



## 2015 CHAPTER 9

### PART 1

#### SINGLE JURISDICTION FOR COUNTY COURTS AND MAGISTRATES' COURTS

##### **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.