

JUSTICE (NORTHERN IRELAND) ACT 2002

EXPLANATORY NOTES

COMMENTARY

Part 1: the Judiciary

Appointment and Removal

Section 3: Judicial Appointments Commission

12. The Lord Chancellor is currently responsible for making or advising on all judicial appointments in Northern Ireland.
13. The Review recommended that on devolution a Judicial Appointments Commission should be set up to enhance public confidence in the judicial appointments system. This section provides for the creation of a Judicial Appointments Commission (which would be put in place on devolution of justice functions). The Commission will be responsible for making recommendations to the First Minister and deputy First Minister on judicial appointments from the level of High Court judge downwards.
14. The Commission will have 13 members, including the Lord Chief Justice as chairman (*subsections (2) and (4)*). *Subsection (4)* provides for the senior Lord Justice of Appeal to act as chairman in the Lord Chief Justice's absence. As well as the chairman, there will be five judicial members (*subsection (5)(a)*). These will be drawn from the judicial tiers listed in *subsection (6)*. In addition, there will be a barrister, a solicitor and five lay members appointed by the First Minister and deputy First Minister (*subsection (5)(b) and (c)*). *Subsection (7)* requires lay members of the Judicial appointments Commission to declare in writing their commitment to non-violence and exclusively peaceful and democratic means before being appointed. *Subsection (8)* requires the First Minister and deputy First Minister to ensure, so far as possible, that the lay membership is representative of the community in Northern Ireland in overall terms.
15. *Subsection (3)* gives effect to Schedule 2 which provides for the Commission's status, staff, funding and procedural arrangements.