



# Justice (Northern Ireland) Act 2002

## CHAPTER 26

### JUSTICE (NORTHERN IRELAND) ACT 2002

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### SCHEDULE 1 — Listed judicial offices

Judge of the High Court Temporary judge of the High...

### SCHEDULE 2 — Judicial Appointments Commission

- 1 *Members' tenure*
- 2 (1) Subject as follows, a non-judicial member of the Commission...
- 3 *Salary etc. of non-judicial members*
- 4 *Staff*
- 5 *Annual report*
- 6 *Financial provisions*
- 7 (1) The Commission must— (a) keep proper accounts and proper...
- 8 *Committees and sub-committees*
- 9 *Proceedings*
- 10 The validity of any proceedings of the Commission, or of...
- 11 *Delegation*
- 12 If the function of selecting a person for appointment, or...
- 13 *Miscellaneous*
- 14 The Commission may do anything, apart from borrowing money, which...
- 15 The application of the seal of the Commission is to...
- 16 Any contract or instrument which, if entered into or executed...
- 17 A document purporting to be— (a) duly executed by the...
- 18 *Disqualification*
- 19 In Part 2 of Schedule 1 to the Northern Ireland...
- 20 *Freedom of information*

### SCHEDULE 3 — Appointment to listed judicial offices

- 1 Temporary High Court judges
- 2 County court judges and deputy county court judges
- 3 In section 102(1) (appointment of county court judges), for “Lord...
- 4 (1) Section 107 (deputy county court judges) is amended as...
- 5 In section 134 (evidence of health of person recommended for...
- 6 After section 136 insert— Charges on Northern Ireland Consolidated Fund...
- 7 Resident magistrates and deputy resident magistrates
- 8 In section 9(1) (appointment of resident magistrates), for “Lord Chancellor”...
- 9 In section 10(1) (appointment of deputy resident magistrates)—
- 10 In section 168(2) (payment of salaries), for “the United Kingdom”...
- 11 Coroners and deputy coroners
- 12 In section 1 (administration of matters relating to coroners), for...
- 13 For section 2(1) substitute— (1) The First Minister and deputy...
- 14 In section 3 (power to amalgamate coroners' districts), for “Lord...
- 15 In section 6(2) (inability or failure of coroner to discharge...
- 16 Statutory officers and deputies and temporary appointments
- 17 (1) Section 70 (appointment of statutory officers) is amended as...
- 18 (1) Section 74 (deputies and temporary appointments) is amended as...

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- 19 Chief Social Security Commissioner, Social Security Commissioners and deputy Social Security Commissioners for Northern Ireland
- 20 Chief Child Support Commissioner, Child Support Commissioners and deputy Child Support Commissioners for Northern Ireland
- 21 In section 23(1) (appointment of Child Support Commissioners for Northern...
- 22 . . . . .
- 23 President and members of appeal tribunals
- 24 In Article 6(1) (appointment of the President of appeal tribunals),...
- 25 (1) Article 7 (appointment of panel of persons to act...
- 26 Chairmen of Social Care Tribunals in Northern Ireland
- 27 . . . . .
- 28 . . . . .
- 29 President and Vice President of the Industrial Tribunals and the Fair Employment Tribunal and chairmen of the Fair Employment Tribunal
- 30 The Fair Employment Tribunal Regulations (Northern Ireland) 1989 (S.R. 1989...
- 31 In regulation 2(2), in the definitions of “the President” and...
- 32 In regulation 4(1) (resignation of chairmen of the Fair Employment...
- 33 In regulation 2(2) of the Fair Employment Tribunal (Rules of...
- 34 President and other members of the Lands Tribunal for Northern Ireland
- 35 In section 1(2) (appointment of President and other members), for...
- 36 In section 3(1) and (2) (appointment of deputy President and...
- 37 President and chairmen of Special Educational Needs Tribunal for Northern Ireland
- 38 Members of tribunal established under section 91 of the Northern Ireland Act 1998
- 39 Members of the Mental Health Review Tribunal for Northern Ireland
- 40 Lay magistrates
- 41 (1) Section 9 is amended as follows.
- 42 (1) Section 90 is amended as follows.

#### SCHEDULE 3A — The Northern Ireland Judicial Appointments Ombudsman

##### *The Ombudsman*

- 1 (1) A person must not be appointed as the Ombudsman...
- 2 (1) In this Schedule “practising” is to be read in...

##### *Term of office etc. of Ombudsman*

- 3 (1) The Ombudsman must be appointed for a fixed period...
- 4 A person— (a) may not be appointed as the Ombudsman...
- 5 (1) The Ombudsman may at any time—

##### *Salary, allowances and expenses*

- 6 (1) The Lord Chancellor may— (a) pay to the Ombudsman...

##### *Acting Ombudsman*

- 7 (1) The Lord Chancellor may appoint a person to exercise...

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### *Status of the Ombudsman*

8 The person for the time being holding the office of...

### *Powers of the Ombudsman*

9 (1) The Ombudsman does not have power to do any...

### *Arrangements for assistance*

10 (1) The Ombudsman may make arrangements with such persons as...

### *Arrangements by the Lord Chancellor*

11 Unless the Ombudsman has made arrangements under paragraph 10, the...

### *Delegation of functions*

12 (1) The Ombudsman may delegate any functions to—

### *Financial provisions and directions*

13 (1) Expenditure incurred by the Ombudsman in the discharge of...

### *Code of conduct*

14 The Lord Chancellor may issue and from time to time...

### *Reports*

15 (1) The Ombudsman must, as soon as practicable after the...

### *Documentary evidence*

16 A document purporting to be an instrument issued by the...

### *General*

17 (1) Financial year in this Schedule, means—

## SCHEDULE 4 — Functions of justices of the peace

1 *Retained functions*

2 *Shared functions*

3 *Functions to be exercisable only by resident magistrates*

4 *Amendments: general*

5 The Lord Chancellor may by order make provision amending any...

5A The Lord Chief Justice may nominate any of the following...

6 So far as may be appropriate in consequence of the...

7 *Specific amendments*

8 In section 5(1) of the General Dealers (Ireland) Act 1903...

9 In section 26(4) of the Interpretation Act (Northern Ireland) 1954...

10 In section 189(1) of the Army Act 1955 (3 &...

11 In section 189(1) of the Air Force Act 1955 (3...

12 In sections 47(2) and 110(2) of the Naval Discipline Act...

13 In section 110(2) of the Electoral Law Act (Northern Ireland)...

14 In section 12A(2) of the Magistrates' Courts Act (Northern Ireland)...

15 In section 21 of the Treatment of Offenders Act (Northern...

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- 16 The Judicature (Northern Ireland) Act 1978 (c. 23) has effect...
- 17 (1) Section 103 (appointment of justices of the peace) is...
- 18 After that section insert— Power of court of record to...
- 19 In Article 84(6) of the Pollution Control and Local Government...
- 20 The Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675  
(N.I....
- 21 In Article 2(2)(b) (meaning of “magistrates’ court”), for “justice of...
- 22 (1) Article 3 (functions of justices etc.) is amended as...
- 23 In Article 4 (local jurisdiction of justice of the peace),...
- 24 In Articles 5 and 6 (immunity)— (a) for “justice of...
- 25 In Article 6A (costs)— (a) for “justice of the peace”...
- 26 In Article 7 (clerk’s immunity in respect of warrant to...
- 27 In Article 10(1) and (1A) (defrayal of expenses)—
- 28 In Article 18(4) (procedure)— (a) for “other justice of the...
- 29 In Article 42(1)(a) and (b) (reading of depositions), for “other...
- 30 In Article 114(2) (warrants: postponement of issue and stay of...
- 31 In Article 126(1) (proof of service), for “other justice of...
- 32 In Article 156 (validity of documents)— (a) for “other justice...
- 33 In Article 158(1) (execution of warrants), for “other justice of...
- 34 In Article 160(1) (misbehaviour in court), for “justice of the...
- 35 In paragraph 2 of Schedule 1 (matters which may be...
- 36 In Article 165(2) of the Insolvency (Northern Ireland) Order 1989...
- 37 In section 244(6)(a)(ii) of the Criminal Procedure (Scotland) Act 1995...
- 38 In Schedule 2 to the Juries (Northern Ireland) Order 1996...
- 39 In section 9(5) of the Human Rights Act 1998 (c....
- 40 In section 81(1) of the Regulation of Investigatory Powers Act...

#### SCHEDULE 5 — Transfer of functions to Lord Chief Justice

- 1 *County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))*
- 2 *Magistrates’ Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))*
- 3 *Judicature (Northern Ireland) Act 1978 (c. 23)*
- 4 In section 7(1) and (2) (request to serving or retired...
- 5 (1) Section 47 (Crown Court: directions as to judges and...
- 6 In section 48(1)(c) (magistrates’ court to have regard to directions...
- 7 In section 53(1)(c) and (d) (membership of Crown Court Rules...
- 8 In section 58(2) (directions as to places outside Royal Courts...
- 9 In section 60(1) (power to designate officer to exercise jurisdiction...
- 10 In section 68(2)(b) and (4) (directions as to discharge of...
- 11 In section 75(2)(b) (directions conferring or imposing functions on  
Official...
- 12 *County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))*
- 13 In Article 4 (directions as to holding of courts), for...
- 14 In Article 5 (directions authorising sittings otherwise than in  
courthouses),...
- 15 (1) Article 6 (appointment of days for holding of ordinary...
- 16 In Article 7(1) and (2) (additional and extraordinary sittings), for...
- 17 In Article 46(1)(a) (chairman of County Court Rules Committee) (as...
- 18 In Article 56(1) (swearing of affidavits before designated court  
officer),...
- 19 In Article 58 (furnishing of information by certain officers), insert...
- 20 *Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675  
(N.I. 26))*
- 21 In Article 12(a) (petty sessions to be held in courthouse...



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- 22 (1) Article 13 (Magistrates' Courts Rules) is amended as follows....
- 23 In Article 15(2) (assignment of matters to juvenile courts by...
- 24 *Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*
- 25 *Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))*

#### SCHEDULE 6 — Office-holders required to take judicial oath Lord Chief Justice Lord Justice of Appeal Judge of the...

#### SCHEDULE 7 — Functions of Advocate General

- 1 *Assembly Bills*
- 2 *Devolution issues*
- 3 In Schedule 8 to the Government of Wales Act 1998...
- 4 In Schedule 6 to the Scotland Act 1998 (c. 46)...
- 5 *Human rights*
- 6 In section 107(3) of the Government of Wales Act 1998...
- 7 In section 100(2) of the Scotland Act 1998 (similar provision...
- 8 *Varying retrospective decisions*
- 9 In section 110(8) of the Government of Wales Act 1998...
- 10 In section 102(7) of the Scotland Act 1998 (notice to...
- 11 *Suspension of devolved government*
- 12 *Acting as Attorney General for Northern Ireland during vacancy*
- 13 *Consultation about appointment of Attorney General for Northern Ireland*
- 14 *Crown Solicitor*
- 15 *Chief Inspector of Criminal Justice*
- 16 (1) Section 47 (functions: consultation and consent requirements etc.) is...
- 17 In section 49(5) (copies of reports relating to Public Prosecution...
- 18 *Life sentence prisoners' representatives*
- 19 *Special advocates*
- 20 In paragraph 7(2) of Schedule 2 to the Northern Ireland...
- 21 *Scheduled offences*
- 22 In section 72(2)(b) (regulations providing for time limits to cease...
- 23 In Schedule 9 (certification that offence is not scheduled offence),...
- 24 *Consent to prosecution*
- 25 In section 6(5) of the Marine, &c., Broadcasting (Offences) Act...
- 26 In section 1(3) of the Genocide Act 1969 (c. 12)...
- 27 In section 2(1) of the Biological Weapons Act 1974 (c....
- 28 In section 11 of the Criminal Jurisdiction Act 1975 (c....
- 29 In section 2(1) of the Internationally Protected Persons Act 1978...
- 30 In section 3(1) of the Nuclear Material (Offences) Act 1983...
- 31 In section 135 of the Criminal Justice Act 1988 (c....
- 32 In section 9(1) of the Official Secrets Act 1989 (c....
- 33 In Article 8(11) of the Iraq and Kuwait (United Nations...
- 34 In section 31(1) of the Chemical Weapons Act 1996 (c....
- 35 In section 117(3)(b) of the Terrorism Act 2000 (c. 11)...
- 36 In— (a) section 55 (proceedings for offence under section 47...
- 37 Section 33 of this Act applies in relation to the...

#### SCHEDULE 8 — Chief Inspector of Criminal Justice

- 1 *Chief Inspector's tenure*
- 2 *Salary etc. of Chief Inspector*
- 3 *Staff*

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- 4 *Annual report*
- 5 *Financial provisions*
- 6 (1) The Chief Inspector must— (a) keep proper accounts and...
- 7 *Delegation of functions*
- 8 *Inspections of Police Service*
- 9 *Miscellaneous*
- 10 (1) The Chief Inspector is not to be regarded—
- 11 The Chief Inspector may do anything, apart from borrowing money,...
- 12 The application of the seal of the Chief Inspector is...
- 13 A document purporting to be— (a) duly executed by the...
- 14 *Disqualification*
- 15 In Part 3 of Schedule 1 to the Northern Ireland...
- 16 *Freedom of information*

#### SCHEDULE 9 — Law Commission

- 1 *Commissioners' tenure*
- 2 *Commissioners holding judicial office*
- 3 *Salary etc. of Commissioners not holding full-time judicial office*
- 4 *Staff*
- 5 *Financial provisions*
- 6 (1) The Commission must— (a) keep proper accounts and proper...
- 7 *Miscellaneous*
- 8 (1) The Commission is not to be regarded—
- 9 The Commission may do anything, apart from borrowing money, which...
- 10 The application of the seal of the Commission is to...
- 11 Any contract or instrument which, if entered into or executed...
- 12 A document purporting to be— (a) duly executed by the...
- 13 *Disqualification*
- 14 In Part 2 of Schedule 1 to the Northern Ireland...
- 15 *Freedom of information*

#### SCHEDULE 10 — Youth justice orders: enforcement etc.

#### SCHEDULE 11 — Extension of youth justice system to 17 year olds

- 1 *Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10 (N.I.))*
- 2 *Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))*
- 3 *Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*
- 4 *Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*
- 5 *Treatment of Offenders (Northern Ireland) Order 1989 (S.I. 1989/1344 (N.I. 15))*
- 6 *Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15))*
- 7 *Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*
- 8 In Article 5(9) (conditional discharge in case of offender under...
- 9 In Article 6(2) (effect of discharge where offender 17 or...
- 10 In Article 7(1)(b) (power to require offender between 14 and...
- 11 In Article 9(5) (court not to dispense with need for...
- 12 In Article 21(3) (court not to dispense with need for...
- 13 In Article 29(4)(c) (fixing of fine where parent or guardian...

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- 14 In Article 31(3) (false statements as to financial circumstances in...
- 15 In Article 34(2) (copy of report of probation officer to...
- 16 *Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))*
- 17 In Article 2(2) (interpretation), in the definitions of “adult” and...
- 18 In Article 30(2) and (3) (powers of youth court where...
- 19 In Article 45 (punishment of certain grave crimes)—
- 20 In Article 53 (parental responsibility for children in juvenile justice...
- 21 In Article 54 (escapes from juvenile justice centres)—
- 22 *Terrorism Act 2000 (c. 11)*
- 23 In section 70(5) (young persons charged with scheduled offence and...
- 24 In section 78(3) (punishment of children on conviction on indictment...

#### SCHEDULE 12 — Minor and consequential amendments

- 1 *Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.))*
- 2 *Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))*
- 3 *County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))*
- 4 (1) Section 102 (appointment and assignment of judges) is amended...
- 5 In section 106(2) (salary payable to judge from date on...
- 6 *Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))*
- 7 *Law Commissions Act 1965 (c. 22)*
- 8 In section 1(1) (purpose of Law Commission), after “of the...
- 9 In section 3(4) (duty of Law Commission and Scottish Law...
- 10 *Administration of Justice Act 1973 (c. 15)*
- 11 In section 9(5) (judicial salaries), after “Salaries payable” insert “...
- 12 In section 12(1) (retirement of higher judiciary in event of...
- 13 *Judicature (Northern Ireland) Act 1978 (c. 23)*
- 14 *Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*
- 15 *Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*
- 16 *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))*
- 17 In Article 1(3) (power to bring into force paragraphs 1(b)...
- 18 In Article 4(2) (relationship between legal advice and assistance and...
- 19 In Article 13(3) (remuneration of persons giving legal aid), for...
- 20 After Article 15 insert— Position of providers, parties etc. Legal...
- 21 In Article 26(3) (indemnity), after “12” insert “ or a...
- 22 In Article 27 (interpretation), after the definition of “legal aid”...
- 23 In Article 28(2) (free legal aid in the magistrates’ court:...
- 24 In Article 31 (resolution of doubts), after “28,” insert “...
- 25 In Article 32 (statements for purposes of free legal aid),...
- 26 In Article 36(3) (rules about free legal aid in criminal...
- 27 In Article 39 (interpretation of Part 3)—
- 28 In the heading of Schedule 1 (proceedings for which legal...
- 29 *Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*
- 30 In Article 47(6) (period of remand), after “1998” insert ;...
- 31 (1) Article 140 (appeals to county court) is amended as...
- 32 *Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17))*
- 33 In Article 3(7) (application of offence of abduction of child...
- 34 (1) Paragraph 4 of the Schedule (modifications of Article 3...
- 35 *Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4))*

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- 36 In Article 44(8) (orders which can be made in conjunction...
- 37 In Article 50A(7) (remitting persons for trial following detention in...
- 38 In Article 53(5)(a) (removal to hospital of certain persons serving...
- 39 (1) Article 56 (further provision as to prisoners under sentence)...
- 40 (1) Article 61 (interpretation) is amended as follows.
- 41 *Criminal Justice Act 1988 (c. 33)*
- 42 *Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*
- 43 (1) Article 2(2) (interpretation) is amended as follows.
- 44 In Article 2(5) (definition of “custodial establishment”), after “juvenile justice...
- 45 In Article 19(1)(ca) (entry for purpose of arrest), after “juvenile...
- 46 In Article 39(8) (place of safety), for “means any juvenile...
- 47 *Child Support Act 1991 (c. 48)*
- 48 *Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*
- 49 *Criminal Appeal Act 1995 (c. 35)*
- 50 *Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))*
- 51 In Article 70(7) (provisions which do not apply to those...
- 52 In paragraph 4(1)(b) of Schedule 4 (directions under education supervision...
- 54 *Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))*
- 55 (1) Article 2(2) (interpretation) is amended as follows.
- 56 In Article 9(3) (procedural requirements for community orders), at the...
- 57 In Article 18(1) (restriction on imposing sentences of imprisonment or...
- 58 In Article 19(3) (court not prevented from passing custodial sentence...
- 59 (1) Schedule 2 (enforcement of community orders) is amended as...
- 60 *Sex Offenders Act 1997 (c. 51)*
- 61 *Police (Northern Ireland) Act 1998 (c. 32)*
- 62 *Northern Ireland Act 1998 (c. 47)*
- 63 In section 75(3) (duty on public authorities to have regard...
- 64 In section 76(7) (discrimination by public authorities), after “Probation Board...
- 65 (1) Schedule 3 (reserved matters) is amended as follows.
- 66 *Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))*
- 67 (1) Article 2 (interpretation) is amended as follows.
- 68 In Article 8(3) and (4) (child not released under Article...
- 69 (1) Article 13 (remand in custody) is amended as follows....
- 70 In Article 30(3) (powers of youth court when child becomes...
- 71 In Article 37(4) (requirements of attendance centre orders), for the...
- 72 In Article 39(1) (juvenile justice centre orders)—
- 73 (1) Article 41 (breach of supervision requirements of juvenile justice...
- 75 In Article 56(5)(a) (power to provide for functions of Juvenile...
- 76 *Northern Ireland Act 2000 (c. 1)*
- 77 In section 1(4) (effect on offices of suspension of devolved...
- 78 In section 3 (restoration of devolved government), insert at the...
- 79 In the Schedule (provisions applicable during suspension of devolved government),...
- 80 *Terrorism Act 2000 (c. 11)*
- 81 *Regulatory Reform Act 2001 (c. 6)*

**Status:** Point in time view as at 13/06/2005.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Justice (Northern Ireland) Act 2002. 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)

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## SCHEDULE 13 — Repeals and revocations

**Status:**

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**Changes to legislation:**

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