
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART II

FUNCTIONS OF RESIDENT MAGISTRATES AND JUSTICES OF THE PEACE

Protection from legal proceedings

[^{F1}Costs in legal proceedings

6A.—(1) A court may not order any resident magistrate,^[F2 lay magistrate] or clerk of petty sessions to pay costs in any proceedings in respect of any act or omission of his in the execution (or purported execution) of his duty—

- (a) as^{[F2 a resident magistrate or a lay magistrate];} or
- (b) as such a clerk exercising, by virtue of any statutory provision, any of the functions of a magistrates' court.

(2) Paragraph (1) does not apply in relation to—

- (a) any proceedings in which a resident magistrate,^[F2 lay magistrate] or clerk of petty sessions is being tried for an offence or is appealing against a conviction; or
- (b) any proceedings in which it is proved that a resident magistrate,^[F2 lay magistrate] or clerk of petty sessions acted in bad faith in respect of the matters giving rise to the proceedings.

(3) Where a court is prevented by paragraph (1) from ordering a resident magistrate,^[F2 lay magistrate] or clerk of petty sessions to pay costs in any proceedings, the court may instead order the making by the Lord Chancellor of a payment in respect of the costs of a person in the proceedings.

(4) The Lord Chancellor may^[F3, after consultation with the Lord Chief Justice,] by regulations specify—

- (a) circumstances when a court shall or shall not exercise the power conferred on it by paragraph (3); and
- (b) how the amount of any payment ordered under that paragraph is to be determined.

[
^{F4}(4A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(5) Regulations under paragraph (4) shall be subject to ^[F5negative resolution].]

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Magistrates' Courts (Northern Ireland) Order 1981. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F2** 2002 c. 26
- F3** Words in art. 6A(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 62(2); S.I. 2006/1014, **art. 2(a)**, Sch. 1
- F4** Art. 6A(4A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 62(3); S.I. 2006/1014, **art. 2(a)**, Sch. 1
- F5** Words in art. 6A(5) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 132** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied by [S.R. 2007/199 reg. 19\(6\)](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. [S.I. 2018/1125, reg. 8 omitted \(31.12.2020\)](#) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)