



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART VI U.K.

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

109 Liability of resident magistrates etc. in Northern Ireland for damages and costs. E+W+N.I.

- (1) The^{M1} Magistrates' Courts (Northern Ireland) Order 1981 shall be amended as follows.
- (2) For Articles 5 and 6 (general immunity of resident magistrates etc.) there shall be substituted the following Articles—

“5 Immunity of resident magistrates etc. for acts within jurisdiction.

No action shall lie against any resident magistrate, justice of the peace or clerk of petty sessions in respect of any act or omission of his—

- (a) in the execution of his duty—
 - (i) as such a magistrate or justice; or
 - (ii) as such a clerk exercising, by virtue of any statutory provision, any function of a magistrates' court; and
- (b) with respect to any matter within his jurisdiction.

6 Immunity for certain acts beyond jurisdiction.

An action shall lie against any resident magistrate, justice of the peace or clerk of petty sessions in respect of any act or omission of his—

- (a) in the purported exercise of his duty—
 - (i) as such a magistrate or justice; or

Changes to legislation: Courts and Legal Services Act 1990, Section 109 is up to date with all changes known to be in force on or before 08 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

- (ii) as such a clerk exercising, by virtue of any statutory provision, any function of a magistrates’ court; but
- (b) with respect to a matter which is not within his jurisdiction, if, but only if, it is proved that he acted in bad faith.”

(3) After Article 145 there shall be inserted the following Article—

“145A Immunity of county court judges hearing appeals under this Part.

Articles 5, 6 and 10 shall apply in relation to a county court judge sitting in connection with an appeal under this Part as they apply in relation to a resident magistrate.”

- (4) ^{F1}
- (5) ^{F2}
- (6) ^{F2}

Textual Amendments	
F1	S. 109(4) repealed (1.4.2005) by 2002 c. 26, ss. 86, 87(2), Sch. 13; S.R. 2005/109, art. 2, Sch.
F2	S. 109(5)(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}
Marginal Citations	
M1	S.I. 1981/1675 (N.I. 26).

Changes to legislation:

Courts and Legal Services Act 1990, Section 109 is up to date with all changes known to be in force on or before 08 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.

[View outstanding changes](#)

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. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)