



Magistrates' Courts Act (Northern Ireland) 1964

1964 CHAPTER 21

PART II

RESIDENT MAGISTRATES AND JUSTICES OF THE PEACE

APPOINTMENT, OATH AND REMOVAL OF JUSTICES OF THE PEACE

6 Persons disqualified for acting as justices.

- (1) ^{F1} A person shall not be capable of acting as a justice of the peace whilst he holds office as ^{F2} . . . , [^{F3} [^{F4} a civil servant in the Department of Justice], notary public or commissioner for oaths].
- (2) If any justice of the peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under the Irish Bankrupt and Insolvent Act 1857 or the Bankruptcy (Ireland) Amendment Act 1872 , he shall be and remain incapable of acting as a justice of the peace until he has been again appointed a justice of the peace.
- [^{F5}(3) A person who is adjudged bankrupt shall not be capable of being appointed a justice of the peace unless and until either the adjudication of bankruptcy is annulled or he is discharged]
- [^{F6}(3ZA) A person in relation to whom a moratorium period under a debt relief order applies shall not be capable of being appointed a justice of the peace.]
- [^{F7}(3A) A person who is the subject of a bankruptcy restrictions order [^{F8} or who is subject to a debt relief restrictions order] shall not be capable of being appointed a justice of the peace]
- (4) A person shall not be deemed incapable, on grounds of interest or bias, of acting as a justice of the peace in relation to any matter concerning a local authority by reason only that—
- (a) he is a member of that authority;

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- (b) he is one of several persons liable to be assessed to, or to pay, rates [^{F9} made] by that authority; or
 - (c) he is one of any other class of persons liable in common with the others to contribute to, or be benefited by, any rate or fund maintained by that authority or out of which the expenses of that authority are required or authorised to be defrayed.
- (5) Except as provided by subsection (4), nothing in this section shall affect the operation of any rule of law disqualifying a person for acting as justice of the peace in any matter on the ground of interest or bias.
- (6) This section shall not prejudice or affect the operation of—
- (a) any enactment imposing a disqualification in consequence of any corrupt or illegal practice at an election; or
 - (b) any enactment (not being an enactment repealed by this Act) which provides that a justice of the peace shall not act in a capacity specified in that enactment.

F1 1975 NI 7; 1981 NI 26

F2 SR 1982/192

F3 1978 c.23

F4 Words in s. 6(1) substituted (12.4.2010) by Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 4, **Sch. para. 1** (with arts. 5-7)

F5 S. 6(3) substituted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, **Sch. Pt para. 2(2)(a)**

F6 S. 6(3ZA) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 3(a)**

F7 S. 6(3A) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, **Sch. para. 2(2)(b)**

F8 Words in s. 6(3A) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 3(b)**

F9 1977 NI 28

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Changes and effects yet to be applied to :

- s. 6(3) substituted by [S.R. 2015/159 Sch. Pt. 1 para. 2\(2\)\(a\)](#)
- s. 6(3A) inserted by [S.R. 2015/159 Sch. Pt. 1 para. 2\(2\)\(b\)](#)