

JUSTICE (NORTHERN IRELAND) ACT 2002

EXPLANATORY NOTES

COMMENTARY

Part 2: Law Officers and Public Prosecution Service

Attorney General

Section 22: Attorney General

44. It is planned to commence the provisions in sections 22 to 28 and sections 41 to 43 on the devolution of justice functions to the Northern Ireland Assembly. *Subsection (1)* of section 22 will remove the linkage, established by section 10 of the Northern Ireland Constitution Act 1973, between the Attorney General for England and Wales and the Attorney General for Northern Ireland.
45. *Subsection (2)* of this section gives the First Minister and deputy First Minister the duty to appoint a person to be Attorney General for Northern Ireland, after consulting the Advocate General for Northern Ireland (see *paragraph 13* of Schedule 7). *Subsections (3) and (4)* make it clear how the new, local Attorney General for Northern Ireland is to be funded and that he may appoint new staff. *Subsection (5)* requires the Attorney General to exercise his functions independently. *Subsection (6)* sets out the legal qualifications for the post. These are equivalent to those of a judge of the High Court in Northern Ireland (see section 18). Under *subsection (7)* the First Minister and deputy First Minister may make arrangements to fill the post of Attorney General temporarily during a vacancy. Before doing so they must consult the Advocate General for Northern Ireland (see *paragraph 12* of Schedule 7).