



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 1

#### THE JUDICIARY

##### *Appointment and removal*

#### **8 Tribunals for considering removal**

- (1) A tribunal to consider the removal of the Lord Chief Justice may be convened by the First Minister and deputy First Minister, acting jointly.
- (2) A tribunal to consider the removal of the holder of any other protected judicial office may be convened—
  - (a) by the First Minister and deputy First Minister, acting jointly, after consulting the Lord Chief Justice, or
  - (b) by the Lord Chief Justice, after consulting the First Minister and deputy First Minister.
- (3) A tribunal to consider the removal of the Lord Chief Justice or a Lord Justice of Appeal may not be convened unless the Prime Minister has been consulted.
- (4) A tribunal to consider the removal of the Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court is to consist of—
  - (a) a person who holds the office of Lord of Appeal in Ordinary or high judicial office as defined in section 25 of the Appellate Jurisdiction Act 1876 (c. 59) (ignoring for this purpose section 5 of the Appellate Jurisdiction Act 1887 (c. 70)) and does not hold (and has never held) the office of Lord Chief Justice, Lord Justice of Appeal or judge of the High Court,
  - (b) a person who is, or has been, a judge of the Court of Appeal of England and Wales or the Inner House of the Court of Session, and
  - (c) a person who does not hold (and has never held) a protected judicial office and is not (and has never been) a barrister or solicitor.

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*Status: This is the original version (as it was originally enacted).*

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- (5) A tribunal to consider the removal of the holder of any other protected judicial office is to consist of—
- (a) a person who holds, or has held, the office of Lord Chief Justice or Lord Justice of Appeal,
  - (b) a person who holds the office of judge of the High Court, and
  - (c) a person who does not hold (and has never held) a protected judicial office and is not (and has never been) a barrister or solicitor.
- (6) The chairman of a tribunal is the person mentioned in paragraph (a) of subsection (4) or (5).
- (7) The selection of the persons to be the members of a tribunal under paragraphs (a) and (b) of subsection (4) is to be made by the Lord Chancellor.
- (8) The selection of the persons to be the members of a tribunal under paragraphs (a) and (b) of subsection (5) is to be made by the Lord Chief Justice.
- (9) The selection of the person who is to be the member of a tribunal under paragraph (c) of subsection (4) or (5) is to be made by the First Minister and deputy First Minister, acting jointly.
- (10) The procedure of a tribunal is to be determined by the Lord Chief Justice except where—
- (a) the office of Lord Chief Justice is vacant,
  - (b) he is not available, or
  - (c) the tribunal is to consider his removal from office;
- and in such a case its procedure is to be determined by its chairman.
- (11) The First Minister and deputy First Minister, acting jointly, may pay to a member of a tribunal any such allowances or fees as they may determine.