

*Changes to legislation: There are currently no known outstanding effects
for the Northern Ireland Act 2009, Part 1. (See end of Document for details)*

SCHEDULES

SCHEDULE 5 **U.K.**

CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISION

PART 1 **U.K.**

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.”

Commencement Information

I1 [Sch. 5 para. 1](#) in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

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.”

Commencement Information

I2 [Sch. 5 para. 2](#) in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

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

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

Commencement Information

I3 [Sch. 5 para. 3](#) in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

Northern Ireland Act 1998 (c. 47)

4 After paragraph 2 of Schedule 11 insert—

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- “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.”

Commencement Information

I4 Sch. 5 para. 4 in force at 12.4.2010 by S.I. 2010/812, art. 2

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

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

Commencement Information

I5 Sch. 5 para. 5 in force at 12.4.2010 by S.I. 2010/812, art. 2

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.

Commencement Information

I6 Sch. 5 para. 6 in force at 12.4.2010 by S.I. 2010/812, art. 2

- 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);

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- (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 ”.

Commencement Information

17 [Sch. 5 para. 7](#) in force at 12.4.2010 by [S.I. 2010/812, art. 2](#)

8 Omit paragraphs 36 to 39 of Schedule 17.

Commencement Information

18 [Sch. 5 para. 8](#) in force at 12.4.2010 by [S.I. 2010/812, art. 2](#)

Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)
9 Omit section 28.

Commencement Information

19 [Sch. 5 para. 9](#) in force at 12.4.2010 by [S.I. 2010/812, art. 2](#)

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