

**EXPLANATORY MEMORANDUM TO
THE DISTRICT JUDGE (MAGISTRATES' COURTS) ORDER (NORTHERN
IRELAND) 2008**

SR 2008 No.154

1. This explanatory memorandum has been prepared by Ministry of Justice (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument makes provision for the office of resident magistrate to be renamed as the office of district judge (magistrates' courts) in Northern Ireland.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments.

3.1 None.

4. Legislative Background

4.1 Section 102 of the Courts Act 2003 conferred on the Lord Chancellor the power to alter a number of judicial titles. The Justice and Security Act 2007 extended the power of the Lord Chancellor under section 102 by inserting references to the offices of resident magistrate, deputy resident magistrate and presiding resident magistrate.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1 The Minister of State, David Hanson, has made the following statement regarding Human Rights:

In my view the provisions of the District Judge (Magistrates' Courts) Order (Northern Ireland) 2008 are compatible with the Convention rights.

7. Policy background

7.1 The instrument gives effect to a recommendation of the Northern Ireland Criminal Justice Review Group. The Report of the Review Group, published in March 2000, recommended that the office of resident magistrate be styled district judge (magistrates' courts) in order to emphasise that the magistracy is an integral part of the judiciary. The change was also recommended in recognition that the term resident, which has its origins in the nineteenth century, has limited relevance in the modern context where office holders no longer need to live in the district in which they hold office.

7.2 As the instrument does not affect the jurisdiction or powers of magistrates it is of limited public interest.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 This instrument has no impact on the public sector.

9. Contact

- 9.1 Peter Luney at the Northern Ireland Court service (Policy and Legislation Division) (Tel: (028) 90412282 or email peterluney@courtsni.gov.uk) can answer any queries regarding this instrument.