



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART VI

DEPARTMENTS AND OFFICERS

70 Appointment and qualification of statutory officers.

[^{F1}(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the Northern Ireland Judicial Appointments Commission after consultation with the Lord Chief Justice; and persons holding such offices are in this Act referred to as “statutory officers”.

(1A) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to statutory officers.

(1B) The terms and conditions of service for statutory officers are to be determined by the Lord Chancellor with the concurrence of the Treasury.]

[^{F2}(1C) Any salary or other amounts payable under subsection (1B) shall be paid by the Department of Justice.]

(2) Subject to subsection (3), a person shall not be qualified for appointment to any of the offices listed in column 1 of Schedule 3 unless [^{F3}he is—

(a) a barrister or solicitor ^{F4} . . . who has at least the number of years’ standing specified in relation to that office in column 3 of that Schedule; or

(b) the holder of any other office so listed.]

(3) In exceptional circumstances, where it appears to the [^{F5}Commission] that a suitable appointment cannot be made in accordance with the provisions of subsection (2) and Schedule 3, [^{F6}it] may, notwithstanding those provisions, after consultation with the Lord Chief Justice, appoint any barrister, solicitor or other person whom [^{F6}it] considers to be suitable for appointment having regard to his knowledge and experience.

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 70 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Without prejudice to section 68, the functions of the holder of each office listed in column 1 of Schedule 3 shall include the functions specified in relation to that office in column 4 of that Schedule (being functions heretofore exercised by the holder of the office or offices so specified) and accordingly—
- (a) for a reference in any statutory provision relating to those functions to any office listed in column 4 of Schedule 3 or to the holder of any such office there shall be substituted a reference to the appropriate corresponding office listed in column 1 of that Schedule or to the holder of that office, as the case may be; and
 - (b) the offices specified in column 4 of Schedule 3 are hereby abolished.
- (5) The [^{F7}Department of Justice] may by order made after consultation with the Lord Chief Justice at any time modify Schedule 3 by:—
- (a) removing any office and any entry relating thereto from that Schedule;
 - (b) adding any office and any entry relating thereto to that Schedule;
 - (c) amending the title of any office or amending any entry relating to any office in that Schedule.
- (6) An order under subsection (5) may make provision for any incidental, consequential, transitional or supplementary matters for which it appears to the [^{F8}Department of Justice] to be necessary or expedient for the purpose of the order to provide and may amend or repeal any statutory provision (including any provision of this Act) so far as may be necessary or expedient in consequence of the order.

Subordinate Legislation Made

P1 S. 70(5)(6) power exercised (03.06.1991) by [S.R. 1991/230](#)

Textual Amendments

- F1** S. 70(1)-(1B) substituted for s. 70(1) (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 15\(2\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F2** S. 70(1C) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 18 para. 19](#) (with arts. 28-31)
- F3** Words in s. 70(2) substituted (15.10.2002) by [2002 c. 26, s. 18\(8\)](#); [S.R. 2002/319, art. 2, Sch.](#)
- F4** Words in s. 70(2)(a) repealed (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 109\(3\), 110\(1\), Sch. 10](#); [S.I. 2004/1104, art. 3\(h\)\(i\)](#)
- F5** Word in s. 70(3) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 15\(3\)\(a\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F6** Word in s. 70(3) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 15\(3\)\(b\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F7** Words in s. 70(5) substituted (N.I.) (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 5\(1\)](#); [S.R. 2010/147, art. 2\(2\)](#)
- F8** Words in s. 70(6) substituted (N.I.) (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 5\(2\)](#); [S.R. 2010/147, art. 2\(2\)](#)

Changes to legislation:

Judicature (Northern Ireland) Act 1978, Section 70 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 70(1) substituted by [2002 c. 26 Sch. 3 para. 17\(2\)](#)
- s. 70(3) words substituted by [2002 c. 26 Sch. 3 para. 17\(3\)\(a\)](#)
- s. 70(3) words substituted by [2002 c. 26 Sch. 3 para. 17\(3\)\(b\)](#)
- s. 70(3) words substituted by [2002 c. 26 Sch. 3 para. 17\(3\)\(c\)](#)
- s. 70(5) words substituted by [2002 c. 26 Sch. 3 para. 17\(4\)](#)
- s. 70(6) words substituted by [2002 c. 26 Sch. 3 para. 17\(5\)](#)

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

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

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)