



2015 CHAPTER 9

PART 1

SINGLE JURISDICTION FOR COUNTY COURTS AND MAGISTRATES' COURTS

Single jurisdiction: abolition of county court divisions and petty sessions districts

1.—(1) Northern Ireland is no longer to be divided into county court divisions and petty sessions districts.

(2) The jurisdiction and powers of a county court or a magistrates' court are exercisable throughout the whole of Northern Ireland.

Administrative court divisions

2.—(1) The Department, after consultation with the Lord Chief Justice, shall by directions divide Northern Ireland into areas to be known as administrative court divisions.

(2) The directions may specify different administrative court divisions for different courts and for different purposes of the same court and, in particular, may specify administrative court divisions—

- (a) for all purposes of a court;
- (b) for specified purposes of a court (for example for the purposes of a county court sitting as a family care centre or a court of summary jurisdiction sitting as a family proceedings court);
- (c) for the residual purposes of a court (that is to say for all purposes other than those dealt with under paragraph (b)).

(3) For the purposes of this section “court” means—

- (a) a county court;
- (b) a magistrates’ court.

(4) Each administrative court division established by directions under this section is to be known by such name as is specified in the directions.

Directions as to distribution of business

3.—(1) The Lord Chief Justice may give directions as to—

- (a) the distribution of the business of county courts among such courts;
- (b) the transfer of such business from one county court to another;
- (c) the distribution of the business of magistrates’ courts among such courts;
- (d) the transfer of such business from one magistrates’ court to another.

(2) For the purpose of subsection (1) “the business of county courts” includes

- (a) all such proceedings and matters whatsoever (whether civil or criminal) as under any statutory provision are to be heard by a county court (of any description);
- (b) all such other things as under any statutory provision are to be done by, or in relation to, a county court (of any description).

(3) For the purpose of subsection (1) “the business of magistrates’ courts” includes—

- (a) all such proceedings and matters whatsoever (whether civil or criminal) as under any statutory provision are to be heard by a magistrates’ court (of any description);
- (b) all such other things as under any statutory provision are to be done by, or in relation to a magistrates’ court (of any description).

(4) The Department may give directions as to—

- (a) the distribution among chief clerks of the functions exercisable under any statutory provision by a chief clerk;
- (b) the distribution among clerks of petty sessions of the functions exercisable under any statutory provision by a clerk of petty sessions.

(5) In any statutory provision—

- (a) a reference, in connection with any proceedings or matter, to the chief clerk is a reference to the chief clerk who, in accordance with directions under subsection (4), is to act in relation to those proceedings or that matter;
- (b) a reference, in connection with any proceedings or matter, to the clerk of petty sessions is a reference to the clerk of petty sessions who, in

accordance with directions under subsection (4), is to act in relation to those proceedings or that matter.

Lay magistrates

4.—(1) The Northern Ireland Judicial Appointments Commission must appoint persons to be lay magistrates.

(2) A lay magistrate shall—

- (a) be appointed for an administrative court division which is specified under section 2 for all or the residual purposes of a magistrates' court; but
- (b) have as regards the whole of Northern Ireland the jurisdiction and duties which immediately before commencement were vested in or imposed on a lay magistrate as regards a county court division.

(3) Accordingly, so much of any existing statutory provision as requires or authorises anything to be done by, or in relation to, a lay magistrate acting for a particular county court division shall be disregarded; and that thing may be done by, or in relation to, any lay magistrate.

(4) A lay magistrate shall sit in courts in accordance with directions given by the Lord Chief Justice; and in giving such directions the Lord Chief Justice is to have regard to the desirability of a lay magistrate sitting in courts held in reasonable proximity to where the lay magistrate lives or works.

(5) A person may not be appointed to be a lay magistrate unless that person—

- (a) has completed a course of training approved by the Lord Chief Justice after consultation with the Department, or
- (b) has given an undertaking in writing to attend such a course of training.

(6) It is a condition of the appointment of a person under subsection (5)(b) that the person will complete such a course of training within the period of one year beginning with the date of appointment or such longer period as the Lord Chief Justice may, after consulting the Department, allow.

(7) The Department may, after consultation with the Lord Chief Justice, by order make further provision about eligibility for appointment as a lay magistrate.

(8) The provision which may be made by an order under subsection (7) includes (in particular) provision that a person ("P") may not be appointed to be a lay magistrate—

- (a) if P, or a person related to or otherwise connected with P in a prescribed manner—
 - (i) holds an office of a prescribed description,
 - (ii) has an occupation of a prescribed description, or
 - (iii) has been selected as a candidate for election to a prescribed body,

- (b) if P is, under the law of any part of the United Kingdom—
 - (i) an undischarged bankrupt or a person whose estate has been sequestered under an order which has not been discharged,
 - (ii) subject to a bankruptcy restrictions order or an interim bankruptcy restrictions order, or
 - (iii) subject to a moratorium period under a debt relief order or subject to a debt relief restrictions order or an interim debt relief restrictions order,
- (c) if P has been convicted of a prescribed offence, or
- (d) if P does not live or work in, or within a prescribed distance of, the administrative court division for which P is to be appointed,

unless the Department, after consultation with the Lord Chief Justice, otherwise determines in P's particular case.

(9) In subsection (8) "prescribed" means prescribed in an order under subsection (7).

(10) An act by a person appointed to be a lay magistrate is not invalidated by reason only that that person is not a lay magistrate because that person was not eligible to be appointed.

(11) A lay magistrate ceases to hold office on attaining the age of 70.

(12) An act by a person who has been a lay magistrate is not invalidated by reason only that that person has ceased to hold office under subsection (11).

(13) The Department must pay to lay magistrates any such allowances as it may determine.

(14) The Lord Chief Justice, Lords Justices of Appeal, judges of the High Court and county court judges may exercise any function of a lay magistrate.

Justices of the peace

5.—(1) There shall be a commission of the peace for Northern Ireland—

- (a) issued under the Great Seal of Northern Ireland; and
- (b) addressed generally, and not by name, to all such persons as may from time to time hold office as justices of the peace for Northern Ireland.

(2) Justices of the peace for Northern Ireland—

- (a) shall be appointed by the Department by instrument on behalf and in the name of Her Majesty, and
- (b) may be removed from office in the same manner.

(3) A justice of the peace shall have as regards the whole of Northern Ireland the jurisdiction and duties which immediately before commencement

were vested in or imposed on a justice of the peace as regards a county court division.

(4) Accordingly, so much of any existing statutory provision as requires or authorises anything to be done by, or in relation to, a justice of the peace acting for a particular county court division shall be disregarded; and that thing may be done by, or in relation to, any justice of the peace.

(5) The Department shall make arrangements—

- (a) for keeping a copy of any instrument appointing or removing a justice of the peace; and
- (b) for keeping, and from time to time rectifying, a record of all persons for the time being holding office as justice of the peace.

Consequential amendments

6.—(1) Schedule 1 (which contains amendments consequential on the preceding provisions of this Part) has effect.

(2) The Department may by order make such supplementary, incidental or consequential provision as it considers appropriate in consequence of, or for giving full effect to, this Part.

(3) An order under subsection (2) may amend, repeal, revoke or otherwise modify any statutory provision.