



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

109 Liability of resident magistrates etc. in Northern Ireland for damages and costs

- (1) The Magistrates' Courts (Northern Ireland) Order 1981 shall be amended as follows.
- (2) For Articles 5 and 6 (general immunity of resident magistrates etc.) there shall be substituted the following Articles—

“5 Immunity of resident magistrates etc. for acts within jurisdiction

No action shall lie against any resident magistrate, justice of the peace or clerk of petty sessions in respect of any act or omission of his—

- (a) in the execution of his duty—
 - (i) as such a magistrate or justice; or
 - (ii) as such a clerk exercising, by virtue of any statutory provision, any function of a magistrates' court; and
- (b) with respect to any matter within his jurisdiction.

6 Immunity for certain acts beyond jurisdiction

An action shall lie against any resident magistrate, justice of the peace or clerk of petty sessions in respect of any act or omission of his—

- (a) in the purported exercise of his duty—
 - (i) as such a magistrate or justice; or
 - (ii) as such a clerk exercising, by virtue of any statutory provision, any function of a magistrates' court; but

Status: This is the original version (as it was originally enacted).

(b) with respect to a matter which is not within his jurisdiction, if, but only if, it is proved that he acted in bad faith.”

(3) After Article 145 there shall be inserted the following Article—

“145A Immunity of county court judges hearing appeals under this Part

Articles 5, 6 and 10 shall apply in relation to a county court judge sitting in connection with an appeal under this Part as they apply in relation to a resident magistrate.”

(4) In Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) after paragraph 2 there shall be inserted the following paragraph—

“2A Articles 5, 6 and 10 of the Magistrates' Courts (Northern Ireland) Order 1981 shall apply in relation to a member of a panel formed under paragraph 1 as they apply in relation to a resident magistrate.”

(5) Section 63 of the Administration of Justice Act 1985 (limitation of damages in respect of acts by resident magistrates etc. in Northern Ireland) shall cease to have effect.

(6) The following provisions of the Magistrates' Courts (Northern Ireland) Order 1981 shall cease to have effect and are hereby repealed—

- (a) in Article 7, the words from “another” to “or by”, and the words “magistrate, justice or”; and
- (b) in Article 8, paragraph (1), and in paragraph (2) the words “resident magistrate or justice of the peace or” and the words “magistrate, justice or”.