

JUSTICE (NORTHERN IRELAND) ACT 2002

EXPLANATORY NOTES

SUMMARY

3. The purpose of the Act is to implement the recommendations of the Criminal Justice Review Group in its report, "Review of the Criminal Justice System in Northern Ireland"¹ (the "Review"). The Act also makes a few other minor changes such as the provision for exceptional legal aid and some changes to civil procedure.
4. The Review Group was set up on 27 June 1998 under the Belfast Agreement². It was required to undertake a wide-ranging review of criminal justice (other than policing and those aspects of the system relating to emergency legislation). It reported in March 2000, producing 294 recommendations for change across the criminal justice system. On publication the Government announced a consultation period of six months and undertook to publish legislation and a detailed timetable for implementation once the responses to the consultation exercise had been considered.
5. The draft Justice (Northern Ireland) Bill and draft explanatory notes were published for consultation on 12 November 2001 as part of the Government's response to the Review Report. Some of the Review Group's recommendations required legislation and the Justice (Northern Ireland) Act 2002 addresses a number of these.
6. A number of the Review recommendations relate to the proposal to devolve responsibility for justice matters to the Northern Ireland Assembly, or are dependent on responsibility having been devolved. Once the devolved institutions are working effectively, the Government intend to devolve responsibility for policing and justice functions, as set out in the Belfast Agreement. We need first to take some major steps to implement the Criminal Justice Review and to make some more progress on detailed implementation of the Patten report. A final decision to devolve these functions can only be taken at the time taking account of security and other relevant considerations. But the Government's target is to devolve policing and justice after the Assembly elections scheduled for May 2003.
7. The main provisions of the Act are:
 - to amend the law relating to the judiciary and courts in Northern Ireland, including provision for the creation of a Judicial Appointments Commission and for the removal of judges, changes to eligibility criteria, a new oath and provisions to make the Lord Chief Justice head of the judiciary in Northern Ireland;
 - to provide for the appointment of the Attorney General for Northern Ireland after devolution and to establish a public prosecution service;
 - to establish a Chief Inspector of Criminal Justice and a Northern Ireland Law Commission;

¹ Copies of the Review of the Criminal Justice System in Northern Ireland are available from The Stationery Office bookshops.

² Copies of the Belfast Agreement (cm 3883) are available from The Stationery Office bookshops.

*These notes refer to the Justice (Northern Ireland) Act
2002 (c.26) which received Royal Assent on 24th July 2002*

- to set out the aims of the youth justice system and to make other provisions dealing with the youth justice system, including extending that system to 17 year olds;
- to provide for the disclosure of information about the release of offenders in Northern Ireland to victims of crime and to confer on victims the right to make representations in relation to the temporary release of offenders; and
- to provide for measures in relation to community safety.