



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

Magistrates

^{x19} Lay magistrates

- (1) The Lord Chancellor must, for each county court division, appoint persons to be lay magistrates for the division.
- (2) A person may not be appointed to be a lay magistrate unless—
 - (a) he has completed a course of training [^{F1}approved by the Lord Chief Justice after consultation with the Lord Chancellor, or]
 - (b) he has given an undertaking in writing to attend such a course of training.
- (3) It is a condition of the appointment of a person under subsection (2)(b) that he will complete such a course of training within the period of one year beginning with the date of his appointment or [^{F2}such longer period as the Lord Chief Justice may, after consulting the Lord Chancellor, allow.]
- (4) The Lord Chancellor may [^{F3}, after consultation with the Lord Chief Justice,] by order make further provision about eligibility for appointment to be a lay magistrate.
- (5) The provision which may be made by an order under subsection (4) includes (in particular) provision that a person may not be appointed to be a lay magistrate—
 - (a) if he does not reside or work in, or within a prescribed distance of, the county court division to which the appointment relates,
 - (b) if he, or a person related to or otherwise connected with him in a prescribed manner, holds an office of a prescribed description, has an occupation of a prescribed description or has been selected as a candidate for election to a prescribed body,

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- (c) if a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
- (d) if he has been convicted of a prescribed offence,
- unless [^{F4}, after consultation with the Lord Chief Justice,] the Lord Chancellor otherwise determines in the case of a particular person.
- (6) “Prescribed” means prescribed in the order.
- (7) No act by a person appointed to be a lay magistrate is invalidated by reason only that he is not a lay magistrate because he was not eligible to be appointed.
- (8) A lay magistrate ceases to hold office on the day on which he attains the age of 70.
- (9) No act by a person who has been a lay magistrate is invalidated by reason only that he has ceased to hold office under subsection (8).
- (10) ^{F5}
- (11) The Lord Chancellor must pay to lay magistrates any such allowances as he may determine.
- (12) The Lord Chief Justice, Lords Justices of Appeal, judges of the High Court and county court judges may exercise any function of a lay magistrate (in relation to any matter arising within any county court division).
- (13) In paragraph 11 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (excepted matters: judicial offices), after “resident magistrates,” insert “ lay magistrates, ”.
- (14) “County court division” means a division specified under Article 3(1) of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)).

Editorial Information

- X1** The omission of the cross-heading before s. 9 on 25.9.2006 gives rise to a change in the structure of this legislation on legislation.gov.uk which breaks the continuity of historical versions of s. 9.

Textual Amendments

- F1** Words in s. 9(2)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 117\(2\)](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12
- F2** Words in s. 9(3) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 117\(3\)](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12
- F3** Words in s. 9(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 117\(4\)](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12
- F4** Words in s. 9(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 117\(5\)](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12
- F5** S. 9(10) repealed (3.4.2006) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), ss. 86, 87(1), [Sch. 13](#); S.R. 2006/124, [art. 2](#), Sch.

Commencement Information

- I1** S. 9 wholly in force at 1.4.2005; s. 9 not in force at Royal Assent see s. 87; s. 9(4)(5)(6)(14) in force at 15.10.2002 by S.R. 2002/319, art. 2, Sch.; s. 9(1)-(3)(7)-(11)(13) in force at 1.9.2004 by S.R. 2004/301, [art. 2](#); s. 9(12) in force at 1.4.2005 by S.R. 2005/109, [art. 2](#), Sch.

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X²91 Confidentiality in relation to judicial appointments and discipline

- (1) A person who obtains confidential information, or to whom confidential information is provided, under or for the purposes of a relevant provision must not disclose it except with lawful authority.
- (2) These are the relevant provisions—
 - (a) section 12, 12A and 12B of the Judicature (Northern Ireland) Act 1978 (appointment and removal of Lord Chief Justice, Lords Justices of Appeal and judges of High Court);
 - (b) sections 3, 5, 7 and 9 to 9H of this Act (appointment and removal of judicial officers, and appointment and removal of lay magistrates);
 - (c) sections 134 and 135 of the Constitutional Reform Act 2005 (removal from judicial offices);
 - (d) section 16 of this Act (complaints about judicial officers);
- (3) Information is confidential if it relates to an identified or identifiable individual (a “subject”).
- (4) Confidential information is disclosed with lawful authority only if and to the extent that any of the following applies—
 - (a) the disclosure is with the consent of each person who is a subject of the information (but this is subject to subsection (5));
 - (b) the disclosure is for (and is necessary for) the exercise by any person of functions under a relevant provision or a decision whether to exercise them;
 - (c) the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description.
- (5) An opinion or other information given by one identified or identifiable individual (A) about another (B)—
 - (a) is information that relates to both;
 - (b) must not be disclosed to B without A's consent.
- (6) This section does not prevent the disclosure with the agreement of the Lord Chancellor and the Lord Chief Justice of information as to disciplinary action taken in accordance with a relevant provision.
- (7) This section does not prevent the disclosure of information which is already, or has previously been, available to the public from other sources.
- (8) A contravention of this section in respect of any information is actionable, subject to the defences and other incidents applying to actions for breach of statutory duty.
- (9) But it is actionable only at the suit of a person who is a subject of the information.

Editorial Information

- X2** The insertion of the new heading "The Ombudsman" on 25.9.2006 gives rise to a change in the structure of this legislation on legislation.gov.uk which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

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