
Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 2009, Paragraph 13. (See end of Document for details)

SCHEDULES

SCHEDULE 3

AMENDMENTS TO THE JUSTICE (NORTHERN IRELAND) ACT 2002

13 For Schedule 3 substitute—

“SCHEDULE 3

APPOINTMENT TO LISTED JUDICIAL OFFICES

PART 1

APPOINTMENTS BY HER MAJESTY

Application

- 1 This Part of this Schedule applies to a listed judicial office to which persons are appointed by Her Majesty; and “listed judicial office” is to be read accordingly.

Process

- 2 (1) Her Majesty's power to appoint a person to a listed judicial office is exercisable on the Lord Chancellor's recommendation.
- (2) The Lord Chancellor's power to recommend a person for appointment to a listed judicial office is exercisable only (and must be exercised) as follows.
- (3) The Commission is responsible for the selection of persons for recommendation for appointment to listed judicial offices (including, for deciding the timing of any selection or selection process).
- (4) When the Commission selects a person under sub-paragraph (3) it must notify the Lord Chancellor.
- (5) The Lord Chancellor must, as soon as reasonably practicable, recommend the selected person for appointment to the office in question.
- (6) The Commission must (in particular) exercise its power under sub-paragraph (3) to ensure that any vacancy in a listed judicial office is filled.
- (7) Sub-paragraph (6) does not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 2009, Paragraph 13. (See end of Document for details)

PART 2

APPOINTMENTS BY THE COMMISSION

Application

- 3 This Part of this Schedule applies to a listed judicial office to which persons are appointed by the Commission; and “listed judicial office” is to be read accordingly.

Process

- 4 (1) The Commission is responsible for the selection of persons for appointment to listed judicial offices (including, for deciding the timing of any selection or selection process).
- (2) When the Commission selects a person under sub-paragraph (1) it must appoint the person to the office in question.
- (3) The Commission must (in particular) exercise its power under sub-paragraph (1) to ensure that any vacancy in a listed judicial office is filled.
- (4) Sub-paragraph (3) does not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

PART 3

MAXIMUM NUMBERS

- 5 (1) This Part of this Schedule applies to a listed judicial office—
- (a) to which Part 1 or 2 of this Schedule applies, and
 - (b) which (apart from this Part of this Schedule) may be held by more than one person at any time.
- (2) The Commission must, with the agreement of the justice department, determine the maximum number of persons who may hold the office at any time.
- (3) The Commission may from time to time, with the agreement of the justice department, revise the determination.
- (4) A determination (or any revision) does not affect any appointments that have already been made.

PART 4

GENERAL PROVISION ABOUT SELECTIONS

- 6 (1) The selection under this Schedule of a person to be appointed, or recommended for appointment, to a listed judicial office must be made solely on the basis of merit.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 2009, Paragraph 13. (See end of Document for details)

- (2) Subject to that, the Commission must at all times engage in a programme of action which complies with sub-paragraph (3).
- (3) A programme of action complies with this sub-paragraph if—
- (a) it is designed to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding such offices are reflective of the community in Northern Ireland,
 - (b) it requires the Commission, so far as it is reasonably practicable to do so, to secure that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is selecting a person to be appointed, or recommended for appointment, to a listed judicial office, and
 - (c) it is for the time being approved by the Commission for the purposes of this Schedule.”

Commencement Information

II Sch. 3 para. 13 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Act 2009, Paragraph 13.