

SCHEDULES

SCHEDULE 1

Section 1

TRANSFER TO LORD CHANCELLOR OF FUNCTIONS RELATING TO NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION

- 1 In section 2(2) of the 2002 Act for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”.
- 2 In section 3(2)(b) of the 2002 Act for “First Minister and deputy First Minister, acting jointly” substitute “Lord Chancellor”.
- 3 (1) Section 5 of the 2002 Act is amended as follows.
 - (2) In subsection (3) for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”.
 - (3) In subsection (4) for “Office of the First Minister and deputy First Minister” substitute “Lord Chancellor” and for “that Office” substitute “the Lord Chancellor”.
 - (4) In subsection (5)—
 - (a) for “First Minister and deputy First Minister do” substitute “Lord Chancellor does”,
 - (b) for “they” substitute “he”, and
 - (c) for “their” substitute “his”.
 - (5) In subsection (6) for “Office of the First Minister and deputy First Minister” substitute “Lord Chancellor” and for “that Office” substitute “the Lord Chancellor”.
 - (6) In subsection (7) for “First Minister and deputy First Minister” substitute “Lord Chancellor”.
- 4 (1) Section 90 of the 2002 Act is amended as follows.
 - (2) Omit subsections (2) and (3).
 - (3) In subsection (4) after “section” insert “2(2)(b),”.
 - (4) In subsection (5)(a) after “section” insert “2(2)(a) or (c),”.
- 5 (1) Schedule 2 to the 2002 Act is amended as follows.
 - (2) In paragraph 1(2) for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”.
 - (3) In paragraph 1(3) for “Office of the First Minister and deputy First Minister” substitute “Lord Chancellor”.
 - (4) In paragraph 2(3) for “Office of the First Minister and deputy First Minister” substitute “Lord Chancellor”.
 - (5) In paragraph 2(4) for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”.

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- (6) In paragraph 3 for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”.
- (7) In paragraph 4(1) for “First Minister and deputy First Minister” substitute “Lord Chancellor”.
- (8) For paragraph 4(3) substitute—
- “(3) Employment as a member of staff of the Commission is among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply: and, accordingly, in Schedule 1 to that Act (employments, etc, to which section 1 can apply), at the appropriate place in the list of “Royal Commissions and other Commissions” insert—
- “Northern Ireland Judicial Appointments Commission”.
- (9) In paragraph 5(5) for “Office of the First Minister and deputy First Minister” substitute “Lord Chancellor”.
- (10) In paragraph 5(6) for “First Minister and deputy First Minister, acting jointly, must lay before the Assembly” substitute “Lord Chancellor must lay before each House of Parliament” and for “their Office” substitute “him”.
- (11) In paragraph 5(7) for “the Assembly” substitute “each House of Parliament”.
- (12) In paragraph 6 for “First Minister and deputy First Minister, acting jointly,” substitute “Lord Chancellor”.
- (13) In paragraph 7(2) for “First Minister and deputy First Minister, acting jointly, direct” substitute “Lord Chancellor directs”.
- (14) For paragraph 7(3) and (4) substitute—
- “(3) The Commission must send copies of the statement of accounts relating to a financial year to—
- (a) the Lord Chancellor, and
- (b) the Comptroller and Auditor General,
- within such period after the end of the financial year as the Lord Chancellor directs.
- (4) The Comptroller and Auditor General 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 each House of Parliament.”

SCHEDULE 2

Section 11

BAIL UNDER TERRORISM ACT 2000

Offence of absconding by person admitted to bail

- 1 (1) If a person who has been admitted to bail fails without reasonable cause to surrender to custody, he shall be guilty of an offence.
- (2) If a person who—
- (a) has been admitted to bail, and
 - (b) has, with reasonable cause, failed to surrender to custody,
- fails to surrender to custody at the appointed place as soon after the appointed time as is reasonably practicable, he shall be guilty of an offence.
- (3) A person guilty of an offence under sub-paragraph (1) or (2) shall be liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine or to both.
- (4) In Article 29(1) of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)) (right to claim trial by jury for summary offence if maximum term of imprisonment exceeds six months, subject to specified exceptions) after sub-paragraph (h) (added by section 12(5)) add—
- “(i) paragraph 1(1) or (2) of Schedule 2 to the Justice (Northern Ireland) Act 2004 (absconding by person admitted to bail in respect of a scheduled offence).”
- (5) In Part 1 of Schedule 9 to the Terrorism Act 2000 ([c. 11](#)) (scheduled offences) after paragraph 22 insert—

“Justice (Northern Ireland) Act 2004

- 22A Offences under paragraph 1(1) or (2) of Schedule 2 to the Justice (Northern Ireland) Act 2004 (absconding by persons admitted to bail in respect of a scheduled offence), subject to note 1 below.”

Arrest for absconding or breaking conditions of bail

- 2 (1) This paragraph applies to a person who—
- (a) has been admitted to bail; and
 - (b) is under a duty to surrender into the custody of a court.
- (2) If a person to whom this paragraph applies fails to surrender to custody at the time appointed for him to do so, the court may issue a warrant for his arrest.
- (3) If a person to whom this paragraph applies—
- (a) surrenders into the custody of a court; but
 - (b) absents himself (otherwise than in accordance with permission given by or on behalf of the court) from the court at any time before the court is ready to begin or to resume the hearing of the proceedings,
- that court may issue a warrant for his arrest.

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- (4) A constable may arrest without warrant any person to whom this paragraph applies—
- (a) if the constable has reasonable grounds for believing that that person is not likely to surrender to custody;
 - (b) if the constable has reasonable grounds for believing that that person is likely to break any of the conditions of his bail or has reasonable grounds for suspecting that that person has broken any of those conditions; or
 - (c) in a case where that person was admitted to bail with one or more surety or sureties, if a surety notifies a constable in writing that that person is unlikely to surrender to custody and that for that reason the surety wishes to be relieved of his obligations as a surety.
- (5) If, on an application made by a constable, a justice of the peace is satisfied that—
- (a) there are reasonable grounds for believing that a person who is liable to arrest under sub-paragraph (4) is to be found on premises specified in the application; and
 - (b) any of the conditions specified in sub-paragraph (6) is satisfied, he may issue a warrant authorising a constable to enter those premises (if need be by force) and search them for the purpose of arresting that person.
- (6) The conditions mentioned in sub-paragraph (5) are—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (b) that entry to the premises will not be granted unless a warrant is produced;
 - (c) that the purpose of a search of the premises may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.

Procedure where person arrested without warrant

- 3 (1) A person who is arrested under paragraph 2(4) shall be brought before a judge of the High Court or the Court of Appeal as soon as practicable after the arrest and in any event not later than—
- (a) the next day following the day on which he is arrested, or
 - (b) if that day is a Sunday, Good Friday or Christmas Day, the next following day which is not one of those days.
- (2) Sub-paragraph (1) does not require a person to be brought before a judge at any time when that person is in hospital and is not well enough.
- (3) Where a person is brought before a judge under sub-paragraph (1), the judge—
- (a) if of the opinion that he—
 - (i) is not likely to surrender to custody, or
 - (ii) has broken or is likely to break any condition of his bail,
 may remand him in custody or commit him to custody (as the case may require) or, alternatively, may admit him to bail under and in accordance with section 67 of the Terrorism Act 2000 (c. 11) (subject to the same or to different conditions); and
 - (b) if not of that opinion, shall admit him to bail subject to the same conditions (if any) as were originally imposed.

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- (4) A person admitted to bail under sub-paragraph (3)(b) shall be treated for all purposes as having been admitted to bail under section 67 of the Terrorism Act 2000.

Procedure where offences certified as suitable for summary trial

- 4 (1) This paragraph applies where—
- (a) a person is admitted to bail; and
 - (b) a certificate is issued under subsection (1)(b) of section 67 of the Terrorism Act 2000 (offences suitable for summary trial) in relation to the scheduled offence or (if he is charged with more than one such offence) all of the scheduled offences with which he is charged.
- (2) As regards any time after the issue of the certificate, that person shall be treated for all purposes as if—
- (a) he had been admitted to bail (within the meaning of Part II of the Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13)) by a magistrates' court, subject to the same conditions (if any) as those imposed under section 67 of the Terrorism Act 2000 (c. 11);
 - (b) any warrant for his arrest issued under paragraph 2(2) or (3) had been a warrant issued under Article 6(1) or (2) of the Criminal Justice (Northern Ireland) Order 2003; and
 - (c) (in a case where he has been arrested under paragraph 2(4)) he had been arrested under Article 6(3) of the Criminal Justice (Northern Ireland) Order 2003.

Application of this Schedule

- 5 This Schedule applies in relation to a person admitted to bail before, as well as after, it comes into force; but—
- (a) paragraphs 1 to 3 apply only in relation to an act or failure of that person which occurs after this Schedule comes into force; and
 - (b) paragraph 4 applies only where the certificate mentioned in sub-paragraph (1)(b) of that paragraph is issued after this Schedule comes into force.

SCHEDULE 3

Section 16

COURT SECURITY

DUTY OF COURT SERVICE TO ENSURE COURT SECURITY

- 1 (1) The Court Service must take all reasonable steps to ensure the security of every relevant building and the safety of everyone who is there.
- (2) To comply with that duty the Court Service must secure that there are provided at every relevant building an appropriate number of court security officers.
- (3) For the purposes of this Schedule the following are court security officers—
- (a) members of staff of the Court Service designated by the Lord Chancellor as court security officers, and

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- (b) persons employed as court security officers in pursuance of arrangements made with their employers by the Court Service under section 69 of the Judicature (Northern Ireland) Act 1978 (c. 23).
- (4) The Lord Chancellor may by regulations make provision as to—
- (a) training courses to be completed by court security officers,
 - (b) conditions to be met before a person may be designated or employed as a court security officer.
- (5) For the purposes of this Schedule a court security officer who is not readily identifiable as such (whether by means of his uniform or badge or otherwise) is not to be regarded as acting in the execution of his duty.
- (6) Subject to sub-paragraphs (7) and (8), in this Schedule “relevant building” means any building where—
- (a) the Court of Appeal, the High Court, the Crown Court, a county court, a coroner’s court or a magistrates’ court sits,
 - (b) a Commissioner within the meaning of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) sits,
 - (c) a Child Support Commissioner within the meaning of the Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)) sits,
 - (d) the Master (Taxing Office) exercises any functions conferred by or under an enactment, or
 - (e) the Master (Enforcement of Judgements) exercises any functions so conferred.
- (7) Where only part of a building is used for the sittings of an office-holder mentioned in sub-paragraph (6)(b) or (c), references to a relevant building are to so much of that building as is used for the purposes of, or in connection with, such sittings.
- (8) Where only part of a building is used for the exercise by an office-holder mentioned in sub-paragraph (6)(d) or (e) of the functions there mentioned, references to a relevant building are to so much of that building as is used for the purposes of, or in connection with, the exercise of those functions.

Powers of search

- 2 (1) A court security officer acting in the execution of his duty may search—
- (a) any person who is in, or seeking to enter, a relevant building, and
 - (b) any article in the possession of such a person.
- (2) Sub-paragraph (1) does not authorise the officer to require a person to remove any of his clothing other than an outer coat, jacket, headgear, gloves or footwear.

Power to exclude, remove or restrain persons

- 3 (1) A court security officer acting in the execution of his duty may exclude or remove from a relevant building any person who refuses—
- (a) to permit a search under paragraph 2(1), or
 - (b) to surrender any article in his possession when asked to do so under paragraph 4(1).
- (2) A court security officer acting in the execution of his duty may—

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(a) restrain any person who is in a relevant building, or
(b) exclude or remove any person from a relevant building,
if it is reasonably necessary to do so for one of the purposes given in sub-paragraph (3).

(3) The purposes are—

- (a) enabling the business of any court or office-holder mentioned in paragraph 1(6) to be carried on without interference or delay,
- (b) maintaining order,
- (c) securing the safety of any person in the building.

(4) The powers conferred by sub-paragraphs (1) and (2) include power to use reasonable force, where necessary.

(5) In the execution of his duty in any relevant building, a court security officer must act in accordance with any general or specific instructions which have been given to him (whether orally or in writing) by a person in authority.

(6) “Person in authority” means—

- (a) a judge, coroner or magistrate who is exercising any functions in the building,
- (b) a statutory officer (within the meaning of section 70 of the Judicature (Northern Ireland) Act 1978) who is exercising functions in the building,
- (c) an office-holder mentioned in paragraph 1(6)(b) or (c) who is exercising any functions in the building, or
- (d) any officer or other member of staff of the Court Service authorised by the Lord Chancellor to give the court security officer instructions.

(7) Every court security officer is to be regarded as an officer of the court for the purposes of—

- (a) Article 55 of the County Courts (Northern Ireland) Order 1980 ([S.I. 1980/397 \(N.I. 3\)](#)),
- (b) section 34 of the Coroners Act (Northern Ireland) 1959 ([c. 15 \(N.I.\)](#)), and
- (c) Article 160 of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)),

(which provide for the detention by court officers, and punishment, of persons misbehaving in court).

Surrender and seizure of articles

4 (1) If a court security officer acting in the execution of his duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a relevant building ought to be surrendered on any of the grounds given in sub-paragraph (3), he may ask the person to surrender the article.

(2) If the person refuses to surrender the article, the officer may seize it.

(3) The grounds are that the article—

- (a) may jeopardise the maintenance of order in the building,
- (b) may put the safety of any person in the building at risk, or
- (c) may be evidence of, or in relation to, an offence.

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

Power to retain articles surrendered or seized

- 5 (1) Subject to sub-paragraph (2), a court security officer may retain an article which was—
- (a) surrendered in response to a request under paragraph 4(1), or
 - (b) seized under paragraph 4(2),
- until the time when the person who surrendered it, or from whom it was seized, is leaving the relevant building.
- (2) If a court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, he may retain it until—
- (a) the time when the person who surrendered it, or from whom it was seized, is leaving the relevant building, or
 - (b) the end of the permitted period,
- whichever is later.
- (3) “The permitted period” means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the court security officer to draw the article to the attention of a constable.

Regulations about retention of articles

- 6 (1) The Lord Chancellor may by regulations make provision as to—
- (a) the provision to persons—
 - (i) by whom articles have been surrendered in response to a request under paragraph 4(1), or
 - (ii) from whom articles have been seized under paragraph 4(2),of written information about the powers of retention of court security officers,
 - (b) the keeping of records about articles which have been so surrendered or seized,
 - (c) the period for which unclaimed articles have to be kept, and
 - (d) the disposal of unclaimed articles at the end of that period.
- (2) “Unclaimed article” means an article—
- (a) which has been retained under paragraph 5,
 - (b) which a person is entitled to have returned to him,
 - (c) which has not been returned, and
 - (d) whose return has not been requested by a person entitled to it.

Assaulting and obstructing court security officers

- 7 (1) A person who assaults a court security officer acting in the execution of his duty commits an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
 - (b) imprisonment for a term not exceeding six months,
- or to both.

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

- (3) A person who resists or intentionally obstructs a court security officer acting in the execution of his duty commits an offence.
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE 4

Section 18

REPEALS

<i>Short Title</i>	<i>Extent of repeal</i>
Prisons Act (Northern Ireland) 1953 (c. 18 (N.I.))	In section 26, paragraph (d) and the word “or” immediately before it.
Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 (c. 4 (N.I.))	The whole Act.
Police (Northern Ireland) Act 1998 (c. 32)	In section 55 (1), the words “, the Director” (wherever they occur). In section 55(7) the words “, the Director”.
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	Article 56. Article 57(2).
Justice (Northern Ireland) Act 2002 (c. 26)	Section 34(4). In section 46(1)(h) the words “(other than the Juvenile Justice Board)”. Sections 79 to 81. Section 90(2) and (3). In Schedule 12, paragraph 75.
Commissioner for Children and Young People (Northern Ireland) Order 2003 (S.I. 2003/439 (N.I. 11))	In Schedule 1, in paragraph 13 the words “the Juvenile Justice Board and” and the word “other”.
Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247 (N.I. 13))	In Schedule 1, paragraph 3.