

## SCHEDULES

### SCHEDULE 5

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART II

#### SPECIFIC AMENDMENTS

#### (2) ACTS OF THE IRISH PARLIAMENT AND PARLIAMENT OF NORTHERN IRELAND

##### *The Magistrates' Courts Act (Northern Ireland) 1964*

For section 3 substitute—

#### **“3 Justices of the peace.**

Justices of the peace shall be appointed in accordance with section 103 of the Judicature (Northern Ireland) Act 1978 ”.

In section 6(1) for the words from " member of " to the end substitute the words " member of the Northern Ireland Court Service, notary public or commissioner for oaths ".

In section 7 for the words from the beginning to " shall" substitute the words " A person appointed as a justice of the peace shall, except where he has already done so in connection with a former appointment, ".

In section 10(1) for the word " Governor" wherever it occurs substitute the words " Lord Chancellor " and for the words " being eligible for appointment as resident magistrates " substitute the words " being persons who are eligible for appointment as, or have previously been, resident magistrates ".

For section 11 substitute—

#### **“11 Removal of resident magistrates from office.**

- (1) Subject to subsection (2) and to section 1 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960, every resident magistrate shall hold his office during good behaviour, but may be removed from his office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (2) Subsection (1) shall not apply to a resident magistrate holding office immediately before 1st January 1974 but, subject to section 1 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960, every such resident magistrate shall hold office during good behaviour subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom.”.

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*Status: This is the original version (as it was originally enacted).*

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In section 12(1) for the words from the beginning to " the salaries " substitute the words " The Lord Chancellor may, with the consent of the Minister for the Civil Service, determine the salaries ".

In section 14(1) for the words " or county borough " wherever they occur substitute the words " court division ".

In section 18(1), for the words "apply to the High Court for" substitute the words " make an application for judicial review to the High Court seeking ".

In section 20 for the word " Ministry" where it twice occurs substitute the words " Lord Chancellor " and for the words " Ministry of Finance " substitute the word " Treasury ".

In section 22 for the word " Ministry " substitute the words " Lord Chancellor ".

In section 23—

- (a) for the word " Minister " wherever it occurs substitute the words " Lord Chancellor ";
- (b) in subsection (2) for the words from " the majority " to the end substitute the words " shall include at least two resident magistrates, one practising barrister and one practising solicitor ";
- (c) in subsection (4) for the words from " by the Minister" to the end substitute the words " by the Lord Chancellor on the advice of or after consultation with the Rules Committee and after consultation with the Lord Chief Justice ".

In section 24 for the word " Minister " substitute the words " Lord Chancellor ".

In section 25(1) for the word " Ministry" substitute the words " Secretary of State " and in section 25(2) for the word " Minister " substitute the words " Lord Chancellor ".

For section 30 substitute—

**“30 Clerks of Petty sessions.**

References in this Act to clerks of petty sessions are references to the persons appointed as such by the Lord Chancellor in the exercise of his power under section 69 of the Judicature (Northern Ireland) Act 1978 and include references to persons appointed under that power as assistant or deputy clerks of petty sessions.”

In section 31(1), 35(1) and (2) for the words " or county borough " wherever they occur substitute the words " court division ".

In section 32(1), (3) and (4) for the words " local jurisdictions " and " jurisdictions" wherever they occur substitute the words " county court divisions " and in section 32(2) for the words " local jurisdiction " substitute the words " county court division ".

In section 44(3), for the words " court of assize or county court" substitute the words " Crown Court ".

In section 46 for the word " Governor" substitute the words " Secretary of State ".

In section 54(1)(a) for the words " or county borough " substitute the words " court division ".

In section 58(3) for the words " a county court or court of assize " substitute the words " the Crown Court ".

In section 59(1) for the word " county" substitute the words " county court division ".

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In section 87(3) and 89 for the words " or county borough" wherever they occur substitute the words " court division ".

In section 95 for the word " Ministry " wherever it occurs substitute the words " Lord Chancellor " and in subsection (8) for the words in brackets substitute the words " (other than a member of the Northern Ireland Court Service) ".

In section 110(1)(b) for the word "county" substitute the words " county court division ".

In section 138(1) for the words " a court of assize " substitute the words " the Crown Court ".

In section 142(2) for the words from " section 13 " to " to that Act" substitute the words " section 44 of the Judicature (Northern Ireland) Act 1978 ".

In section 147(2) for the words " the Administration of Justice Act 1960," substitute the words " section 41 of the Judicature (Northern Ireland) Act 1978 ".

In section 150(1) and (2) for the words from " to the clerk of petty sessions " to the end substitute, in each case, the words " to such member of the Northern Ireland Court Service as the Lord Chancellor may designate and such person shall forthwith give notice to the other party to the appeal ".

In section 152(2) for the words from " paid into " to " so, however " substitute the words " paid into the Consolidated Fund of the United Kingdom so, however ".

In section 160 for the words " section 16 of the Administration of Justice Act 1960 " substitute the words " section 25 of the Judicature (Northern Ireland) Act 1978 ".

For section 168, substitute—

**“168 Expenses.**

- (1) Any expenses incurred by the Lord Chancellor in performing his functions under this Act or any increase in the expenses of the Lord Chancellor in defraying any sums authorised by this Act to be paid, or which are attributable to the performance of any function conferred by this Act, shall be defrayed out of moneys provided by the Parliament of the United Kingdom.
- (2) There shall be charged on and paid out of the Consolidated Fund of the United Kingdom the salaries payable to resident magistrates under this Act or the Resident Magistrates (Belfast) Act 1911.
- (3) Any expenses incurred by or in connection with the Rules Committee shall be defrayed as part of the expenses incurred by the Lord Chancellor in performing his functions under this Act.”.

In section 169 after the definition of " complainant " insert—

“county court division ' means a division specified under section 1(1) of the County Courts Act (Northern Ireland) 1959;”

In Schedule 5 in paragraph 1 for the words " a court of assize or to a county court, as the case may be," substitute the words " the Crown Court ".