SCHEDULES

SCHEDULE 2

SECTIONS 12 TO 12C OF THE JUDICATURE (NORTHERN IRELAND) ACT 1978

Tenure of office: Lords Justices of Appeal and certain High Court judges

12C (1) Lords Justices of Appeal and judges of the High Court hold office during good behaviour (subject to section 26 of, and Schedule 7 to, the Judicial Pensions and Retirement Act 1993).

(2) Her Majesty may, on an address of both Houses of Parliament, remove a person ("P") from office as Lord Justice of Appeal or judge of the High Court.

(3) A motion for such an address may be made—

(a) in the House of Commons, only by the Prime Minister;

(b) in the House of Lords, only by the Lord Chancellor or, if the Lord Chancellor is not a member of that House, only by another Minister of the Crown at the Lord Chancellor's request.

(4) No motion is to be made for the purposes of subsection (3) unless—

(a) the Lord Chief Justice or the Northern Ireland Judicial Appointments Ombudsman has, after consulting the other, convened a tribunal as set out below,

(b) the tribunal has reported to the Lord Chief Justice recommending that P be removed from the office on the ground of misbehaviour, and

(c) the following has occurred—

(i) the Lord Chief Justice has advised the Prime Minister and the Lord Chancellor to accept the tribunal's recommendation, or

(ii) if the Lord Chief Justice does not so advise, the Prime Minister and the Lord Chancellor have consulted the Lord Chief Justice about the recommendation.

(5) No motion is to be made in the House of Commons for the purposes of subsection (3) unless the Prime Minister has laid a copy of the tribunal's report before that House.

(6) No motion is to be made in the House of Lords for the purposes of subsection (3) unless the person making it has laid a copy of the tribunal's report before that House.

(7) If the Prime Minister and the Lord Chancellor are considering the making of motions for the purposes of subsection (3), the Prime Minister may, with the agreement of the Lord Chief Justice, suspend P from the office.

(8) If P is suspended, P may not carry out any functions of the office (but P's other rights as holder of the office are unaffected).

(9) A tribunal is to consist of—

(a) a person who holds high judicial office (within the meaning of Part 3 of the Constitutional Reform Act 2005) and who 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 lay member of the Northern Ireland Judicial Appointments Commission (see section 3(5)(c) of the Justice (Northern Ireland) Act 2002).

(10) The persons within subsection (9)(a) and (b) are to be selected by the Lord Chief Justice after consulting—

(a) the Lord Chancellor,

(b) the President of the Supreme Court of the United Kingdom,

(c) the Lord Chief Justice of England and Wales, and

(d) the Lord President of the Court of Session;

(or, where an office is vacant or an office holder is not available, some other appropriate person).

(11) The person within subsection (9)(c) is to be selected by the Northern Ireland Judicial Appointments Ombudsman.

(12) The person within subsection (9)(a) is to be the chair of the tribunal.

(13) The tribunal's procedure is to be determined by the Lord Chief Justice.

(14) If the tribunal recommends as mentioned in subsection (4)(b), the Lord Chief Justice must send the Prime Minister and the Lord Chancellor—

(a) a copy of the tribunal's report,

(b) any comments that the Lord Chief Justice wishes to make on the report, and

(c) any comments that the Northern Ireland Judicial Appointments Ombudsman wishes to make on the report.

(15) The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may pay a member of a tribunal any such allowances or fees as it may determine.

(16) Nothing in subsections (1) to (15) applies to a judge of the High Court appointed after the coming into force of section 7 of the Justice (Northern Ireland) Act 2002 (as to the removal and suspension of whom see that section).

(17) Before the coming into force of section 23 of the Constitutional Reform Act 2005, in subsection (10)(b) the reference to the President of the Supreme Court of the United Kingdom is to be read as a reference to the senior Lord of Appeal in Ordinary.