

**Changes to legislation:** Justice (Northern Ireland) Act 2002, SCHEDULE 2 is up to date with all changes known to be in force on or before 06 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

## SCHEDULES

### SCHEDULE 2

Section 3

#### JUDICIAL APPOINTMENTS COMMISSION

##### Members' tenure

- 1 <sup>[F1]</sup>(1) Subject as follows, a judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).
  - (1A) A person may not be appointed as a judicial member for more than five years at a time; and the aggregate period for which a person may be a judicial member by virtue of his holding any one of the judicial offices mentioned in section 3(6) must not exceed ten years.]
  - (2) The <sup>[F2]</sup>Lord Chancellor], acting jointly, may terminate the membership of a judicial member on the recommendation of the Lord Chief Justice.
  - (3) A judicial member may resign by notice in writing to the <sup>[F3]</sup>Lord Chancellor].

##### Textual Amendments

- F1** Sch. 2 para. 1(1)(1A) substituted (15.6.2005) for Sch. 2 para. 1(1) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 2\(2\), 19\(1\); S.R. 2005/282, art. 3](#)
- F2** Words in Sch. 2 para. 1(2) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(2\); S.R. 2005/282, art. 3](#)
- F3** Words in Sch. 2 para. 1(3) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(3\); S.R. 2005/282, art. 3](#)

##### Modifications etc. (not altering text)

- C1** Sch. 2 para. 1(2): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(2\)](#) (with arts. 15(6), 28-31)
- C2** Sch. 2 para. 1(3): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(3\)](#) (with arts. 15(6), 28-31)

- 2 (1) Subject as follows, a non-judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).
  - (2) A person may not be appointed as a non-judicial member for more than five years at a time; and the aggregate period for which a person may be a non-judicial member must not exceed ten years.
  - (3) A non-judicial member may resign by notice in writing to the <sup>[F4]</sup>Lord Chancellor].
  - (4) The <sup>[F5]</sup>Lord Chancellor] may dismiss a non-judicial member if satisfied that—
    - (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,

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- (b) he has been convicted of a criminal offence,
- (c) a bankruptcy order has been made against him [<sup>F6</sup>or he has become the subject of a bankruptcy restrictions order][<sup>F7</sup>or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order,] 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) he is otherwise unable or unfit to exercise his functions.

#### Textual Amendments

- F4** Words in Sch. 2 para. 2(3) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(4)**; S.R. 2005/282, **art. 3**
- F5** Words in Sch. 2 para. 2(4) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(5)**; S.R. 2005/282, **art. 3**
- F6** Words in Sch. 2 para. 2(4)(c) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, **Sch. Pt. 1 para. 12(3)**
- F7** Words in Sch. 2 para. 2(4)(c) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 19(2)**

#### Modifications etc. (not altering text)

- C3** Sch. 2 para. 2(3): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(3)** (with arts. 15(6), 28-31)
- C4** Sch. 2 para. 2(4): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

#### Salary etc. of non-judicial members

- 3 The Commission must pay to or in respect of each non-judicial member of the Commission any such salary or allowances as the [<sup>F8</sup>Lord Chancellor] may determine.

#### Textual Amendments

- F8** Words in Sch. 2 para. 3 substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(6)**; S.R. 2005/282, **art. 3**

#### Modifications etc. (not altering text)

- C5** Sch. 2 para. 3: transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

#### Staff

- 4 (1) The Commission may employ staff, but subject to the approval of the [<sup>F9</sup>Lord Chancellor] as to—
- (a) numbers,
  - (b) salary, and
  - (c) other terms of employment.

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(2) The Commission may make arrangements for securing the provision to it of such assistance by persons employed in—

- (a) the civil service of the United Kingdom, [<sup>F10</sup>or]
- (b) the civil service of Northern Ireland, <sup>F11</sup>...

<sup>F11</sup>(c) .....

as it considers appropriate for or in connection with the exercise of its functions.

[<sup>F12</sup>(2A) Employment as a member of staff of the Commission is among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—

“Employment by the Northern Ireland Judicial Appointments Commission.”.]

<sup>F13</sup>(3) .....

#### Textual Amendments

- F9** Words in Sch. 2 para. 4(1) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(7)**; S.R. 2005/282, **art. 3**
- F10** Word in Sch. 2 para. 4(2)(a) inserted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 9(4)(a)** (with arts. 5-7)
- F11** Sch. 2 para. 4(2)(c) and preceding word omitted (12.4.2010) by virtue of The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 9(4)(b)** (with arts. 5-7)
- F12** Sch. 2 para. 4(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(2)** (with arts. 28-31)
- F13** Sch. 2 para. 4(3) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(3)** (with arts. 28-31, Sch. 18 para. 67(4))

#### Modifications etc. (not altering text)

- C6** Sch. 2 para. 4(1): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

#### Annual report

- 5
- (1) The Commission must, as soon as possible after the end of each financial year, prepare a report on how it has exercised its functions during the financial year.
  - (2) Each annual report must include information about the persons who have applied to be, and the persons who have been, selected to be appointed or recommended for appointment by the Commission during the financial year to which it relates.
  - (3) The information to be included about any persons in an annual report must include information about their gender, age, ethnic origins and community background and the part of Northern Ireland (if any) with which they regard themselves as being most closely associated.

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- (4) But an annual report must not identify any person or include information from which the identity of any person could be readily ascertained.
- (5) The Commission must send a copy of each annual report to the [<sup>F14</sup>Lord Chancellor].
- (6) The [<sup>F15</sup>Lord Chancellor must lay before [<sup>F16</sup>the Northern Ireland Assembly]] a copy of each annual report received by [<sup>F17</sup>him] under sub-paragraph (5).
- (7) After a copy of a report has been laid before [<sup>F18</sup>the Northern Ireland Assembly], the Commission must arrange for it to be published.
- [<sup>F19</sup>(7A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (6) in relation to the laying of a copy of an annual report as it applies in relation to the laying of a statutory document under an enactment.]
- (8) In this paragraph “financial year” means—
- (a) the period beginning with the day on which section 3 comes into force and ending with the first 31st March which falls at least six months after that day, and
  - (b) each subsequent period of twelve months beginning with 1st April.

#### Textual Amendments

- F14** Words in Sch. 2 para. 5(5) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(9)**; S.R. 2005/282, **art. 3**
- F15** Words in Sch. 2 para. 5(6) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(10)**; S.R. 2005/282, **art. 3**
- F16** Words in Sch. 2 para. 5(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(7)(a)** (with arts. 28-31)
- F17** Words in Sch. 2 para. 5(6) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(10)**; S.R. 2005/282, **art. 3**
- F18** Words in Sch. 2 para. 5(7) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(7)(b)** (with arts. 28-31)
- F19** Sch. 2 para. 5(7A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(7)(c)** (with arts. 28-31)

#### Modifications etc. (not altering text)

- C7** Sch. 2 para. 5(5): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(3)** (with arts. 15(6), 28-31)
- C8** Sch. 2 para. 5(6): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

#### Financial provisions

- 6 The [<sup>F20</sup>Lord Chancellor] may make grants to the Commission.

#### Textual Amendments

- F20** Words in Sch. 2 para. 6 substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(12)**; S.R. 2005/282, **art. 3**

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#### Modifications etc. (not altering text)

**C9** Sch. 2 para. 6: transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

- 7 (1) The Commission must—
- (a) keep proper accounts and proper financial records, and
  - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- (a) contain such information, and
  - (b) be in such form,
- as the <sup>F21</sup>First Minister and deputy First Minister acting jointly direct].
- <sup>F22</sup>(3) The Commission must send copies of the statement of accounts relating to a financial year to—
- (a) the <sup>F23</sup>Office of the First Minister and deputy First Minister], and
  - (b) the <sup>F24</sup>Comptroller and Auditor General for Northern Ireland],
- within such period after the end of the financial year as the <sup>F23</sup>Office of the First Minister and deputy First Minister] directs.
- (4) The <sup>F25</sup>Comptroller and Auditor General for Northern Ireland] must—
- (a) examine, certify and report on the statement of accounts, and
  - (b) lay a copy of the statement of accounts and of his report on it before <sup>F26</sup>the Northern Ireland Assembly].]

<sup>F27</sup>(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4) in relation to the laying of a copy of a statement of accounts or report as it applies in relation to the laying of a statutory document under an enactment.]

#### Textual Amendments

- F21** Words in Sch. 2 para. 7(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 67(8)(a)** (with arts. 28-31, Sch. 18 para. 67(9))
- F22** Sch. 2 para. 7(3)(4) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), ss. 1, 19(1), **Sch. 1 para. 5(14)**; [S.R. 2005/282](#), **art. 3**
- F23** Words in Sch. 2 para. 7(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 67(8)(b)** (with arts. 28-31, Sch. 18 para. 67(9))
- F24** Words in Sch. 2 para. 7(3)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 67(8)(c)** (with arts. 28-31, Sch. 18 para. 67(9))
- F25** Words in Sch. 2 para. 7(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 67(8)(c)** (with arts. 28-31, Sch. 18 para. 67(9))
- F26** Words in Sch. 2 para. 7(4)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 67(8)(d)** (with arts. 28-31, Sch. 18 para. 67(9))

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**F27** Sch. 2 para. 7(4A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 67(8)(e)** (with arts. 28-31, Sch. 18 para. 67(9))

### *Committees and sub-committees*

- 8 (1) The Commission may establish committees.
- (2) Any committee of the Commission may establish sub-committees.
- (3) A committee or sub-committee may consist of or include persons who are not members of the Commission.
- (4) The Commission may pay to or in respect of any member of a committee or sub-committee who is neither a member of the Commission nor a member of staff of the Commission any such salary or allowances as the Commission may determine.

### *Proceedings*

- 9 The Commission may regulate—
- (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of its committees and their sub-committees.
- 10 The validity of any proceedings of the Commission, or of any of its committees or their sub-committees, is not affected by—
- (a) any vacancy amongst the members, or
  - (b) any defect in the appointment of a member.

### *Delegation*

- 11 (1) The Commission may delegate any of its functions (to such extent as it determines) to any of its committees.
- (2) A committee to which a function has been delegated may further delegate it (to such extent as it determines) to a sub-committee.
- 12 If the function of selecting a person for appointment, or recommendation for appointment, to an office is delegated to a committee or sub-committee, the committee or sub-committee must include a member of the Commission and, unless he is a lay member, a person who is eligible to be a lay member.

### *Miscellaneous*

- 13 (1) The Commission is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission's property is not to be regarded as property of, or held on behalf of, the Crown.
- 14 The Commission may do anything, apart from borrowing money, which it considers is—
- (a) appropriate for facilitating, or

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(b) incidental or conducive to,  
the exercise of its functions.

15 The application of the seal of the Commission is to be authenticated by the signature of any member, or member of staff, of the Commission who has been authorised (whether generally or specially) for the purpose.

16 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specially) for the purpose.

17 A document purporting to be—

- (a) duly executed by the Commission under its seal, or
- (b) signed on its behalf,

is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

#### *Disqualification*

18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Northern Ireland Judicial Appointments Commission.”

19 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Northern Ireland Judicial Appointments Commission.”

#### *Freedom of information*

20 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—

“The Northern Ireland Judicial Appointments Commission.”

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**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. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)