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SCHEDULES

VALID FROM 15/06/2005

SCHEDULE 1

Section 2

LISTED JUDICIAL OFFICES

.....

VALID FROM 15/06/2005

SCHEDULE 2

Section 3

JUDICIAL APPOINTMENTS COMMISSION

.....

VALID FROM 12/04/2010

SCHEDULE 3

Section 5

APPOINTMENT TO LISTED JUDICIAL OFFICES

Temporary High Court judges

- 1 In section 7(3) of the Judicature (Northern Ireland) Act 1978 (c. 23) (appointment of temporary High Court judges)—
- (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”, and
 - (b) for “he may” substitute “ they may, acting jointly, ”.

County court judges and deputy county court judges

- 2 The County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) has effect subject to the following amendments.
- 3 In section 102(1) (appointment of county court judges), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.
- 4 (1) Section 107 (deputy county court judges) is amended as follows.

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	(2) In subsection (1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
	(3) In subsection (3)— (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”, and (b) for “he thinks” substitute “ they think ”.
5	In section 134 (evidence of health of person recommended for appointment as county court judge), for “Lord Chancellor shall take steps to satisfy himself” substitute “ First Minister and deputy First Minister shall take steps to satisfy themselves ”.
6	After section 136 insert—
<p>“136A Charges on Northern Ireland Consolidated Fund</p> <p>There shall be charged on and paid out of the Consolidated Fund of Northern Ireland the salaries payable to judges under section one hundred and six.”</p>	
PROSPECTIVE	
<i>Resident magistrates and deputy resident magistrates</i>	
7	The Magistrates’ Courts Act (Northern Ireland) 1964 (c. 21 (N.I.)) has effect subject to the following amendments.
PROSPECTIVE	
8	In section 9(1) (appointment of resident magistrates), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.
PROSPECTIVE	
9	In section 10(1) (appointment of deputy resident magistrates)— (a) for “The Lord Chancellor” substitute “ The First Minister and deputy First Minister, acting jointly, ”, (b) for “the Lord Chancellor”, in the first place, substitute “ they ”, and (c) for the words from “such conditions” to the end substitute— “(a) such terms and conditions relating to removal from office as the First Minister and deputy First Minister, acting jointly, may determine; and (b) such other terms and conditions, including as to remuneration and superannuation, as the Lord Chancellor may determine.”

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PROSPECTIVE

- 10 In section 168(2) (payment of salaries), for “the United Kingdom” substitute “Northern Ireland”.

PROSPECTIVE

Coroners and deputy coroners

- 11 The Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) has effect subject to the following amendments.

PROSPECTIVE

- 12 In section 1 (administration of matters relating to coroners), for “The Lord Chancellor” substitute “Subject to the provisions of this Act, the First Minister and deputy First Minister, acting jointly, ”.

PROSPECTIVE

- 13 For section 2(1) substitute—
- “(1) The First Minister and deputy First Minister, acting jointly, may appoint one, or more than one, coroner and deputy coroner—
- (a) for such district or districts and on such conditions as to their removal as the First Minister and deputy First Minister may jointly determine; and
 - (b) on such other conditions, including as to remuneration and superannuation, as the Lord Chancellor, after consultation with the Treasury, may determine;
- and the Lord Chancellor may, in exercise of his powers under section 69 of the Judicature (Northern Ireland) Act 1978 (c. 23), appoint coroner’s officers and other officers to assist such coroners.”

PROSPECTIVE

- 14 In section 3 (power to amalgamate coroners’ districts), for “Lord Chancellor, as from such date as he” substitute “First Minister and deputy First Minister, acting jointly, as from such date as they ”.

PROSPECTIVE

- 15 In section 6(2) (inability or failure of coroner to discharge duties)—
- (a) for “Lord Chancellor may in writing” substitute “First Minister and deputy First Minister, acting jointly, may in writing”, and
 - (b) for “the Lord Chancellor may specify” substitute “they may specify”.

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PROSPECTIVE

Statutory officers and deputies and temporary appointments

- 16 The Judicature (Northern Ireland) Act 1978 has effect subject to the following amendments.

PROSPECTIVE

- 17 (1) Section 70 (appointment of statutory officers) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the First Minister and deputy First Minister, acting jointly, after consultation with the Lord Chief Justice—
- (a) on such conditions as to their removal as the First Minister and deputy First Minister may jointly determine; and
- (b) on such other conditions, including as to remuneration and superannuation, as the Lord Chancellor may determine with the concurrence of the Treasury;
- and persons holding such offices are in this Act referred to as “statutory officers”.”
- (3) In subsection (3)—
- (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”
- (b) for “he may” substitute “ they may jointly ”, and
- (c) for “he considers” substitute “ they consider ”.
- (4) In subsection (5), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (5) In subsection (6), for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.

PROSPECTIVE

- 18 (1) Section 74 (deputies and temporary appointments) is amended as follows.
- (2) In subsection (1)—
- (a) for “to the Lord Chancellor” substitute “ to the First Minister and deputy First Minister ”,
- (b) for “he” substitute “ they, acting jointly, ”,
- (c) for “as the Lord Chancellor” substitute “ as they ”, and
- (d) for “thinks” substitute “ think ”.
- (3) In subsection (3), for “Lord Chancellor otherwise directs” substitute “ First Minister and deputy First Minister, acting jointly, otherwise direct ”.

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PROSPECTIVE

Chief Social Security Commissioner, Social Security Commissioners and deputy Social Security Commissioners for Northern Ireland

- 19 (1) Section 50 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (appointment of Social Security Commissioners for Northern Ireland) is amended as follows.
- (2) In subsection (1)—
- (a) after “time to time” insert “, on the recommendation of the First Minister and deputy First Minister, acting jointly, ”, and
 - (b) for the words from “such number” to the end substitute “ other Social Security Commissioners. ”
- (3) In subsection (2)—
- (a) for “Lord Chancellor considers” substitute “ First Minister and deputy First Minister consider ”,
 - (b) for “he should” substitute “ they should ”,
 - (c) for “he may” substitute “ they may jointly ”, and
 - (d) for “Lord Chancellor thinks” substitute “ First Minister and deputy First Minister think ”.

PROSPECTIVE

Chief Child Support Commissioner, Child Support Commissioners and deputy Child Support Commissioners for Northern Ireland

- 20 The Child Support Act 1991 (c. 48) has effect subject to the following amendments.

PROSPECTIVE

- 21 In section 23(1) (appointment of Child Support Commissioners for Northern Ireland)—
- (a) after “time to time” insert “, on the recommendation of the First Minister and deputy First Minister, acting jointly, ”, and
 - (b) for the words from “such number” to the end substitute “ other Child Support Commissioners. ”
- 22 In paragraph 8(d) of Schedule 4 (application of provisions relating to Child Support Commissioners to Northern Ireland)—
- (a) before paragraph (i) insert—
 - “(ai) in sub-paragraph (1), for “Lord Chancellor” there were substituted “First Minister and deputy First Minister, acting jointly, ”,

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and

(b) after paragraph (i) insert—

“(ia) in paragraph (b) of sub-paragraph (2), for “Lord Chancellor thinks” there were substituted “First Minister and deputy First Minister think”.”

PROSPECTIVE

President and members of appeal tribunals

23 The Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) has effect subject to the following amendments.

PROSPECTIVE

24 In Article 6(1) (appointment of the President of appeal tribunals), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

PROSPECTIVE

25 (1) Article 7 (appointment of panel of persons to act as members of appeal tribunals) is amended as follows.

(2) In paragraph (1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

(3) In paragraph (2), for “Lord Chancellor thinks” substitute “ First Minister and deputy First Minister think ”.

(4) In paragraph (3), for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.

(5) In paragraph (4), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

Chairmen of Social Care Tribunals in Northern Ireland

26 The Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20)) has effect subject to the following amendments.

27 (1) Article 30 (constitution of panels of persons available to act as chairmen and members of Social Care Tribunals in Northern Ireland) is amended as follows.

(2) In paragraph (1)(a), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

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	(3) In paragraph (3), for “Lord Chancellor considers” substitute “ First Minister and deputy First Minister consider ”.
28	In Article 31(2) (constitution of tribunal), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.
	PROSPECTIVE
	<i>President and Vice President of the Industrial Tribunals and the Fair Employment Tribunal and chairmen of the Fair Employment Tribunal</i>
29	(1) Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21)) (appointment of President and Vice-President of the Industrial Tribunals and the Fair Employment Tribunal and of chairmen of the Fair Employment Tribunal) is amended as follows. (2) In paragraph (1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”. (3) In paragraph (3), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”. (4) In paragraph (6), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.
	PROSPECTIVE
30	The Fair Employment Tribunal Regulations (Northern Ireland) 1989 (S.R. 1989 No. 444) have effect subject to the following amendments.
	PROSPECTIVE
31	In regulation 2(2), in the definitions of “the President” and “the Vice-President”, for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.
	PROSPECTIVE
32	In regulation 4(1) (resignation of chairmen of the Fair Employment Tribunal for Northern Ireland), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
	PROSPECTIVE
33	In regulation 2(2) of the Fair Employment Tribunal (Rules of Procedure) Regulations 1989 (S.R. 1989 No. 445), in the definitions of “the President” and

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“Vice-President”, for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.

PROSPECTIVE

President and other members of the Lands Tribunal for Northern Ireland

34 The Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.)) has effect subject to the following amendments.

PROSPECTIVE

35 In section 1(2) (appointment of President and other members), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.

PROSPECTIVE

36 In section 3(1) and (2) (appointment of deputy President and temporary members), for “Governor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

PROSPECTIVE

President and chairmen of Special Educational Needs Tribunal for Northern Ireland

37 (1) Article 22 of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1)) (appointment of President and chairmen of Special Educational Needs Tribunal for Northern Ireland) is amended as follows.

(2) In paragraph (2)—

- (a) for “Lord Chancellor;” substitute “ First Minister and deputy First Minister, acting jointly; ”, and
- (b) for “Lord Chancellor of” substitute “ First Minister and deputy First Minister, acting jointly, of ”.

(3) In paragraph (3)(a), for “Lord Chancellor considers” substitute “ First Minister and deputy First Minister consider ”.

(4) In paragraph (4)(b), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.

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PROSPECTIVE

Members of tribunal established under section 91 of the Northern Ireland Act 1998

- 38 (1) Schedule 11 to the Northern Ireland Act 1998 (c. 47) (tribunal established under section 91 of that Act) is amended as follows.
- (2) In paragraph 2(1), for “Lord Chancellor as he” substitute “ First Minister and deputy First Minister, acting jointly, as they ”.
- (3) In paragraph 2(3), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (4) In paragraph 3(1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (5) In paragraph 3(4), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (6) In paragraph 4—
- (a) for “Lord Chancellor” (in each place) substitute “ First Minister and deputy First Minister ”,
 - (b) for “he may determine” (in each place) substitute “ they may determine ”,
 - (c) in sub-paragraph (2), for “he thinks fit” substitute “ they think fit ”, and
 - (d) in sub-paragraph (3), for “he may pay” substitute “ they may pay ”.

PROSPECTIVE

Members of the Mental Health Review Tribunal for Northern Ireland

- 39 (1) Schedule 3 to the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4)) (Mental Health Review Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph 1—
- (a) for “appointed by the Lord Chancellor” (in each place) substitute “ appointed by the First Minister and deputy First Minister, acting jointly, ”, and
 - (b) for “Lord Chancellor considers” (in both places) substitute “ First Minister and deputy First Minister consider ”.
- (3) In paragraph 2, for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (4) In paragraph 3, for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

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PROSPECTIVE

Lay magistrates

40 This Act has effect subject to the following amendments.

PROSPECTIVE

- 41 (1) Section 9 is amended as follows.
- (2) In subsections (1), (3) and (4), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (3) In subsection (2), for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.
- (4) In subsection (5), for “Lord Chancellor otherwise determines” substitute “ First Minister and deputy First Minister, acting jointly, otherwise determine ”.
- (5) In subsection (11)—
- (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”, and
- (b) for “he may” substitute “ they may jointly ”.

PROSPECTIVE

- 42 (1) Section 90 is amended as follows.
- (2) In subsection (2), after “2(2)(b)” insert “ or 9(4) ”.
- (3) In subsection (4), omit “9(4),”.

VALID FROM 25/09/2006

[^{F1}SCHEDULE 3A

THE NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

Textual Amendments

F1 Sch. 3A inserted (25.9.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 124, 148, [Sch. 15](#); [S.I. 2006/1537](#), [art. 3](#)

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VALID FROM 01/04/2005

SCHEDULE 4

Section 10

FUNCTIONS OF JUSTICES OF THE PEACE

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SCHEDULE 5

Section 12

TRANSFER OF FUNCTIONS TO LORD CHIEF JUSTICE

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

- 1 In section 102(2) and (4) of the County Courts Act (Northern Ireland) 1959 (county court judges to sit in accordance with directions and to be assigned to divisions), for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Magistrates’ Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

- 2 In section 9(3) and (5) of the Magistrates’ Courts Act (Northern Ireland) 1964 (resident magistrates to sit in accordance with directions and to be assigned to districts), for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Judicature (Northern Ireland) Act 1978 (c. 23)

- 3 The Judicature (Northern Ireland) Act 1978 has effect subject to the following amendments.
- 4 In section 7(1) and (2) (request to serving or retired law lord or retired judge of Court of Appeal or High Court to sit as judge of Court of Appeal or High Court and request to county court judge to sit as judge of High Court), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 5 (1) Section 47 (Crown Court: directions as to judges and sittings) is amended as follows.
- (2) In subsection (2)—
- (a) for “Lord Chancellor”, in the first place, substitute “ Lord Chief Justice ”, and
- (b) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) In subsection (3), for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.

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- 6 In section 48(1)(c) (magistrates' court to have regard to directions under section 47(2) when committing person for trial), for "Lord Chancellor" substitute " Lord Chief Justice "
- 7 In section 53(1)(c) and (d) (membership of Crown Court Rules Committee), for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice "
- 8 In section 58(2) (directions as to places outside Royal Courts of Justice at which High Court and Court of Appeal sit and conduct business), for "Lord Chancellor" substitute " Lord Chief Justice "
- 9 In section 60(1) (power to designate officer to exercise jurisdiction in relation to taxation of costs), for "Lord Chancellor after consultation with the Lord Chief Justice" substitute " Lord Chief Justice "
- 10 In section 68(2)(b) and (4) (directions as to discharge of functions by statutory officers), for "Lord Chancellor" substitute " Lord Chief Justice "
- 11 In section 75(2)(b) (directions conferring or imposing functions on Official Solicitor), for "Lord Chancellor" substitute " Lord Chief Justice "

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))

- 12 The County Courts (Northern Ireland) Order 1980 has effect subject to the following amendments.
- 13 In Article 4 (directions as to holding of courts), for "Lord Chancellor" substitute " Lord Chief Justice "
- 14 In Article 5 (directions authorising sittings otherwise than in courthouses), for "Lord Chancellor" substitute " Lord Chief Justice "
- 15 (1) Article 6 (appointment of days for holding of ordinary sittings) is amended as follows.
 - (2) In paragraph (1), for "Lord Chancellor" substitute " Lord Chief Justice "
 - (3) In paragraph (2), for "Lord Chancellor shall consult the Lord Chief Justice and" substitute " Lord Chief Justice shall consult "
- 16 In Article 7(1) and (2) (additional and extraordinary sittings), for "Lord Chancellor" substitute " Lord Chief Justice "

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- 17 In Article 46(1)(a) (chairman of County Court Rules Committee) (as substituted by section 73 of this Act), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 18 In Article 56(1) (swearing of affidavits before designated court officer), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 19 In Article 58 (furnishing of information by certain officers), insert at the end “and furnish to the Lord Chief Justice such information as may be prescribed or required by the Lord Chief Justice.”

Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 20 The Magistrates’ Courts (Northern Ireland) Order 1981 has effect subject to the following amendments.
- 21 In Article 12(a) (petty sessions to be held in courthouse unless otherwise directed), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 22 (1) Article 13 (Magistrates’ Courts Rules) is amended as follows.
(2) In paragraph (2), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
(3) In paragraph (5), after “member of the committee” insert “ as the Lord Chief Justice shall designate. ”
- 23 In Article 15(2) (assignment of matters to juvenile courts by rules), for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

- 24 (1) Article 360 of the Insolvency (Northern Ireland) Order 1989 (committee to review insolvency rules) is amended as follows.
(2) In paragraph (1), for “continue to be a committee appointed by the Lord Chancellor” substitute “ be a committee appointed by the Lord Chief Justice ”.
(3) In paragraph (2)(f), for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))

- 25 (1) Paragraph 2 of Schedule 2 to the Family Law (Northern Ireland) Order 1993 (Northern Ireland Family Proceedings Rules Committee) is amended as follows.
(2) In sub-paragraph (c), for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
(3) In sub-paragraph (f), for “Lord Chancellor” substitute “ Lord Chief Justice ”.

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VALID FROM 15/10/2002

SCHEDULE 6

Section 19

OFFICE-HOLDERS REQUIRED TO TAKE JUDICIAL OATH

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VALID FROM 12/04/2010

SCHEDULE 7

Section 28

FUNCTIONS OF ADVOCATE GENERAL

.....

VALID FROM 26/05/2003

SCHEDULE 8

Section 45

CHIEF INSPECTOR OF CRIMINAL JUSTICE

.....

VALID FROM 16/04/2007

SCHEDULE 9

Section 50

LAW COMMISSION

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VALID FROM 01/12/2003

SCHEDULE 10

Section 62

YOUTH JUSTICE ORDERS: ENFORCEMENT ETC.

The Schedule to be inserted after Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) is as follows—

“SCHEDULE 1A

Articles 36D, 36I and 36K

BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDERS, COMMUNITY RESPONSIBILITY ORDERS AND YOUTH CONFERENCE ORDERS

Introductory

- 1 (1) In this Schedule “relevant order” means a reparation order, a community responsibility order or a youth conference order.
- (2) In this Schedule “the appropriate court”, in relation to a relevant order, means a youth court acting for the petty sessions district for the time being named in the order under Article 36D(1), 36I(1) or 36K(5).
- (3) For the purposes of this Schedule a relevant order made on an appeal brought from a magistrates’ court is to be treated as if made by the magistrates’ court; and a relevant order made on appeal brought from the Crown Court or from the Court of Appeal is to be treated as if made by the Crown Court.

Breach of relevant order

- 2 (1) Paragraphs and make provision for dealing with an offender if, while a relevant order is in force in respect of him, it is proved to the satisfaction of the appropriate court, on the application of the responsible officer, that the offender has failed to comply with any requirement of the order.
- (2) But nothing in those paragraphs prevents the appropriate court from making an order revoking, amending or extending the relevant order under paragraph 5 in such circumstances.
- (3) In dealing with an offender under paragraph or , a court must take into account the extent to which he has complied with the requirements of the relevant order.
- (4) An offender who is required by a youth conference order to submit to treatment for a mental condition, or for a dependency on drugs or alcohol, is not to be treated for the purposes of paragraph or as having failed to comply with that requirement on the ground only that he has refused to undergo any treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.

Order as punishment for breach

- 3 (1) The court may—

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- (a) in the case of a reparation order, make an attendance centre order in respect of the offender; or
 - (b) in the case of a community responsibility order or a youth conference order, make an attendance centre order or a community service order in respect of him.
- (2) The court may make an order under sub-paragraph (1) whether or not it also makes an order revoking, amending or extending the relevant order under paragraph .
- (3) Articles 37 and 38 of this Order have effect in relation to attendance centre orders under sub-paragraph (1), but as if the references in paragraph (1) of Article 37 to any court having (or, but for certain provisions, having) the power mentioned in that paragraph were to the appropriate court.
- (4) Article 13(1), (4), (6), (7)(b) to (9) and (11) and Article 14 of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24) have effect in relation to community service orders under sub-paragraph (1)(b), but as if—
- (a) the reference in paragraph (1) of Article 13 to a court by or before which a person is convicted of an offence punishable with imprisonment were to the appropriate court; and
 - (b) the reference in that paragraph to the age of a person when convicted were to his age when the appropriate court determines that he has failed to comply with any requirement in a community responsibility order or youth conference order.
- (5) Article 13(2) of that Order has effect in relation to community service orders under sub-paragraph (1)(b), but as if for sub-paragraphs (a) and (b) there were substituted “not more than 60 hours”.
- (6) Schedule 2 to that Order has effect in relation to a community service order under sub-paragraph (1)(b), but as if references to the offence were to the failure to comply with the order in respect of which the community service order was made.
- (7) Article 8(1) and (2) and Article 9 of that Order do not apply to any order under sub-paragraph (1).

Re-sentencing for breach

- 4 (1) Where the relevant order was made by a magistrates’ court, the appropriate court may (instead of making an order under paragraph)—
- (a) revoke the order (if it is still in force); and
 - (b) deal with the offender, for the offence in respect of which it was made, in any way in which it could deal with him if he had just been found guilty of the offence by the court.
- (2) Where the relevant order was made by the Crown Court, the appropriate court may (instead of making an order under paragraph) commit the offender to custody or release him on bail until he can be brought or appear before the Crown Court.
- (3) Where the appropriate court deals with an offender under sub-paragraph (2), it must send to the Crown Court a certificate signed by a resident magistrate giving—
- (a) particulars of the offender’s failure to comply with the requirement in question; and
 - (b) such other particulars of the case as may be desirable;

Status: Point in time view as at 24/07/2002.

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and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.

- (4) Where it is proved to the satisfaction of the Crown Court that an offender brought or appearing before the court by virtue of sub-paragraph (2) has failed to comply with the requirement in question, the court may—
 - (a) revoke the order (if it is still in force); and
 - (b) deal with the offender, for the offence in respect of which it was made, in any way in which it could deal with him if he had just been found guilty of the offence by or before the court.
- (5) In proceedings before the Crown Court under sub-paragraph (4) any question whether the offender has failed to comply with the requirements of the relevant order is to be determined by the Crown Court and not by the verdict of a jury.
- (6) In dealing under this paragraph with an offender who has wilfully and persistently failed to comply with a requirement, the court may assume that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent or a youth conference order.

Revocation, amendment and extension of relevant order

- 5 (1) If, while a relevant order is in force in respect of an offender, it appears to the relevant court, on the application of the responsible officer or the offender, that it is appropriate to do so, the court may—
 - (a) make an order revoking the relevant order;
 - (b) make an order amending the relevant order; or
 - (c) make an order extending the period specified in Article 3C(5), 36C(3)(b) or 36G(4).
- (2) In this paragraph “the relevant court” means—
 - (a) the appropriate court, if the relevant order was made by a magistrates’ court; and
 - (b) the Crown Court, if the relevant order was made by the Crown Court.
- (3) The relevant court may make an order under paragraph (c) of sub-paragraph (1) whether or not it also makes an order under paragraph (b) of that sub-paragraph.
- (4) An order under sub-paragraph (1)(b) may amend a relevant order by—
 - (a) cancelling any provision of it; or
 - (b) inserting in it (either in addition to or in substitution for any of its provisions) any provision which the relevant court could include if it were then making the order.
- (5) The relevant court must not make an order under sub-paragraph (1)(b) or (c) unless the offender consents.
- (6) But sub-paragraph (5) does not apply to an order—
 - (a) cancelling a requirement of the relevant order;
 - (b) reducing the period of any requirement;
 - (c) substituting a new petty sessions district for the one specified in the relevant order; or

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- (d) substituting a new responsible officer for the one specified in the relevant order.
- (7) The relevant court must not make an order under sub-paragraph (1) amending a youth conference order on the application of the offender unless the relevant court has consulted the responsible officer.
- (8) The relevant court must not make an order under sub-paragraph (1)(b) or (c) in relation to a reparation order or youth conference order which affects any action required to be taken by the offender in relation to another person unless that other person agrees.
- (9) The relevant court must not make an order under sub-paragraph (1)(b) or (c) in relation to a youth conference order which affects any action falling to be taken by a person other than the offender unless that person agrees.
- (10) Where an application under sub-paragraph (1)(a) for the revocation of a relevant order is dismissed, no further application for its revocation may be made under that sub-paragraph by any person except with the consent of the relevant court.

Dealing with relevant order when sentencing after subsequent conviction

- 6 (1) This paragraph applies where an offender in respect of whom a relevant order is in force is dealt with for an offence by the appropriate court, a court of summary jurisdiction other than the appropriate court or the Crown Court.
- (2) The court may do anything which it could do under paragraph 5 in relation to the order if an application were made to it by the responsible officer (and, in the case of a court which is not the relevant court, it were the relevant court).
- (3) If the court is the appropriate court or a court of summary jurisdiction other than the appropriate court and the order was made by the Crown Court, sub-paragraph (2) does not apply but the court may commit the offender to custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) Where a court deals with an offender's case under sub-paragraph (3), it must send to the Crown Court such particulars of the case as may be desirable.
- (5) Where by virtue of that sub-paragraph an offender is brought or appears before the Crown Court, the Crown Court may do anything which it could do under paragraph 5 if an application were made to it by the responsible officer.

Copies of revoking, amending or extending order

- 7 (1) On the making of an order under this Schedule revoking, amending or extending a relevant order, the clerk to the court must immediately give a copy of the revoking, amending or extending order to the responsible officer.
- (2) The responsible officer must give a copy of the revoking, amending or extending order to—
 - (a) the offender subject to the relevant order; and
 - (b) his parent or guardian or, if he is in the care of an authority (within the meaning of the Children (Northern Ireland) Order 1995 (N.I. 2)), a social worker of the authority.

Status: Point in time view as at 24/07/2002.

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- (3) Where an amending order amends a relevant order by substituting a new petty sessions district for the one specified in the relevant order, the clerk to the court must also send to the clerk of petty sessions for the new district—
- (a) a copy of the amending order; and
 - (b) such documents and information relating to the case as he considers likely to be of assistance to a youth court acting for that district in exercising its functions in relation to the order.

Presence of offender in court, remands etc.

- 8 (1) Where the responsible officer makes an application to a court under paragraph or , he may bring the offender before the court; and, subject to sub-paragraph (8), a court must not make an order under paragraph , , or 6 unless the offender is present before the court.
- (2) The court to which an application under paragraph or is made, or which is considering exercising its powers under paragraph 6, may issue a summons or warrant for the purpose of securing the attendance of the offender before it.
- (3) Where the offender has failed to appear in answer to a summons, the court must not issue a warrant under sub-paragraph (2) for his arrest unless it is proved that—
- (a) the summons was duly served on him;
 - (b) he is evading service; or
 - (c) the summons cannot be served on him.
- (4) Where the offender has failed to appear at an adjourned hearing, the court must not issue a warrant under sub-paragraph (2) unless it is satisfied that reasonable steps have been taken to bring to his attention notice of the time and place of the adjourned hearing.
- (5) Where the offender is arrested under a warrant issued under sub-paragraph (2) and cannot be brought immediately before the court by which the warrant was issued, the person in whose custody he is—
- (a) may make arrangements for his detention in a place of safety for a period of not more than 72 hours from the time of the arrest (and it is lawful for him to be detained under the arrangements); and
 - (b) must within that period bring him before the Crown Court (if the warrant was issued by that court and it is reasonably practicable to bring him before that court within that period) or (otherwise) a youth court.
- (6) Where an offender is brought under sub-paragraph (5)(b) before a youth court which is not the court by which the warrant was issued, that youth court may—
- (a) direct that he be immediately released on bail until he can appear before the court by which the warrant was issued; or
 - (b) remand him to the place to which it would remand him if making an order under Article 13, or (if he is aged 18 or over) to a remand centre, until he can be brought before that court.
- (7) Where an application is made to a court under paragraph 2 or , or a court is considering exercising its powers under paragraph 6, the court may remand (or further remand) the offender as specified in sub-paragraph (6)(b) if—

Status: Point in time view as at 24/07/2002.

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- (a) a warrant has been issued under sub-paragraph (2) for the purpose of securing his attendance before the court; or
 - (b) the court considers that remanding (or further remanding) him will enable information to be obtained which is likely to assist the court in deciding whether and, if so, how to exercise its powers.
- (8) A court may make an order under paragraph in the absence of the offender if the effect of the order is confined to one or more of the following—
- (a) revoking the relevant order;
 - (b) cancelling a requirement of the relevant order;
 - (c) reducing the period of any requirement;
 - (d) substituting a new petty sessions district for the one specified in the relevant order; and
 - (e) substituting a new responsible officer for the one specified in the relevant order.”

VALID FROM 30/08/2005

SCHEDULE 11

Section 63

EXTENSION OF YOUTH JUSTICE SYSTEM TO 17 YEAR OLDS

Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10 (N.I.))

- 1 In section 2(1A) of the Costs in Criminal Cases Act (Northern Ireland) 1968 (costs ordered by magistrates' court to be paid by person under 17 not to exceed amount of fine imposed on him), for “seventeen” substitute “eighteen”.

PROSPECTIVE

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

- 2 In section 9(1) of the Treatment of Offenders Act (Northern Ireland) 1968 (remand and committal of persons between 17 and 21), for “seventeen” substitute “eighteen”.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 3 In Article 6(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for certain orders)—
- (a) in sub-paragraph (a), for “seventeen” substitute “eighteen”, and
 - (b) in the heading of Table A, for “17” substitute “18”.

Status: Point in time view as at 24/07/2002.

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Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 4 In Article 45(4) of the Magistrates' Courts (Northern Ireland) Order 1981 (summary trial of persons 17 or over), for "seventeen" substitute "eighteen".

PROSPECTIVE

Treatment of Offenders (Northern Ireland) Order 1989 (S.I. 1989/1344 (N.I. 15))

- 5 In Article 13(1) of the Treatment of Offenders (Northern Ireland) Order 1989 (removal to young offenders centre of persons between 17 and 21), for "17" substitute "18".

Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15))

- 6 In Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (compensation to be paid under compensation order made against offender under 17 not to exceed £1,000), for "17" substitute "18".

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 7 The Criminal Justice (Northern Ireland) Order 1996 has effect subject to the following amendments.
- 8 In Article 5(9) (conditional discharge in case of offender under 17: exercise of powers once 17 or over), for "17" (in both places) substitute "18".
- 9 In Article 6(2) (effect of discharge where offender 17 or over), for "17" substitute "18".
- 10 In Article 7(1)(b) (power to require offender between 14 and 17, or his parent or guardian, to give security for good behaviour of offender), for "17" substitute "18".
- 11 In Article 9(5) (court not to dispense with need for pre-sentence report before passing community sentence on person under 17 unless it relies on previous report), for "17" substitute "18".
- 12 In Article 21(3) (court not to dispense with need for pre-sentence report before passing custodial sentence on person under 17 unless it relies on previous report), for "17" substitute "18".
- 13 In Article 29(4)(c) (fixing of fine where parent or guardian of offender under 17 has failed to comply with financial circumstances order etc.), for "17" substitute "18".
- 14 In Article 31(3) (false statements as to financial circumstances in cases where persons charged are under 17), for "17" substitute "18".
- 15 In Article 34(2) (copy of report of probation officer to be given to parent or guardian of offender under 17), for "17" substitute "18".

Status: Point in time view as at 24/07/2002.

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Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

- 16 The Criminal Justice (Children) (Northern Ireland) Order 1998 has effect subject to the following amendments.
- 17 In Article 2(2) (interpretation), in the definitions of “adult” and “child”, for “17” substitute “ 18 ”.
- 18 In Article 30(2) and (3) (powers of youth court where child becomes an adult), for “17” substitute “ 18 ”.
- 19 In Article 45 (punishment of certain grave crimes)—
- (a) in paragraph (1), for “under the age of 18” substitute “ a child ”,
 - (b) in paragraphs (4) and (5), for “person” substitute “ child ”, and
 - (c) in paragraph (6), for “person will, in the opinion of the Secretary of State, attain the age of 18” substitute “ child will, in the opinion of the Secretary of State, become an adult ”.
- 20 In Article 53 (parental responsibility for children in juvenile justice centres), for “person detained by the managers of a juvenile justice centre is under the age of 18” substitute “ child is being detained by the managers of a juvenile justice centre ”.
- 21 In Article 54 (escapes from juvenile justice centres)—
- (a) in paragraph (1), for “under the age of 18” substitute “ still a child ”,
 - (b) omit paragraph (3)(b), and
 - (c) in paragraph (4), for “paragraph (3)(b)(ii) or (c)” substitute “ paragraph (3)(c) ”.

Terrorism Act 2000 (c. 11)

- 22 The Terrorism Act 2000 has effect subject to the following amendments.
- 23 In section 70(5) (young persons charged with scheduled offence and held in custody), for “seventeen” substitute “ eighteen ”.
- 24 In section 78(3) (punishment of children on conviction on indictment of scheduled offence), for “17” substitute “ 18 ”.

VALID FROM 15/10/2002

SCHEDULE 12

Section 85

MINOR AND CONSEQUENTIAL AMENDMENTS

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Status: Point in time view as at 24/07/2002.

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VALID FROM 15/10/2002

SCHEDULE 13

Section 86

REPEALS AND REVOCATIONS

Commencement Information

I12 Sch. 13 partly in force; Sch. 13 not in force at Royal Assent, see s. 87; Sch. 13 in force for certain purposes at 15.10.2002 by S.R. 2002/319, art. 2, Sch.; Sch. 13 in force for certain further purposes at 1.10.2003 by S.R. 2003/416, art. 2; Sch. 13 in force for certain further purposes at 1.12.2003 by S.R. 2003/488, art. 2, Sch.; Sch. 13 in force for certain further purposes at 1.4.2005 by S.R. 2005/109, art. 2, Sch.; Sch. 13 in force for certain further purposes at 13.6.2005 by S.R. 2005/281, art. 2, Sch. 1; Sch. 13 in force for certain further purposes at 15.6.2005 by S.R. 2005/281, art. 3, Sch. 2; Sch. 13 in force for certain further purposes at 30.8.2005 by S.R. 2005/391, art. 2, Sch.

Status:

Point in time view as at 24/07/2002.

Changes to legislation:

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