern Ireland Valuation Tribunal (“the NIVT”), which is to consist of the President and other members of the NIVT, who are to be appointed by the Lord Chancellor.

- 4.3 Schedule 1 to the 2002 Act lists judicial offices to which a person may only be appointed by the Lord Chancellor following selection by the Northern Ireland Judicial Appointments Commission (“the NIJAC”). The Lord Chancellor has power under section 2(2)(a) of the 2002 Act (as amended by paragraph 1 of Schedule 1 to the Justice (Northern) Act 2004 (c.4)) to make an order to add an office to Schedule 1 with the agreement of the Lord Chief Justice.

- 4.5 Schedule 6 to the 2002 Act lists judicial officeholders required to take the judicial oath prescribed at section 19 of that Act. All of the offices listed in

Schedule 1 to the 2002 Act are also listed in Schedule 6. The Lord Chancellor has power under section 19(4)(a) of the 2002 Act to make an order to add an office to Schedule 6.

5. Territorial Extent and Application

- 5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

- 6.1 The Parliamentary Under-Secretary at the Department for Constitutional Affairs has made the following statement regarding Human Rights:

“In my view the provisions of the Justice (Northern Ireland) Act 2002 (Addition of Listed Judicial Offices etc.) Order 2006 are compatible with the Convention Rights.”

7. Policy Background

- 7.1 The Rates Order 2006 will amend the Rates Order 1977 to implement a Review of Rating Policy in Northern Ireland.
- 7.2 The Review of Rating Policy was commissioned by the Northern Ireland Executive in 2000 and continued by the Government after the suspension of devolved government. There has been widespread public consultation throughout the Review of Rating Policy. A Consultation Paper setting out the options for change in the domestic and non-domestic sectors was published in May 2002. This was followed up by a consultation on a policy paper on reform of the domestic sector in 2004 and there was further consultation in early 2005 on proposals for the non-domestic sector. Consultation reports on both sectors were published in March and October 2005 and April 2006 setting out the way forward. The draft Rates Order 2006 was also consulted on. Further information about the Review of Rating Policy can be found at www.ratingreviewni.gov.uk.
- 7.3 The most significant change provided for in the Rates Order 2006 is a change to a domestic rating system based on the capital value of a house rather than the rental value. The new system based on capital values is due to come into operation on 1st April 2007.
- 7.4 The appeals process for the domestic rating sector is also being reformed. The main function of the new appeals system will be to hear appeals against the capital value assessment by the Valuation and Lands Agency. At present the appeal process involves review by the District Valuer, an appeal to the Commissioner of Valuations and ultimately an appeal to the Lands Tribunal. The Rates Order 2006 provides for an additional stage in the appeal process from the Commissioner of Valuations to a new tribunal - the NIVT. The NIVT is to be administered by the Northern Ireland Court Service. There will be a right of appeal (subject to a leave requirement) from the NIVT to the Lands Tribunal.

7.5 As noted above, appointments to the offices of President and Member of the NIVT are to be made by the Lord Chancellor and it is the policy that these appointments will be subject to selection by the NIJAC. The instrument therefore provides for the offices of President and Member of the NIVT to be added to Schedule 1 to the 2002 Act. In accordance with section 2(3) of the 2002 Act, the Lord Chief Justice has indicated his agreement to this.

7.6 The instrument also provides for the offices of President and Member of the NIVT to be added to Schedule 6 to the 2002 Act.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Una Corrigan at the Northern Ireland Court Service (Tel: 028 9041 2205, E-Mail: unacorrigan@courtsni.gov.uk) can answer any queries regarding this instrument.