

SCHEDULES

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION

PART 1

CONSEQUENTIAL AMENDMENTS

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

1 For section 102(1) substitute—

“(1) Her Majesty may appoint a qualified person to be a judge.”

2 For section 134 substitute—

“134 Evidence of health

Before selecting any person for recommendation for appointment as a county court judge, the Northern Ireland Judicial Appointments Commission must take steps to satisfy itself that that person’s health is satisfactory.”

Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

3 In section 9(1) omit “, on the recommendation of the Lord Chancellor.”.

Northern Ireland Act 1998 (c. 47)

4 After paragraph 2 of Schedule 11 insert—

“2A (1) The Lord Chancellor may only appoint persons to the Tribunal who have been selected by the Northern Ireland Judicial Appointments Commission as follows.

(2) The Lord Chancellor may at any time by notice require the Commission to select a person for appointment.

(3) The Commission must then select a person for appointment and notify the Lord Chancellor accordingly.

(4) The Lord Chancellor must then appoint the selected person.

(5) Section 5A of, and Part 4 of Schedule 3 to, the Justice (Northern Ireland) Act 2002 apply for the purposes of selections under this paragraph as they apply for the purposes of selections under that Schedule.”

Status: This is the original version (as it was originally enacted).

Justice (Northern Ireland) Act 2004 (c. 4)

- 5 Omit sections 3 to 5 and paragraph 3 of Schedule 1.

Constitutional Reform Act 2005 (c. 4)

- 6 (1) Amend Schedule 5 as follows.
- (2) In paragraph 115(2) omit “8(7),”.
- (3) Omit paragraphs 116 and 123.
- 7 (1) Amend paragraph 4 of Schedule 7 as follows.
- (2) Omit the entries for the following—
- (a) section 102(1) of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.));
 - (b) sections 9(1) and 12A(2) of the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.));
 - (c) sections 1(2) and 3(1) and (2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.));
 - (d) sections 12, 12B, 70(1), (3), (5) and (6) and 103(3) of the Judicature (Northern Ireland) Act 1978 (c. 23);
 - (e) paragraphs 1, 2 and 3 of Schedule 3 to the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));
 - (f) Article 22(2)(a) and (b) and (4)(b) of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1));
 - (g) Articles 6(1) and 7(1) and (4) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10));
 - (h) Article 82(1), (3) and (6) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21));
 - (i) sections 5(3), (4), (5), (6) and (7) and 9(1) and (11) of the Justice (Northern Ireland) Act 2002 (c. 26);
 - (j) paragraph 3(2) of Schedule 2 to the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)).
- (3) In the entries relating to the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) for “107(1), (3) and (7)” substitute “107(7)”.
- (4) In the entries relating to the Judicature (Northern Ireland) Act 1978—
- (a) at the appropriate places insert “Sections 12B and 12C” and “Section 70(1B)”;
 - (b) for “74(1), (3) and (5)” substitute “74(5)”.
- (5) In the entries relating to the Northern Ireland Act 1998 (c. 47) after “2(1) and (3),” insert “2A,”.
- (6) In the entries relating to the Justice (Northern Ireland) Act 2002 (c. 26) at the appropriate place insert “Schedule 3, Part 1”.
- 8 Omit paragraphs 36 to 39 of Schedule 17.

Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)

9 Omit section 28.