

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 1 **N.I.**

Section 2

LISTED JUDICIAL OFFICES

Textual Amendments

- F1** Sch. 1 entries inserted (26.9.2009 for specified purposes, 12.4.2010 in so far as not already in force) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 35(3)** (with Sch. 5 para. 16); S.I. 2009/2466, art. 2(b); S.I. 2010/812, art. 2

F1

Judge of the High Court

Temporary judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978 (c. 23)

County court judge

Deputy county court judge

Resident magistrate

Deputy resident magistrate

Coroner

Deputy coroner

Statutory officer (within the meaning of section 70(1) of the Judicature (Northern Ireland) Act 1978)

Deputy for a statutory officer under section 74 of that Act

Temporary additional statutory officer under that section

Chief Social Security Commissioner for Northern Ireland

Social Security Commissioner for Northern Ireland

Deputy Social Security Commissioner for Northern Ireland

Chief Child Support Commissioner for Northern Ireland

Child Support Commissioner for Northern Ireland

Deputy Child Support Commissioner for Northern Ireland

President of appeal tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)))

Member of the panel of persons to act as members of such appeal tribunals

^{F2}Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))]

^{F3}Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))]

President of the Industrial Tribunals and the Fair Employment Tribunal

Acting President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 12))

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- Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
- Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998
- [^{F4}Member of the panel of chairmen of the Industrial Tribunals]
- Member of the panel of chairmen of the Fair Employment Tribunal
- President of the Lands Tribunal for Northern Ireland
- Deputy President of the Lands Tribunal for Northern Ireland under section 3(1) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))
- Other member of the Lands Tribunal for Northern Ireland
- Temporary member of the Lands Tribunal for Northern Ireland under section 3(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964
- President of the Special Educational Needs [^{F5}and Disability] for Northern Ireland
- Member of the panel of persons who may serve as chairman of that Tribunal
- Member of the tribunal established under section 91 of the Northern Ireland Act 1998 (c. 47)
- Member of the Mental Health Review Tribunal for Northern Ireland
- Lay magistrate
- [^{F6}Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)
- Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland
- Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland
- President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland
- Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland
- [^{F7}Deputy appointed under paragraph 6(1) of Schedule 3 to the Plant Varieties Act 1997 for the purpose of proceedings brought before the Plant Varieties and Seeds Tribunal in Northern Ireland]
- Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985)
- ^{F8}
- ^{F9}
- ^{F9}]
- [^{F10} President of the Northern Ireland Valuation Tribunal
- Member of the Northern Ireland Valuation Tribunal]
- [^{F11}President or other member of the Charity Tribunal for Northern Ireland
- Adjudicator appointed under Article 7(1)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002
- Chairman appointed under Article 7(2)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002
- Adjudicator appointed under Article 29 of the Traffic Management (Northern Ireland) Order 2005]

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[^{F12}Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987]

[^{F13}Member of the Victims' Payments Board
President of the Victims' Payments Board]

Textual Amendments

- F2** Sch. 1: entry substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12
- F3** Sch. 1: entry inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12
- F4** Sch. 1: entry inserted (31.8.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(4)**; S.I. 2005/2284, **art. 2**
- F5** Sch. 1: words in entry inserted (1.9.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, 50(1), **Sch. 5 para. 10**; S.R. 2005/336, **art. 2**, Sch. 1 para. 12; S.I. 2006/1537, **art. 2**
- F6** Sch. 1: entries inserted (3.4.2006 for certain purposes and 15.6.2006 for certain further purposes) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12; S.I. 2006/1537, **art. 2**
- F7** Words in Sch. 1 inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 35(2)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F8** Sch. 1: entry repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 5** (with arts 3, 4)
- F9** Sch. 1: entries omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 3, **Sch. 1 para. 331**
- F10** Sch. 1: entries inserted (18.12.2006) by The Justice (Northern Ireland) Act 2002 (Addition of Listed Judicial Offices etc.) Order 2006 (S.R. 2006/469), **art. 2**
- F11** Sch. 1: entries inserted (26.9.2009 for specified purposes, 12.4.2010 in so far as not already in force) by Northern Ireland Act 2009 (c. 3), ss. 2, 5, **Sch. 4 para. 35(3)** (with Sch. 5 para. 16); S.I. 2009/2466, **art. 2**; S.I. 2010/812, art. 2
- F12** Words in Sch. 1 inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 35(4)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F13** Words in Sch. 1 inserted (24.2.2020) by The Victims Payments Regulations 2020 (S.I. 2020/103), reg. 1(2), **Sch. 3 para. 5**

Textual Amendments

- F2** Sch. 1: entry substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12
- F3** Sch. 1: entry inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12
- F4** Sch. 1: entry inserted (31.8.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(4)**; S.I. 2005/2284, **art. 2**
- F5** Sch. 1: words in entry inserted (1.9.2005) by The Special Educational Needs and Disability (Northern Ireland) Order 2005 (S.I. 2005/1117 (N.I. 6)), arts. 1, 50(1), **Sch. 5 para. 10**; S.R. 2005/336, **art. 2**, Sch. 1 para. 12; S.I. 2006/1537, **art. 2**
- F6** Sch. 1: entries inserted (3.4.2006 for certain purposes and 15.6.2006 for certain further purposes) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 5 para. 122(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12; S.I. 2006/1537, **art. 2**
- F7** Words in Sch. 1 inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 35(2)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F8** Sch. 1: entry repealed (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 146, 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, **art. 5** (with arts 3, 4)

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- F9** Sch. 1: entries omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3, [Sch. 1 para. 331](#)
- F10** Sch. 1: entries inserted (18.12.2006) by [The Justice \(Northern Ireland\) Act 2002 \(Addition of Listed Judicial Offices etc.\) Order 2006 \(S.R. 2006/469\)](#), art. 2
- F11** Sch. 1: entries inserted (26.9.2009 for specified purposes, 12.4.2010 in so far as not already in force) by [Northern Ireland Act 2009 \(c. 3\)](#), ss. 2, 5, [Sch. 4 para. 35\(3\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2009/2466](#), art. 2; [S.I. 2010/812](#), art. 2
- F12** Words in Sch. 1 inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 35\(4\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812](#), art. 2
- F13** Words in Sch. 1 inserted (24.2.2020) by [The Victims Payments Regulations 2020 \(S.I. 2020/103\)](#), reg. 1(2), [Sch. 3 para. 5](#)

SCHEDULE 2 **N.I.**

Section 3

JUDICIAL APPOINTMENTS COMMISSION

Members' tenure

- 1 ^[F14](1) Subject as follows, a judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).
- (1A) A person may not be appointed as a judicial member for more than five years at a time; and the aggregate period for which a person may be a judicial member by virtue of his holding any one of the judicial offices mentioned in section 3(6) must not exceed ten years.]
- (2) The ^[F15]Lord Chancellor], acting jointly, may terminate the membership of a judicial member on the recommendation of the Lord Chief Justice.
- (3) A judicial member may resign by notice in writing to the ^[F16]Lord Chancellor].

Textual Amendments

- F14** Sch. 2 para. 1(1)(1A) substituted (15.6.2005) for Sch. 2 para. 1(1) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), [ss. 2\(2\)](#), 19(1); [S.R. 2005/282](#), art. 3
- F15** Words in Sch. 2 para. 1(2) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), ss. 1, 19(1), [Sch. 1 para. 5\(2\)](#); [S.R. 2005/282](#), art. 3
- F16** Words in Sch. 2 para. 1(3) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), ss. 1, 19(1), [Sch. 1 para. 5\(3\)](#); [S.R. 2005/282](#), art. 3

Modifications etc. (not altering text)

- C1** Sch. 2 para. 1(2): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), [15\(2\)](#) (with arts. 15(6), 28-31)
- C2** Sch. 2 para. 1(3): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), [15\(3\)](#) (with arts. 15(6), 28-31)

- 2 (1) Subject as follows, a non-judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).

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- (2) A person may not be appointed as a non-judicial member for more than five years at a time; and the aggregate period for which a person may be a non-judicial member must not exceed ten years.
- (3) A non-judicial member may resign by notice in writing to the [^{F17}Lord Chancellor].
- (4) The [^{F18}Lord Chancellor] may dismiss a non-judicial member if satisfied that—
- (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
 - (b) he has been convicted of a criminal offence,
 - (c) a bankruptcy order has been made against him [^{F19}or he has become the subject of a bankruptcy restrictions order][^{F20}or a debt relief order has been made in respect of him or he has become the subject of a debt relief restrictions order,] or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (d) he is otherwise unable or unfit to exercise his functions.

Textual Amendments

- F17** Words in Sch. 2 para. 2(3) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(4)**; S.R. 2005/282, **art. 3**
- F18** Words in Sch. 2 para. 2(4) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(5)**; S.R. 2005/282, **art. 3**
- F19** Words in Sch. 2 para. 2(4)(c) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, **Sch. Pt. 1 para. 12(3)**
- F20** Words in Sch. 2 para. 2(4)(c) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 19(2)**

Modifications etc. (not altering text)

- C3** Sch. 2 para. 2(3): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(3)** (with arts. 15(6), 28-31)
- C4** Sch. 2 para. 2(4): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

Salary etc. of non-judicial members

- 3 The Commission must pay to or in respect of each non-judicial member of the Commission any such salary or allowances as the [^{F21}Lord Chancellor] may determine.

Textual Amendments

- F21** Words in Sch. 2 para. 3 substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), **Sch. 1 para. 5(6)**; S.R. 2005/282, **art. 3**

Modifications etc. (not altering text)

- C5** Sch. 2 para. 3: transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

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Staff

- 4 (1) The Commission may employ staff, but subject to the approval of the ^{F22}Lord Chancellor] as to—
 - (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.

- (2) The Commission may make arrangements for securing the provision to it of such assistance by persons employed in—
 - (a) the civil service of the United Kingdom, ^{F23}or]
 - (b) the civil service of Northern Ireland, ^{F24}...
 - ^{F24}(c)
 as it considers appropriate for or in connection with the exercise of its functions.

^{F25}(2A) Employment as a member of staff of the Commission is among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—

“Employment by the Northern Ireland Judicial Appointments Commission.”.]

^{F26}(3)

Textual Amendments

- F22** Words in Sch. 2 para. 4(1) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(7\); S.R. 2005/282, art. 3](#)
- F23** Word in Sch. 2 para. 4(2)(a) inserted (12.4.2010) by [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\), art. 1, Sch. para. 9\(4\)\(a\)](#) (with arts. 5-7)
- F24** Sch. 2 para. 4(2)(c) and preceding word omitted (12.4.2010) by virtue of [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\), art. 1, Sch. para. 9\(4\)\(b\)](#) (with arts. 5-7)
- F25** Sch. 2 para. 4(2A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 67\(2\)](#) (with arts. 28-31)
- F26** Sch. 2 para. 4(3) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 67\(3\)](#) (with arts. 28-31, Sch. 18 para. 67(4))

Modifications etc. (not altering text)

- C6** Sch. 2 para. 4(1): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(2\)](#) (with arts. 15(6), 28-31)

Annual report

- 5 (1) The Commission must, as soon as possible after the end of each financial year, prepare a report on how it has exercised its functions during the financial year.

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- (2) Each annual report must include information about the persons who have applied to be, and the persons who have been, selected to be appointed or recommended for appointment by the Commission during the financial year to which it relates.
 - (3) The information to be included about any persons in an annual report must include information about their gender, age, ethnic origins and community background and the part of Northern Ireland (if any) with which they regard themselves as being most closely associated.
 - (4) But an annual report must not identify any person or include information from which the identity of any person could be readily ascertained.
 - (5) The Commission must send a copy of each annual report to the [^{F27}Lord Chancellor].
 - (6) The [^{F28}Lord Chancellor must lay before [^{F29}the Northern Ireland Assembly]] a copy of each annual report received by [^{F30}him] under sub-paragraph (5).
 - (7) After a copy of a report has been laid before [^{F31}the Northern Ireland Assembly], the Commission must arrange for it to be published.
- [^{F32}(7A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (6) in relation to the laying of a copy of an annual report as it applies in relation to the laying of a statutory document under an enactment.]
- (8) In this paragraph “financial year” means—
 - (a) the period beginning with the day on which section 3 comes into force and ending with the first 31st March which falls at least six months after that day, and
 - (b) each subsequent period of twelve months beginning with 1st April.

Textual Amendments

- F27** Words in Sch. 2 para. 5(5) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(9\)](#); S.R. 2005/282, [art. 3](#)
- F28** Words in Sch. 2 para. 5(6) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(10\)](#); S.R. 2005/282, [art. 3](#)
- F29** Words in Sch. 2 para. 5(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 67\(7\)\(a\)](#) (with arts. 28-31)
- F30** Words in Sch. 2 para. 5(6) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(10\)](#); S.R. 2005/282, [art. 3](#)
- F31** Words in Sch. 2 para. 5(7) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 67\(7\)\(b\)](#) (with arts. 28-31)
- F32** Sch. 2 para. 5(7A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 67\(7\)\(c\)](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C7** Sch. 2 para. 5(5): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(3\)](#) (with arts. 15(6), 28-31)
- C8** Sch. 2 para. 5(6): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(2\)](#) (with arts. 15(6), 28-31)

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Financial provisions

6 The ^{F33}Lord Chancellor] may make grants to the Commission.

Textual Amendments

F33 Words in Sch. 2 para. 6 substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(12); S.R. 2005/282, art. 3

Modifications etc. (not altering text)

C9 Sch. 2 para. 6: transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(2)** (with arts. 15(6), 28-31)

- 7 (1) The Commission must—
- (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- (a) contain such information, and
 - (b) be in such form,
- as the ^{F34}First Minister and deputy First Minister acting jointly direct].
- ^{F35}(3) The Commission must send copies of the statement of accounts relating to a financial year to—
- (a) the ^{F36}Office of the First Minister and deputy First Minister], and
 - (b) the ^{F37}Comptroller and Auditor General for Northern Ireland],
- within such period after the end of the financial year as the ^{F36}Office of the First Minister and deputy First Minister] directs.
- (4) The ^{F38}Comptroller and Auditor General for Northern Ireland] must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before ^{F39}the Northern Ireland Assembly].]

^{F40}(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4) in relation to the laying of a copy of a statement of accounts or report as it applies in relation to the laying of a statutory document under an enactment.]

Textual Amendments

F34 Words in Sch. 2 para. 7(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 18 para. 67(8)(a) (with arts. 28-31, Sch. 18 para. 67(9))

F35 Sch. 2 para. 7(3)(4) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(14); S.R. 2005/282, art. 3

F36 Words in Sch. 2 para. 7(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 18 para. 67(8)(b) (with arts. 28-31, Sch. 18 para. 67(9))

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- F37** Words in Sch. 2 para. 7(3)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(8)(c)** (with arts. 28-31, Sch. 18 para. 67(9))
- F38** Words in Sch. 2 para. 7(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(8)(c)** (with arts. 28-31, Sch. 18 para. 67(9))
- F39** Words in Sch. 2 para. 7(4)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(8)(d)** (with arts. 28-31, Sch. 18 para. 67(9))
- F40** Sch. 2 para. 7(4A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 67(8)(e)** (with arts. 28-31, Sch. 18 para. 67(9))

Committees and sub-committees

- 8 (1) The Commission may establish committees.
- (2) Any committee of the Commission may establish sub-committees.
- (3) A committee or sub-committee may consist of or include persons who are not members of the Commission.
- (4) The Commission may pay to or in respect of any member of a committee or sub-committee who is neither a member of the Commission nor a member of staff of the Commission any such salary or allowances as the Commission may determine.

Proceedings

- 9 The Commission may regulate—
- (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of its committees and their sub-committees.
- 10 The validity of any proceedings of the Commission, or of any of its committees or their sub-committees, is not affected by—
- (a) any vacancy amongst the members, or
 - (b) any defect in the appointment of a member.

Delegation

- 11 (1) The Commission may delegate any of its functions (to such extent as it determines) to any of its committees.
- (2) A committee to which a function has been delegated may further delegate it (to such extent as it determines) to a sub-committee.
- 12 If the function of selecting a person for appointment, or recommendation for appointment, to an office is delegated to a committee or sub-committee, the committee or sub-committee must include a member of the Commission and, unless he is a lay member, a person who is eligible to be a lay member.

Miscellaneous

- 13 (1) The Commission is not to be regarded—

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- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission’s property is not to be regarded as property of, or held on behalf of, the Crown.
- 14 The Commission may do anything, apart from borrowing money, which it considers is—
- (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
- the exercise of its functions.
- 15 The application of the seal of the Commission is to be authenticated by the signature of any member, or member of staff, of the Commission who has been authorised (whether generally or specially) for the purpose.
- 16 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specially) for the purpose.
- 17 A document purporting to be—
- (a) duly executed by the Commission under its seal, or
 - (b) signed on its behalf,
- is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”
- 19 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”

Freedom of information

- 20 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”

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[^{F41}SCHEDULE 3 U.K.]

APPOINTMENT TO LISTED JUDICIAL OFFICES

Textual Amendments

F41 Sch. 3 substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 3 para. 13**; S.I. 2010/812, art. 2

PART 1 U.K.

APPOINTMENTS BY HER MAJESTY

Application

- 1 This Part of this Schedule applies to a listed judicial office to which persons are appointed by Her Majesty; and “listed judicial office” is to be read accordingly.

Process

- 2 (1) Her Majesty's power to appoint a person to a listed judicial office is exercisable on the Lord Chancellor's recommendation.
- (2) The Lord Chancellor's power to recommend a person for appointment to a listed judicial office is exercisable only (and must be exercised) as follows.
- (3) The Commission is responsible for the selection of persons for recommendation for appointment to listed judicial offices (including, for deciding the timing of any selection or selection process).
- (4) When the Commission selects a person under sub-paragraph (3) it must notify the Lord Chancellor.
- (5) The Lord Chancellor must, as soon as reasonably practicable, recommend the selected person for appointment to the office in question.
- (6) The Commission must (in particular) exercise its power under sub-paragraph (3) to ensure that any vacancy in a listed judicial office is filled.
- (7) Sub-paragraph (6) does not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

PART 2 U.K.

APPOINTMENTS BY THE COMMISSION

Application

- 3 This Part of this Schedule applies to a listed judicial office to which persons are appointed by the Commission; and “listed judicial office” is to be read accordingly.

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Process

- 4 (1) The Commission is responsible for the selection of persons for appointment to listed judicial offices (including, for deciding the timing of any selection or selection process).
- (2) When the Commission selects a person under sub-paragraph (1) it must appoint the person to the office in question.
- (3) The Commission must (in particular) exercise its power under sub-paragraph (1) to ensure that any vacancy in a listed judicial office is filled.
- (4) Sub-paragraph (3) does not apply to a vacancy while the Lord Chief Justice agrees that it may remain unfilled.

PART 3 U.K.

MAXIMUM NUMBERS

Modifications etc. (not altering text)

- C10** Sch. 3 Pt. 3 excluded by 1978 c. 23, s. 2(4) (as substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 10(3)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2)
- C11** Sch. 3 Pt. 3 excluded by 1964 c. 29 (N.I.), s. 3(6) (as inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 7(4)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2)
- C12** Sch. 3 Pt. 3 excluded by 1964 c. 29 (N.I.), s. 1(4) (as inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 6(3)** (with Sch. 5 para. 16); S.I. 2010/812, art. 2)

- 5 (1) This Part of this Schedule applies to a listed judicial office—
- (a) to which Part 1 or 2 of this Schedule applies, and
- (b) which (apart from this Part of this Schedule) may be held by more than one person at any time.
- (2) The Commission must, with the agreement of the [^{F42}Department of Justice], determine the maximum number of persons who may hold the office at any time.
- (3) The Commission may from time to time, with the agreement of the [^{F43}Department of Justice], revise the determination.
- (4) A determination (or any revision) does not affect any appointments that have already been made.

Textual Amendments

- F42** Words in Sch. 3 para. 5(2) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 14(5)**; S.R. 2010/147, art. 2(2)
- F43** Words in Sch. 3 para. 5(3) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 14(5)**; S.R. 2010/147, art. 2(2)

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PART 4 U.K.

GENERAL PROVISION ABOUT SELECTIONS

Modifications etc. (not altering text)

C13 Sch. 3 Pt. 4 applied by 1998 c. 47, Sch. 11 para. 2A(5) (as inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 5 para. 4](#); S.I. 2010/812, art. 2)

- 6 (1) The selection under this Schedule of a person to be appointed, or recommended for appointment, to a listed judicial office must be made solely on the basis of merit.
- (2) Subject to that, the Commission must at all times engage in a programme of action which complies with sub-paragraph (3).
- (3) A programme of action complies with this sub-paragraph if—
- (a) it is designed to secure, so far as it is reasonably practicable to do so, that appointments to listed judicial offices are such that those holding such offices are reflective of the community in Northern Ireland,
 - (b) it requires the Commission, so far as it is reasonably practicable to do so, to secure that a range of persons reflective of the community in Northern Ireland is available for consideration by the Commission whenever it is selecting a person to be appointed, or recommended for appointment, to a listed judicial office, and
 - (c) it is for the time being approved by the Commission for the purposes of this Schedule.]

[^{F44}SCHEDULE 3A N.I.

THE NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

Textual Amendments

F44 Sch. 3A inserted (25.9.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 124, 148, [Sch. 15](#); S.I. 2006/1537, [art. 3](#)

[^{F45}Circumstances where Ombudsman ineligible to exercise specified functions

Textual Amendments

F45 Sch. 3A paras. 1-1C and cross-headings substituted for Sch. 3A para. 1 (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, [Sch. 6 para. 4](#)

- 1 (1) The Ombudsman is ineligible to exercise specified functions if either sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies where the Ombudsman—
- (a) is engaged in political activity as a member of a political party; or
 - (b) has ever been any of these—

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- (i) a practising barrister in England and Wales;
 - (ii) a practising solicitor of the Senior Courts of England and Wales;
 - (iii) a practising advocate in Scotland;
 - (iv) a practising solicitor in Scotland;
 - (v) a practising member of the Bar of Northern Ireland;
 - (vi) a practising solicitor of the Court of Judicature of Northern Ireland;
 - (vii) the holder of a listed judicial office.
- (3) This sub-paragraph applies where the Ombudsman considers—
- (a) that the Ombudsman has exercised functions that appear to be of a judicial nature and such as to make it inappropriate for the Ombudsman to exercise specified functions; or
 - (b) that past service in a capacity mentioned in sub-paragraph (5) makes it inappropriate for the Ombudsman to exercise specified functions.
- (4) As part of the considerations under sub-paragraph (3), the Ombudsman may consult the Department of Justice.
- (5) The service referred to in sub-paragraph (3)(b) is service as any of these –
- (a) a Commissioner;
 - (b) a member of staff of the Commission;
 - (c) a person employed in the civil service of the State.

Ombudsman to direct a person to exercise specified functions

- 1A (1) Sub-paragraph (2) applies where—
- (a) the provisions of this Act require the Ombudsman to exercise a specified function; but
 - (b) the Ombudsman is, under paragraph 1, ineligible to exercise that function.
- (2) The Ombudsman must direct—
- (a) a member of the office of the Northern Ireland Public Services Ombudsman; or
 - (b) any other appropriate person;
- to exercise that function on behalf of the Ombudsman.
- (3) The Ombudsman may direct—
- (a) different persons to exercise different functions,
 - (b) different persons to exercise the same function.
- (4) Where the Ombudsman has directed a person to exercise a specified function, that person is to be treated, for the purposes of exercising that function, as the Ombudsman.

Persons whom the Ombudsman must not direct

- 1B (1) The Ombudsman must not direct a person under paragraph 1A if either sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies where—
- (a) the person is employed in the civil service of the State;
 - (b) the person is a member of the House of Commons;

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- (c) the person is a member of the Northern Ireland Assembly;
 - (d) the person is engaged in political activity as a member of a political party;
 - (e) the person has ever been any of these—
 - (i) a practising barrister in England and Wales;
 - (ii) a practising solicitor of the Senior Courts of England and Wales;
 - (iii) a practising advocate in Scotland;
 - (iv) a practising solicitor in Scotland;
 - (v) a practising member of the Bar of Northern Ireland;
 - (vi) a practising solicitor of the Court of Judicature of Northern Ireland;
 - (vii) the holder of a listed judicial office.
- (3) This sub-paragraph applies where the Ombudsman considers—
- (a) that the person has exercised functions that appear to be of a judicial nature and such as to make it inappropriate for the person to exercise specified functions; or
 - (b) that past service in a capacity mentioned in sub-paragraph (5) make it inappropriate for the person to exercise specified functions.
- (4) As part of the considerations under sub-paragraph (3), the Ombudsman may consult the Department of Justice.
- (5) The service referred to in sub-paragraph (3)(b) is service as any of these—
- (a) a Commissioner;
 - (b) a member of staff of the Commission;
 - (c) a person employed in the civil service of the State.

Meaning of “specified functions” and “practising”

- 1C (1) For the purposes of this Schedule, the functions of the Ombudsman set out in the following provisions are specified functions—
- (a) section 8;
 - (b) in section 9D, subsections (2), (3) and (4);
 - (c) section 9E;
 - (d) section 9F;
 - (e) section 9H.
- (2) In section 7(6A)(c), the function of convening a tribunal by the Ombudsman is a specified function for the purposes of this Schedule, but the person to be notified by the Lord Chief Justice under that subsection is the Ombudsman and not a person that the Ombudsman has directed to exercise a specified function.]
- 2 (1) In this Schedule “practising” is to be read in accordance with sub-paragraphs (2) and (3).
- (2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is—
- (a) practising as such,
 - (b) employed to give legal advice, or
 - (c) providing legal advice under a contract for services.

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- (3) A solicitor of the Supreme Court, a solicitor in Scotland or a ^{F46}solicitor of the Court of Judicature of Northern Ireland] is practising if he is—
 - (a) acting as such,
 - (b) employed to give legal advice, or
 - (c) providing legal advice under a contract for services.

Textual Amendments
F46 Words in Sch. 3A para. 2(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148, [Sch. 11 para. 5](#); S.I. 2009/1604, [art. 2](#)

Term of office etc. of Ombudsman

^{F47}3

Textual Amendments
F47 Sch. 3A para. 3 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, Sch. 6 para. 5(a), [Sch. 9](#)

^{F48}4

Textual Amendments
F48 Sch. 3A para. 4 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, Sch. 6 para. 5(a), [Sch. 9](#)

^{F49}5

Textual Amendments
F49 Sch. 3A para. 5 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, Sch. 6 para. 5(a), [Sch. 9](#)

Salary, allowances and expenses

^{F50}6

Textual Amendments
F50 Sch. 3A para. 6 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, Sch. 6 para. 5(b), [Sch. 9](#)

Acting Ombudsman

^{F51}7

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Textual Amendments

F51 Sch. 3A para. 7 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 6 para. 5(c), Sch. 9

Status of the Ombudsman

8 The person for the time being holding the office of the Ombudsman is by the name of that office a corporation sole.

Powers of the Ombudsman

9 (1) The Ombudsman does not have power to do any of the following—
(a) to borrow money;
(b) to hold real property;
(c) to appoint staff (except by way of arrangements under paragraph 10).
(2) Subject to sub-paragraph (1), the Ombudsman may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of his functions.
(3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (2).

Arrangements for assistance

10 (1) The Ombudsman may make arrangements with such persons as he considers appropriate for assistance to be provided to him.
(2) Arrangements may include the paying of fees to such persons.
[^{F52}(3) In making arrangements, the Ombudsman must have regard to the desirability of keeping fees broadly in line with those paid by the civil service of Northern Ireland.]

Textual Amendments

F52 Sch. 3A para. 10(3) substituted (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 6 para. 6

Arrangements by the Lord Chancellor

^{F53}11

Textual Amendments

F53 Sch. 3A para. 11 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 6 para. 7, Sch. 9

Delegation of functions

12 (1) The Ombudsman may delegate any functions to—
(a) any person with whom arrangements are made under paragraph 10 ^{F54}..., or

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(b) any person providing assistance to the Ombudsman in pursuance of such arrangements.

(2) But all recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

[Sub-paragraph (1) does not apply to the Ombudsman's functions under section 7 or ^{F55}(3) 8 of this Act or section 12B or 12C of the Judicature (Northern Ireland) Act 1978.]

Textual Amendments

F54 Words in Sch. 3A para. 12(1)(a) repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 6 para. 8, Sch. 9

F55 Sch. 3A para. 12(3) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 3 para. 14; S.I. 2010/812, art. 2

Financial provisions and directions

^{F56}13

Textual Amendments

F56 Sch. 3A para. 13 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 6 para. 9, Sch. 9

Code of conduct

^{F57}14

Textual Amendments

F57 Sch. 3A para. 14 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, Sch. 6 para. 10, Sch. 9

Reports

15 (1) The Ombudsman must, as soon as practicable after the end of each financial year, [^{F58}lay before the Assembly] a report about the performance of his functions during that year.

^{F59}(2)

^{F59}(3)

^{F60}(4)

(5) The Ombudsman must publish any report once copies of it have been laid [^{F61}before the Assembly].

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[Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the ^{F62}(6) purposes of sub-paragraph [^{F63}(1)] in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.]

Textual Amendments

- F58** Words in Sch. 3A para. 15(1) substituted (1.4.2016) by virtue of [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 6 para. 11\(a\)](#)
- F59** Sch. 3A para. 15(2)(3) omitted (1.4.2016) by virtue of [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 6 para. 11\(b\)](#)
- F60** Sch. 3A para. 15(4) repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 6 para. 11\(b\), Sch. 9](#)
- F61** Words in Sch. 3A para. 15(5) substituted (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 6 para. 11\(c\)](#)
- F62** Sch. 3A para. 15(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 18 para. 68\(b\)](#) (with arts. 28-31)
- F63** Word in Sch. 3A para. 15(6) substituted (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 6 para. 11\(d\)](#)

Modifications etc. (not altering text)

- C14** Sch. 3A para. 15: transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 17](#) (with arts. 28-31)

Documentary evidence

- 16 A document purporting to be an instrument issued by the Ombudsman and to be signed by or on behalf of the Ombudsman is to be received in evidence and, unless the contrary is proved, taken to be such an instrument and signed in that way.

General

- 17 (1) Financial year in this Schedule, means—
- the period beginning with the date on which section 9A comes into force and ending with the following 31 March, and
 - each successive period of twelve months.
- (2) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) at the appropriate place insert— The Northern Ireland Judicial Appointments Ombudsman.
- (3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— The Northern Ireland Judicial Appointments Ombudsman.]

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SCHEDULE 4 **U.K.**

Section 10

FUNCTIONS OF JUSTICES OF THE PEACE

Retained functions

- 1 (1) A function of justices of the peace under any provision to which sub-paragraph (2) applies is to remain a function of theirs (and is not transferred to lay magistrates).
- (2) This sub-paragraph applies to—
- (a) sections 79 and 80 of the Harbours, Docks, and Piers Clauses Act 1847 (c. 27) (appointment and dismissal of harbour police),
 - (b) section 542(2) of the Merchant Shipping Act 1894 (c. 60) (declaration by marine store dealer),
 - (c) section 6(2A) of the Game Preservation Act (Northern Ireland) 1928 (c. 25 (N.I.)) (destruction of game),
 - (d) section 23(1) of the Government Annuities Act 1929 (c. 29) (confirmation of declaration),
 - (e) section 63(3) and (4) of the Foyle Fisheries Act (Northern Ireland) 1952 (c. 5 (N.I.)) (destruction or disposal of fish),
 - (f) ^{F64}
 - (g) section 8(3) of the Agricultural Produce (Meat Regulation and Pig Industry) Act (Northern Ireland) 1962 (c. 13 (N.I.)) (certificate authorising destruction or disposal of meat),
 - (h) section 47(1) and (2) of the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (declaration of expenses at election),
 - (i) section 114(1) (certificate of fitness for dealer's licence) and section 181(4) (certificate of fish to be destroyed or disposed of) of the Fisheries Act (Northern Ireland) 1966 (c. 17 (N.I.)),
 - (j) section 57 of the Civil Aviation Act 1982 (c. 16) (appointment and swearing in of constables),
 - (k) section 1(2)(c) of the Ministry of Defence Police Act 1987 (c. 4) (declaration by members of Ministry of Defence police force),
 - (l) Article 8(3) to (7) of the Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I. 7)) (condemnation of food not complying with food safety requirements),
 - (m) Article 19(3) of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1)) (declaration by airport constables),
 - (n) section 38(1) of the Police (Northern Ireland) Act 2000 (c. 32) (attestation of constables of Police Service of Northern Ireland),
 - (o) section 18(2) and (3) of the Street Trading Act (Northern Ireland) 2001 (c. 8 (N.I.)) (certificate of seized items).

Textual Amendments

F64 Sch. 4 para. 1(2)(f) repealed (16.7.2008) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1, 102, **Sch. 6 Pt. 3**; S.R. 2008/293, art. 2, Sch.

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Shared functions

- 2 (1) A function of justices of the peace under any provision to which sub-paragraph (2) applies is to remain a function of theirs but is also to become a function of lay magistrates.
- (2) This sub-paragraph applies to—
- (a) section 26(1) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) (power to administer oaths),
 - (b) Article 56(1) of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) (affidavits for use in a county court).

Functions to be exercisable only by resident magistrates

- 3 (1) A function of justices of the peace or magistrates' courts under a provision to which sub-paragraph (2) applies is to be a function only of resident magistrates.
- (2) This sub-paragraph applies to—
- (a) ^{F65}
 - (b) Article 152 of the Magistrates' Courts (Northern Ireland) Order 1981 (S. I. 1981/1675 (N.I. 26)) (enforcement of orders after appeal),
 - (c) Articles 44 and 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (warrants of further detention).

Textual Amendments

F65 Sch. 4 para. 3(2)(a) repealed (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 4](#); [S.I. 2008/790](#), [art. 3](#)

Amendments: general

- 4 The Lord Chancellor may [^{F66}, after consultation with the Lord Chief Justice,] by order amend paragraph 1(2), 2(2) or 3(2)—
- (a) by adding any provision contained in any enactment or instrument passed or made before the coming into force of this Schedule, or
 - (b) by removing any provision.

Textual Amendments

F66 Words in Sch. 4 para. 4 inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 124\(2\)](#); [S.I. 2006/1014](#), [art. 2](#), [Sch. 1 para. 12](#)

Modifications etc. (not altering text)

C15 Sch. 4 para. 4: transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [art. 1\(2\)](#), [Sch. 17 para. 17](#) (with arts. 28-31)

- 5 The Lord Chancellor may [^{F67}, after consultation with the Lord Chief Justice,] by order make provision amending any enactment or instrument in consequence of the provision made by section 10 or by or by virtue of the preceding provisions of this Schedule.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F67 Words in Sch. 4 para. 5 inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 124\(3\)](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12

Modifications etc. (not altering text)

C16 [Sch. 4 para. 5](#): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\)](#), [Sch. 17 para. 17](#) (with arts. 28-31)

[^{F68}5A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 4 or 5—
(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
(b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

F68 [Sch. 4 para. 5A](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 124\(4\)](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12

6 So far as may be appropriate in consequence of the provision made by section 10 or by or by virtue of this Schedule—
(a) references in any enactment or instrument to a justice of the peace (or to a justice of the peace other than a resident magistrate) may be construed as being or including a reference to a lay magistrate, and
(b) references in any enactment or instrument to a magistrates’ court may be construed as a reference to a resident magistrate or a court of summary jurisdiction.

Specific amendments

7 The references to justices of the peace in sections 13, 15, 16 and 18 of the Statutory Declarations Act 1835 (c. 62) (oaths and declarations) include lay magistrates.

8 In section 5(1) of the General Dealers (Ireland) Act 1903 (c. 44) (general dealers to produce articles and books on demand of constable authorised by a justice), for “general or special authority of a justice of the peace” substitute “ authority of a warrant issued by a lay magistrate ”.

9 In section 26(4) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) (administration of oaths), after “upon a” insert “ lay magistrate or ”.

10 ^{F69}

Textual Amendments

F69 [Sch. 4 para. 10](#) repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\), ss. 378, 383, Sch. 17](#); S.I. 2009/812, [art. 3](#)

11 ^{F70}

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F70 Sch. 4 para. 11 repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#)

12 **F71**

Textual Amendments

F71 Sch. 4 para. 12 repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); S.I. 2009/812, [art. 3](#)

13 In section 110(2) of the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (non-payment of compensation for unjust etc. charge of personation), for “under the hand and seal of a justice of the peace” substitute “ issued by a lay magistrate ”.

PROSPECTIVE

F72 14

Textual Amendments

F72 Sch. 4 para. 14 omitted (12.4.2010) by virtue of [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 36](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, [art. 2](#)

15 In section 21 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)) (offences during suspended sentence etc.), for subsection (2) substitute—
“(2) A summons under this section shall not be issued except on complaint; and a warrant under this section shall not be issued except on complaint in writing and on oath.
(2A) Subsection (2) does not apply to a summons or warrant issued (by virtue of section 9(12) of the Justice (Northern Ireland) Act 2002) by a judge of the Crown Court acting in consequence of a notice under section 20(3) of this Act.”

16 The Judicature (Northern Ireland) Act 1978 (c. 23) has effect subject to the following amendments.

F73 17

Textual Amendments

F73 Sch. 4 para. 17 repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 119\(3\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, [art. 2\(k\)\(m\)](#) (with [art. 3](#))

Commencement Information

I1 Sch. 4 para. 17 partly in force; Sch. 4 para. 17 not in force at Royal Assent see s. 87; Sch. 4 para. 17(1)(3)(4) in force at 1.4.2005 by [S.R. 2005/109](#), [art. 2](#), [Sch.](#)

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

18 After that section insert—

“103A Power of court of record to bind over

(1) Any court of record in Northern Ireland having a criminal jurisdiction has, as ancillary to that jurisdiction, the power—

- (a) to bind over to keep the peace; or
- (b) to bind over to be of good behaviour,

a person who or whose case is before the court by requiring him to enter into his own recognisances or to find sureties (or both) and committing him to prison if he does not comply.

(2) A magistrates’ court is not to be regarded as a court of record for the purposes of subsection (1).”

19 In Article 84(6) of the Pollution Control and Local Government (Northern Ireland) Order 1978 (S.I. 1978/1049 (N.I. 19)) (judges and justices not disqualified by being ratepayers etc.), for “and a justice of the peace” substitute “, resident magistrate or lay magistrate ”.

20 The Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) has effect subject to the following amendments.

21 In Article 2(2)(b) (meaning of “magistrates’ court”), for “justice of the peace” substitute “ lay magistrate ”.

22 (1) Article 3 (functions of justices etc.) is amended as follows.

(2) In paragraph (1)—

- (a) for “justice of the peace” substitute “ lay magistrate ”, and
- (b) for “justices of the peace” substitute “ lay magistrates ”.

(3) In paragraph (2)—

- (a) for “justice of the peace other than a resident magistrate” substitute “ lay magistrate ”, and
- (b) for “justice of the peace by the commission of the peace or” substitute “ lay magistrate ”.

23 In Article 4 (local jurisdiction of justice of the peace), for “justice of the peace” substitute “ lay magistrate ”.

24 In Articles 5 and 6 (immunity)—

- (a) for “justice of the peace” substitute “ lay magistrate ”, and
- (b) for “such a magistrate or justice” substitute “ a resident magistrate or a lay magistrate ”.

25 In Article 6A (costs)—

- (a) for “justice of the peace” (in each place) substitute “ lay magistrate ”, and
- (b) for “such a magistrate or justice” substitute “ a resident magistrate or a lay magistrate ”.

26 In Article 7 (clerk’s immunity in respect of warrant to enforce order), for “resident magistrate or other justice of the peace” substitute “ magistrates’ court ”.

27 In Article 10(1) and (1A) (defrayal of expenses)—

- (a) for “or other justice of the peace” substitute “, by a lay magistrate ”, and

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- (b) for “magistrate, justice” substitute “ resident magistrate, lay magistrate ”.
- 28 In Article 18(4) (procedure)—
- (a) for “other justice of the peace” in the words preceding sub-paragraph (a) and in sub-paragraph (b) substitute “ lay magistrate ”, and
- (b) for “or justice of the peace” substitute “ or lay magistrate ”.
- 29 In Article 42(1)(a) and (b) (reading of depositions), for “other justice of the peace” substitute “ lay magistrate ”.
- 30 In Article 114(2) (warrants: postponement of issue and stay of execution), insert at the end “; but a lay magistrate sitting out of petty sessions may postpone the issue of a warrant, or stay the execution of it, only if it was issued by him or another lay magistrate.”
- 31 In Article 126(1) (proof of service), for “other justice of the peace” substitute “ lay magistrate ”.
- 32 In Article 156 (validity of documents)—
- (a) for “other justice of the peace” substitute “ lay magistrate ”, and
- (b) for “magistrate, justice or clerk of petty sessions” substitute “ person ”.
- 33 In Article 158(1) (execution of warrants), for “other justice of the peace” substitute “ lay magistrate ”.
- 34 In Article 160(1) (misbehaviour in court), for “justice of the peace” substitute “ lay magistrate ”.
- 35 In paragraph 2 of Schedule 1 (matters which may be dealt with by a justice of the peace out of petty sessions), for “justice of the peace” substitute “ lay magistrate ”.
- 36 In Article 165(2) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/ 2405 (N.I. 19)) (affidavits etc.), for “justices” substitute “ lay magistrates ”.
- F7437

Textual Amendments

F74 Sch. 4 para. 37 repealed (S.) (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [sch. 2 para. 46](#); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

- 38 In Schedule 2 to the Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6)) (persons ineligible for jury service), after the entry relating to persons holding an office belonging to any court of justice in Northern Ireland insert—
- “Lay magistrate.”
- 39 In section 9(5) of the Human Rights Act 1998 (c. 42) (judicial acts), in the definition of “judge”, after “a justice of the peace” insert “ (or, in Northern Ireland, a lay magistrate) ”.
- 40 In section 81(1) of the Regulation of Investigatory Powers Act 2000 (c. 23) (interpretation), after the definition of “interception warrant” insert—
- ““justice of the peace” does not include a justice of the peace in Northern Ireland;”.

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F75 F75 SCHEDULE 5 N.I.

Textual Amendments

F75 Sch. 5 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, Sch. 5 para. 125, [Sch. 18 Pt. 3](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 12, 30

F75

SCHEDULE 6 N.I.

Section 19

OFFICE-HOLDERS REQUIRED TO TAKE JUDICIAL OATH

Lord Chief Justice
 Lord Justice of Appeal
 Judge of the High Court
 Temporary judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978 (c. 23)
 County court judge
 Deputy county court judge
 Resident magistrate
 Deputy resident magistrate
 Coroner
 Deputy coroner
 Statutory officer (within the meaning of section 70(1) of the Judicature (Northern Ireland) Act 1978)
 Deputy for a statutory officer under section 74 of that Act
 Temporary additional statutory officer under that section
 Chief Social Security Commissioner for Northern Ireland
 Social Security Commissioner for Northern Ireland
 Deputy Social Security Commissioner for Northern Ireland
 Chief Child Support Commissioner for Northern Ireland
 Child Support Commissioner for Northern Ireland
 Deputy Child Support Commissioner for Northern Ireland
 President of appeal tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)))
 Member of the panel of persons to act as members of such appeal tribunals
 Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland
 [F76 Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))]
 President of the Industrial Tribunals and the Fair Employment Tribunal
 Acting President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 12))
 Vice-President of the Industrial Tribunals and the Fair Employment Tribunal

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998

[^{F77} Member of the panel of chairmen of the Industrial Tribunals]

Member of the panel of chairmen of the Fair Employment Tribunal

President of the Lands Tribunal for Northern Ireland

Deputy President of the Lands Tribunal for Northern Ireland under section 3(1) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

Other member of the Lands Tribunal for Northern Ireland

Temporary member of the Lands Tribunal for Northern Ireland under section 3(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964

President of the Special Educational Needs Tribunal [^{F78}and Disability] for Northern Ireland

Member of the panel of persons who may serve as chairman of that Tribunal

Member of the tribunal established under section 91 of the Northern Ireland Act 1998 (c. 47)

Member of the Mental Health Review Tribunal for Northern Ireland

Lay magistrate

Justice of the Peace

^{F79}

[^{F80} Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269).

Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland

Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland

President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland

Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland

[^{F81}Deputy appointed under paragraph 6(1) of Schedule 3 to the Plant Varieties Act 1997 for the purpose of proceedings brought before the Plant Varieties and Seeds Tribunal in Northern Ireland]

Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985)

^{F82}

^{F83}

^{F83}

[^{F84}President of the Northern Ireland Valuation Tribunal

Member of the Northern Ireland Valuation Tribunal]

[^{F85}President or other member of the Charity Tribunal for Northern Ireland

Adjudicator appointed under Article 7(1)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002

Chairman appointed under Article 7(2)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002

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Adjudicator appointed under Article 29 of the Traffic Management (Northern Ireland) Order 2005]

Textual Amendments

- F76** Sch. 6: entry inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, {Sch. 5, para. 126(2)}; [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 12
- F77** Sch. 6: entry inserted (31.8.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 126\(4\)](#); [S.I. 2005/2284](#), [art. 2](#)
- F78** Sch. 6: words in entry inserted (1.9.2005) by [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1, 50(1), [Sch. 5 para. 10](#); [S.R. 2005/336](#), [art. 2](#), Sch.
- F79** Words in Sch. 6 repealed (1.4.2005) by [2002 c. 26](#), ss. 86, 87, Sch. 13; [S.R. 2005/109](#), [art. 2](#), Sch.
- F80** Sch. 6: entries inserted (3.4.2006 except in regard to the office of General Commissioner for a division in Northern Ireland) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 126\(5\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 12
- F81** Words in Sch. 6 inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 35\(2\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812](#), art. 2
- F82** Sch. 6: entry repealed (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 146, 148, [Sch. 23 Pt. 1](#); [S.I. 2008/2696](#), [art. 5](#) (with arts. 3, 4)
- F83** Sch. 6: entries omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3, [Sch. 1 para. 332](#)
- F84** Sch. 6: entries inserted (1.4.2007) by [The Justice \(Northern Ireland\) Act 2002 \(Addition of Listed Judicial Offices etc.\) Order 2006 \(S.R. 2006/469\)](#), [art. 3](#)
- F85** Words in Sch. 6 inserted (26.9.2009 for specified purposes, 12.4.2010 in so far as not already in force) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 35\(3\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2009/2466](#), art. 2(b); [S.I. 2010/812](#), art. 2

Textual Amendments

- F76** Sch. 6: entry inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, {Sch. 5, para. 126(2)}; [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 12
- F77** Sch. 6: entry inserted (31.8.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 126\(4\)](#); [S.I. 2005/2284](#), [art. 2](#)
- F78** Sch. 6: words in entry inserted (1.9.2005) by [The Special Educational Needs and Disability \(Northern Ireland\) Order 2005 \(S.I. 2005/1117 \(N.I. 6\)\)](#), arts. 1, 50(1), [Sch. 5 para. 10](#); [S.R. 2005/336](#), [art. 2](#), Sch.
- F79** Words in Sch. 6 repealed (1.4.2005) by [2002 c. 26](#), ss. 86, 87, Sch. 13; [S.R. 2005/109](#), [art. 2](#), Sch.
- F80** Sch. 6: entries inserted (3.4.2006 except in regard to the office of General Commissioner for a division in Northern Ireland) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 126\(5\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 12
- F81** Words in Sch. 6 inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 35\(2\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812](#), art. 2
- F82** Sch. 6: entry repealed (3.11.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), ss. 146, 148, [Sch. 23 Pt. 1](#); [S.I. 2008/2696](#), [art. 5](#) (with arts. 3, 4)
- F83** Sch. 6: entries omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 3, [Sch. 1 para. 332](#)
- F84** Sch. 6: entries inserted (1.4.2007) by [The Justice \(Northern Ireland\) Act 2002 \(Addition of Listed Judicial Offices etc.\) Order 2006 \(S.R. 2006/469\)](#), [art. 3](#)
- F85** Words in Sch. 6 inserted (26.9.2009 for specified purposes, 12.4.2010 in so far as not already in force) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 35\(3\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2009/2466](#), art. 2(b); [S.I. 2010/812](#), art. 2

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SCHEDULE 7 **N.I.**

Section 28

FUNCTIONS OF ADVOCATE GENERAL

Assembly Bills

- 1 (1) The Northern Ireland Act 1998 has effect subject to the following amendments.
- (2) In section 11(1) (power of Attorney General for Northern Ireland to refer question whether Bill would be within legislative competence of Northern Ireland Assembly), after “The” insert “ Advocate General for Northern Ireland or the ”.
- ^{F86}(3)
- (4) In section 14(2)(a) (no submission for Royal Assent where Attorney General for Northern Ireland entitled to make a reference under section 11), insert at the beginning “the Advocate General for Northern Ireland or”.

Textual Amendments

F86 Sch. 7 para. 1(3) repealed (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), reg. 1(3), Sch. (with reg. 9(2))

Commencement Information

I2 Sch. 7 para. 1 in force at 12.4.2010 by S.R. 2010/113, art. 2, Sch. para. 19(a)

Devolution issues

- 2 (1) Schedule 10 to the Northern Ireland Act 1998 (c. 47) (devolution issues: Northern Ireland) is amended as follows.
- (2) In paragraph 4 (institution of proceedings for determination of devolution issues in Northern Ireland)—
 - (a) in sub-paragraph (1), for “or defended by the Attorney General” substitute “ by the Advocate General for Northern Ireland ”, and
 - (b) in sub-paragraph (2), for “First Minister and the deputy First Minister acting jointly” substitute “ Attorney General for Northern Ireland ” and insert at the end “ instituted by the Advocate General for Northern Ireland ”.
- (3) In paragraph 5 (notice of such proceedings), for “Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “ Advocate General for Northern Ireland and the Attorney General for Northern Ireland ”.
- (4) In paragraph 13 (notice), for “, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “ and the Attorney General for Northern Ireland ”.
- (5) In paragraph 23 (intimation), for “, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “ and the Attorney General for Northern Ireland ”.
- (6) In paragraphs 33 and 34 (direct references to Judicial Committee), for “the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting

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jointly” substitute “ the Advocate General for Northern Ireland, the Attorney General for Northern Ireland ”.

- (7) In paragraph 35(4) (no exercise of function pending decision on reference), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

- I3** Sch. 7 para. 2 in force at 12.4.2010 by S.R. 2010/113, art. 2, **Sch. para. 19(a)**

PROSPECTIVE

3

F87

Textual Amendments

- F87** Sch. 7 para. 3 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, **Sch. 12** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to 161(4)(5) of the amending Act which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) see [ss. 46](#), 161(1)(4)(5) of the amending Act

- 4 In Schedule 6 to the Scotland Act 1998 (c. 46) (devolution issues: Scottish Parliament and Executive), in—
- (a) paragraph 25(1) (institution of proceedings for determination of devolution issues in Northern Ireland),
 - (b) paragraph 26 (notice of such proceedings), and
 - (c) paragraphs 33 and 34 (direct references to Judicial Committee),
- for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

- I4** Sch. 7 para. 4 in force at 12.4.2010 by S.R. 2010/113, art. 2, **Sch. para. 19(a)**

Human rights

- 5 In section 71(2) of the Northern Ireland Act 1998 (c. 47) (law officers able to rely on Convention rights under that Act even though not victim), after “to the Attorney General,” insert “ the Advocate General for Northern Ireland, ”.

Commencement Information

- I5** Sch. 7 para. 5 in force at 12.4.2010 by S.R. 2010/113, art. 2, **Sch. para. 19(a)**

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PROSPECTIVE

6 F88

Textual Amendments

F88 Sch. 7 para. 6 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, **Sch. 12** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to 161(4)(5) of the amending Act which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) see [ss. 46](#), 161(1)(4)(5) of the amending Act

7 In section 100(2) of the Scotland Act 1998 (similar provision in relation to that Act), after “, the Attorney General” insert “, the Advocate General for Northern Ireland”.

Commencement Information

I6 Sch. 7 para. 7 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), **Sch. para. 19(a)**

[^{F89}7A In section 8 of the Justice (Northern Ireland) Act 2004 (guidance for criminal justice organisations on human rights standards)—

(a) after subsection (1) insert—

“(1A) Before issuing or revising any guidance under this section, the Attorney General for Northern Ireland shall consult the Advocate General for Northern Ireland.”;

(b) after subsection (5) insert—

“(5A) Before making an order under subsection (3)(c) or (5), the Attorney General for Northern Ireland shall consult the Advocate General for Northern Ireland.”]

Textual Amendments

F89 [Sch. 7 para. 7A](#) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), [ss. 8\(9\)](#), 19(1); [S.R. 2010/114](#), [art. 2\(a\)](#)

Varying retrospective decisions

8 In section 81(7) of the Northern Ireland Act 1998 (notice of intention to vary retrospective decision to be given to the appropriate authority), for “First Minister and the deputy First Minister” substitute “ Advocate General for Northern Ireland and ”.

Commencement Information

I7 Sch. 7 para. 8 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), **Sch. para. 19(a)**

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

9

F90

Textual Amendments

F90 Sch. 7 para. 9 repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, **Sch. 12** (with [Sch. 11 para. 22](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to 161(4)(5) of the amending Act which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) see [ss. 46](#), 161(1)(4)(5) of the amending Act

10 In section 102(7) of the Scotland Act 1998 (notice to be given to the appropriate law officer), for "Attorney General for Northern Ireland" substitute "Advocate General for Northern Ireland".

Commencement Information

I8 Sch. 7 para. 10 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), **Sch. para. 19(b)**

PROSPECTIVE

Suspension of devolved government

- 11 (1) Paragraph 4 of the Schedule to the Northern Ireland Act 2000 (c. 1) (executive functions during suspension of devolved government) is amended as follows.
- (2) In sub-paragraph (1), after paragraph (c) insert—
“(ca) any functions of the Attorney General for Northern Ireland may be discharged by the Advocate General for Northern Ireland;”.
- (3) In sub-paragraph (2)—
(a) after “Minister” insert “ or the Attorney General for Northern Ireland ”, and
(b) after “Secretary of State” insert “, the Advocate General for Northern Ireland ”.
- (4) In sub-paragraphs (3), (5) and (6), after “Minister” insert “ or the Attorney General for Northern Ireland ”.

Acting as Attorney General for Northern Ireland during vacancy

12 The First Minister and deputy First Minister must consult the Advocate General for Northern Ireland about any arrangements they propose to make for the discharge of the functions of the Attorney General of Northern Ireland during any vacancy in that office.

Commencement Information

I9 Sch. 7 para. 12 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), **Sch. para. 19(c)**

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Consultation about appointment of Attorney General for Northern Ireland

- 13 The First Minister and deputy First Minister must consult the Advocate General for Northern Ireland before appointing a person to be Attorney General for Northern Ireland.

Commencement Information

I10 Sch. 7 para. 13 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(c\)](#)

Crown Solicitor

- 14 (1) Section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland) is amended as follows.
- (2) In subsection (1), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland after consultation with the Attorney General for Northern Ireland ”.
- (3) In subsection (2), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I11 Sch. 7 para. 14 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(c\)](#)

Chief Inspector of Criminal Justice

- 15 Part 3 of this Act (Chief Inspector of Criminal Justice in Northern Ireland) has effect subject to the following amendments.

Commencement Information

I12 Sch. 7 para. 15 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(c\)](#)

- 16 (1) Section 47 (functions: consultation and consent requirements etc.) is amended as follows.
- (2) In subsection (1), after “Secretary of State” insert “ , the Advocate General for Northern Ireland ”.
- (3) In subsection (2), after “Secretary of State,” insert—
“(aa) the Advocate General for Northern Ireland,”.
- (4) In subsection (5), after “consent of” insert “ the Advocate General for Northern Ireland and ”.

Commencement Information

I13 Sch. 7 para. 16 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(c\)](#)

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 17 In section 49(5) (copies of reports relating to Public Prosecution Service), after “copy of it to” insert “ the Advocate General for Northern Ireland and ”.

Commencement Information

I14 Sch. 7 para. 17 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(c\)](#)

PROSPECTIVE

Life sentence prisoners’ representatives

- 18 **F91**

Textual Amendments

F91 Sch. 7 para. 18 repealed (15.5.2008) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), [arts. 1, 102](#), [Sch. 6 Pt. 1](#); [S.R. 2008/217](#), [art. 2](#), [Sch. para. 19](#) (subject to [art. 3](#))

Special advocates

- 19 In section 91(7) of the Northern Ireland Act 1998 (c. 47) (appointment of person to represent interests of party to proceedings before Tribunal under that section), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I15 Sch. 7 para. 19 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(d\)](#)

- 20 In paragraph 7(2) of Schedule 2 to the Northern Ireland (Sentences) Act 1998 (c. 35) (appointment of person to represent prisoner’s interests in proceedings of Sentence Review Commissioners from which he and his representative are excluded), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I16 Sch. 7 para. 20 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(d\)](#)

Scheduled offences

- 21 The Terrorism Act 2000 (c. 11) has effect subject to the following amendments.

Commencement Information

I17 Sch. 7 para. 21 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(d\)](#)

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

22 In section 72(2)(b) (regulations providing for time limits to cease to have effect where Attorney General for Northern Ireland certifies that offence is not to be treated as scheduled offence), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I18 Sch. 7 para. 22 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(d\)](#)

23 In Schedule 9 (certification that offence is not scheduled offence), in Notes 1 and 2 in Part 1, and in the Note in Part 3, for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I19 Sch. 7 para. 23 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(d\)](#)

Consent to prosecution

^{F92}24

Textual Amendments

F92 Sch. 7 para. 24 omitted (20.12.2023) by virtue of [The National Security Act 2023 \(Consequential Amendments of Primary Legislation\) Regulations 2023 \(S.I. 2023/1386\)](#), [reg. 1\(2\)](#), [Sch. para. 22](#)

PROSPECTIVE

25 ^{F93}

Textual Amendments

F93 Sch. 7 para. 25 repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), [ss. 125, 126](#), [Sch. 9 Pt. 1](#) (with [Sch. 8](#))

26 In section 1(3) of the Genocide Act 1969 (c. 12) (proceedings for genocide), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I20 Sch. 7 para. 26 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

27 In section 2(1) of the Biological Weapons Act 1974 (c. 6) (proceedings for offence of contravening section 1 of that Act), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

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Commencement Information

I21 Sch. 7 para. 27 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

- 28 In section 11 of the Criminal Jurisdiction Act 1975 (c. 59) (proceedings for extra-territorial offences), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Commencement Information

I22 Sch. 7 para. 28 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

- 29 In section 2(1) of the Internationally Protected Persons Act 1978 (c. 17) (proceedings for offence which is an offence by virtue only of section 1 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Commencement Information

I23 Sch. 7 para. 29 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

- 30 In section 3(1) of the Nuclear Material (Offences) Act 1983 (c. 18) (proceedings for offence which is an offence only by virtue of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Commencement Information

I24 Sch. 7 para. 30 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

- 31 In section 135 of the Criminal Justice Act 1988 (c. 33) (proceedings for offence of torture), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Commencement Information

I25 Sch. 7 para. 31 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

- 32 In section 9(1) of the Official Secrets Act 1989 (c. 6) (proceedings for offence under that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Commencement Information

I26 Sch. 7 para. 32 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

- 33 In Article 8(11) of the Iraq and Kuwait (United Nations Sanctions) Order 1990 (S.I. 1990/1651) (as substituted by the Iraq and Kuwait (United Nations Sanctions) (Second Amendment) Order 1990 (S.I. 1990/2144)) (proceedings for offence under that Order), for “Attorney General for Northern Ireland or” substitute “Advocate General for Northern Ireland or the Attorney General for”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I27 Sch. 7 para. 33 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

34 In section 31(1) of the Chemical Weapons Act 1996 (c. 6) (proceedings for offence under section 2 or 11 of that Act), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I28 Sch. 7 para. 34 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(e\)](#)

PROSPECTIVE

35 **F94**

Textual Amendments

F94 Sch. 7 para. 35 repealed (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), ss. 37, 39(2), [Sch. 3](#); [S.I. 2006/1013](#), [art. 2](#)

36 In—
(a) section 55 (proceedings for offence under section 47 or 50), and
(b) section 81(1) (proceedings for offence under section 79 or 80),
of the Anti-terrorism, Crime and Security Act 2001 (c. 24), for “Attorney General for Northern Ireland” substitute “ Advocate General for Northern Ireland ”.

Commencement Information

I29 Sch. 7 para. 36 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(f\)](#)

37 Section 33 of this Act applies in relation to the giving of consent by the Advocate General for Northern Ireland as in relation to the giving of consent by the Director of Public Prosecutions for Northern Ireland.

Commencement Information

I30 Sch. 7 para. 37 in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 19\(f\)](#)

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SCHEDULE 8 **N.I.**

Section 45

CHIEF INSPECTOR OF CRIMINAL JUSTICE

Chief Inspector's tenure

- 1 (1) Subject as follows, the Chief Inspector holds office in accordance with the terms of his appointment (or re-appointment).
- (2) The Chief Inspector must not be appointed for more than five years at a time.
- (3) The Chief Inspector may resign by notice in writing to the [^{F95}Department of Justice].
- (4) The [^{F95}Department of Justice] may dismiss the Chief Inspector if satisfied that—
- (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
 - (b) he has been convicted of a criminal offence,
 - (c) a bankruptcy order has been made against him [^{F96}or he has become the subject of a bankruptcy restrictions order][^{F97}, or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order], or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (d) he is otherwise unable or unfit to exercise his functions.

Textual Amendments

- F95** Words in Sch. 8 para. 1(3)(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 24(2)** (with arts. 28-31)
- F96** Words in Sch. 8 para. 1(4)(c) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. Pt. 1 para. 12(5)**
- F97** Words in Sch. 8 para. 1(4)(c) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 19(4)**

Salary etc. of Chief Inspector

- 2 (1) The [^{F98}Department of Justice] must pay to or in respect of the Chief Inspector such—
- (a) salary,
 - (b) allowances, and
 - (c) sums for the provision of pensions,
- as the [^{F98}Department of Justice] determines.
- [^{F99}(1A) If a person who, by reference to any office or employment, is a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 becomes the Chief Inspector, the Department of Finance and Personnel may determine that (instead of payments being made to him under sub-paragraph (1)(c)) his service as Chief Inspector is to be treated for the purposes of the scheme as service in that office or employment.]

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^{F100}(2)

Textual Amendments

- F98** Words in Sch. 8 para. 2(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(3)(a)** (with arts. 28-31)
- F99** Sch. 8 para. 2(1A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(3)(b)** (with arts. 28-31)
- F100** Sch. 8 para. 2(2) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(3)(c)** (with arts. 28-31, Sch. 13 para. 26)

Staff

- 3 (1) The Chief Inspector may employ staff, but subject to the approval of the [^{F101}Department of Justice] as to—
- (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.
- (2) The Chief Inspector may make arrangements for securing the provision to him of such assistance by persons employed in—
- (a) the civil service of the United Kingdom, or
 - (b) the civil service of Northern Ireland,
- as he considers appropriate for or in connection with the exercise of his functions.
- [^{F102}(2A) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—
- “Employment by the Chief Inspector of Criminal Justice in Northern Ireland”.
- (2B) The Chief Inspector must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (2A).]
- (3) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (employments etc. to which section 1 can apply), at the appropriate place in the list of “Other Bodies” insert—
- “Employment by the Chief Inspector of Criminal Justice in Northern Ireland.”
- (4) The Chief Inspector must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable

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to sub-paragraph (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Textual Amendments

F101 Words in Sch. 8 para. 3(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 24(4)(a)** (with arts. 28-31)

F102 Sch. 8 para. 3(2A)(2B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 24(4)(b)** (with arts. 28-31)

Modifications etc. (not altering text)

C17 Sch. 8 para. 3(2B) extended (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 26(6)(a)** (with arts. 28-31)

Annual report

4 (1) The Chief Inspector must, as soon as possible after the end of each financial year, prepare a report on how he has exercised his functions during the financial year.

[^{F103}(1A) The Chief Inspector must send a copy of each annual report to the Department of Justice.

(1B) In this paragraph “protected information” means information the inclusion of which in a report under sub-paragraph (1) would be against the public interest on the ground of national security.

(1C) If it appears to the Secretary of State that a report in compliance with sub-paragraph (1) may contain protected information (or once completed may contain protected information), the Secretary of State may require the Chief Inspector to refer the report to the Secretary of State (or, if the report is not completed when the requirement is imposed, to refer the report once it is completed).

(1D) If it appears to the Chief Inspector that a report in compliance with sub-paragraph (1) may contain protected information and the Chief Inspector has not been required to refer the report to the Secretary of State under sub-paragraph (1C), the Chief Inspector must refer the report to the Secretary of State.

(1E) The Secretary of State must, within the period of 30 days after the date of a referral under sub-paragraph (1C) or (1D), or within such longer period as may be agreed between the Secretary of State and the Department of Justice, notify the Chief Inspector whether, in the Secretary of State’s opinion, the report contains any protected information.

(1F) Where the Secretary of State has required that a report be referred to the Secretary of State under sub-paragraph (1C) or the Chief Inspector is required to refer a report to the Secretary of State under sub-paragraph (1D), the Chief Inspector must not disclose the report to anyone apart from the Secretary of State, except—

- (a) in accordance with sub-paragraph (1G), or
- (b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any protected information, or
- (c) after the period mentioned in sub-paragraph (1E) has expired without any notification being given by the Secretary of State.

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- (1G) Where the Secretary of State informs the Chief Inspector under sub-paragraph (1E) that, in the Secretary of State’s opinion, a report contains protected information—
- (a) the Secretary of State may direct the Chief Inspector to exclude from the report any information that, in the opinion of the Secretary of State, is protected information;
 - (b) the Chief Inspector must exclude that information from the report;
 - (c) the Secretary of State must inform the Department of Justice that the Secretary of State has given a direction under paragraph (a);
 - (d) the Secretary of State must lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).
- (1H) When the Chief Inspector sends a report to the Department of Justice under sub-paragraph (1A) from which information has been excluded under sub-paragraph (1G), the Chief Inspector must at the same time send a copy of the report to the Secretary of State.
- (1I) Where a report is received by the Department of Justice under sub-paragraph (1A), it must—
- (a) lay a copy of it before the Northern Ireland Assembly, and
 - (b) arrange for it to be published.
- (1J) But the Department of Justice may exclude a part of a report from the copy so laid or published if, in its opinion, the laying or publication of the part—
- (a) would be against the public interest, or
 - (b) might jeopardise the safety of any person.
- (1K) If the Department of Justice excludes a part of a report from laying or publication, it must lay or publish with the report a statement that it has been excluded.
- (1L) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraphs (1I) and (1K) in relation to the laying of a copy of a report or a statement as it applies in relation to the laying of a statutory document under an enactment.]

F104(2)

F104(3)

F104(4)

- (5) In this paragraph “financial year” means—
- (a) the period beginning with the day on which section 45 comes into force and ending with the first 31st March which falls at least six months after that day, and
 - (b) each subsequent period of twelve months beginning with 1st April.

Textual Amendments

F103 Sch. 8 para. 4(1A)-(1L) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 24\(5\)\(a\)](#) (with arts. 28-31)

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F104 Sch. 8 para. 4(2)-(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(5)(b)** (with arts. 28-31)

Financial provisions

5 The ^{F105}Department of Justice] may make grants to the Chief Inspector.

Textual Amendments

F105 Words in Sch. 8 para. 5 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(6)** (with arts. 28-31)

- 6 (1) The Chief Inspector must—
- (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- (a) contain such information, and
 - (b) be in such form,
- as the ^{F106}Department of Justice] directs.
- (3) The Chief Inspector must send copies of the statement of accounts relating to a financial year to—
- (a) the ^{F106}Department of Justice], and
 - (b) the ^{F107}Comptroller and Auditor General for Northern Ireland],
- within such period after the end of the financial year as the ^{F106}Department of Justice] directs.
- (4) The ^{F108}Comptroller and Auditor General for Northern Ireland] must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before ^{F109}the Northern Ireland Assembly].
- ^{F110}(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.]
- (5) In this paragraph “financial year” has the same meaning as in paragraph 4.

Textual Amendments

F106 Words in Sch. 8 para. 6(2)(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(7)(a)** (with arts. 28-31, Sch. 13 para. 27)

F107 Words in Sch. 8 para. 6(3)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(7)(b)** (with arts. 28-31, Sch. 13 para. 27)

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- F108** Words in Sch. 8 para. 6(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(7)(c)(i)** (with arts. 28-31, Sch. 13 para. 27)
- F109** Words in Sch. 8 para. 6(4)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(7)(c)(ii)** (with arts. 28-31, Sch. 13 para. 27)
- F110** Sch. 8 para. 6(4A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(7)(d)** (with arts. 28-31, Sch. 13 para. 27)

Delegation of functions

- 7 (1) The Chief Inspector may delegate any of his functions (to such extent as he may determine) to—
- any member of his staff,
 - any person providing assistance by virtue of paragraph 3(2), or
 - the holder of any office within sub-paragraph (2).
- (2) Those offices are—
- Her Majesty’s Inspector of Constabulary,
 - Her Majesty’s Chief Inspector of Prisons, ^{F111} . . .
 - Her Majesty’s Chief Inspector of the Crown Prosecution Service^{F112} and,
 - Her Majesty’s Chief Inspector of the National Probation Service in England and Wales.]
- (3) The [^{F113}Department of Justice] may by order amend sub-paragraph (2) by—
- adding an office,
 - omitting an office, or
 - altering the description of an office.
- (4) If the carrying out of an inspection or review is delegated under this paragraph it is nevertheless to be regarded for the purposes of sections 46 to 49 as carried out by the Chief Inspector.

Textual Amendments

- F111** Word in Sch. 8 para. 7(2)(b) omitted (21.12.2003) by virtue of The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1) and paragraph 7(2) of Schedule 8) Order 2003 (S.R. 2003/552), {art. 3(2)}
- F112** Sch. 8 para. 7(2)(d) and preceding word inserted (21.12.2003) by The Justice (Northern Ireland) Act 2002 (Amendment of section 46(1) and paragraph 7(2) of Schedule 8) Order 2003 (S.R. 2003/552), {art. 3(3)}
- F113** Words in Sch. 8 para. 7(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 24(8)** (with arts. 28-31)

Inspections of Police Service

- 8 (1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty’s Inspectors of Constabulary who have been appointed

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under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland.

- (2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7.
- (3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out, consult the [^{F114}Department of Justice] with a view to obtaining [^{F115}the Department's] approval of the inspection which it is proposed to carry out.

Textual Amendments

- F114** Words in Sch. 8 para. 8(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 13 para. 24(9)(a) (with arts. 28-31)
- F115** Words in Sch. 8 para. 8(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 13 para. 24(9)(b) (with arts. 28-31)

Miscellaneous

- 9 The Chief Inspector is a corporation sole.
- 10 (1) The Chief Inspector is not to be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Chief Inspector's property is not to be regarded as property of, or held on behalf of, the Crown.
- 11 The Chief Inspector may do anything, apart from borrowing money, which he considers is—
 - (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
 the exercise of his functions.
- 12 The application of the seal of the Chief Inspector is to be authenticated by the signature of the Chief Inspector or any member of his staff who has been authorised (whether generally or specially) for the purpose.
- 13 A document purporting to be—
 - (a) duly executed by the Chief Inspector under his seal, or
 - (b) signed on his behalf,
 is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 14 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices), insert (at the appropriate place in alphabetical order)—

“Chief Inspector of Criminal Justice in Northern Ireland.”

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- 15 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (disqualifying offices), insert (at the appropriate place in alphabetical order)

“Chief Inspector of Criminal Justice in Northern Ireland.”

Freedom of information

- 16 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—

“The Chief Inspector of Criminal Justice in Northern Ireland.”

SCHEDULE 9 **N.I.**

Section 50

LAW COMMISSION

Commissioners' tenure

- 1 (1) Subject as follows, a Commissioner holds office for the period specified in his appointment (or re-appointment).
- (2) A person may not be appointed as a Commissioner for more than five years at a time.
- (3) A Commissioner may resign by notice in writing to the [F116Department of Justice].
- (4) The [F116Department of Justice] may dismiss a Commissioner if satisfied that—
- (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
 - (b) he has been convicted of a criminal offence,
 - (c) a bankruptcy order has been made against him [F117or he has become the subject of a bankruptcy restrictions order][F118or a debt relief order has been made in respect of him or he is the subject of a debt relief restrictions order], or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (d) he is otherwise unable or unfit to exercise his functions.

Textual Amendments

F116 Words in Sch. 9 para. 1(3)(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 25(2)** (with arts. 28-31)

F117 Words in Sch. 9 para. 1(4)(c) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), art. 1, **Sch. Pt. 1 para. 12(6)**

F118 Words in Sch. 9 para. 1(4)(c) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 19(5)**

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Commissioners holding judicial office

- 2 (1) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office.
- (2) But he is not, unless the terms of his appointment provide otherwise, required to perform the duties of his judicial office while he is a Commissioner.

Salary etc. of Commissioners not holding full-time judicial office

- 3 (1) The Commission must pay to or in respect of each Commissioner, other than a Commissioner who holds a full-time judicial office, any such—
 - (a) salary,
 - (b) allowances,
 - (c) fees, or
 - (d) sums for the provision of pensions,
 as the [F119Department of Justice] may determine.

[F120(1A) If a person who, by reference to any office or employment, is a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 becomes a Commissioner, the Department of Finance and Personnel may determine that (instead of payments being made to him under sub-paragraph (1)(d)) his service as Commissioner is to be treated for the purposes of the scheme as service in that office or employment.

(1B) The Commission must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (1A).]

F121(2)

F121(3)

Textual Amendments

- F119** Words in Sch. 9 para. 3(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 25(3)(a)** (with arts. 28-31)
- F120** Sch. 9 para. 3(1A)(1B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 25(3)(b)** (with arts. 28-31)
- F121** Sch. 9 para. 3(2)(3) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 25(3)(c)** (with arts. 28-31, Sch. 13 para. 26)

Modifications etc. (not altering text)

- C18** Sch. 9 para. 3(1B) extended (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 26(6)(b)** (with arts. 28-31)

Staff

- 4 (1) The Commission may employ staff, but subject to the approval of the [F122Department of Justice] as to—

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- (a) numbers,
- (b) salary, and
- (c) other terms of employment.

(2) The Commission may make arrangements for securing the provision to it of such assistance by persons employed in—

- (a) the civil service of the United Kingdom, [^{F123}or]
- (b) the civil service of Northern Ireland, ^{F124}...

^{F124}(c)

as it considers appropriate for or in connection with the exercise of its functions.

[^{F125}(2A) Employment as a member of staff of the Commission is among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—

“Employment by the Northern Ireland Law Commission.”

(2B) The Commission must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (2A).]

^{F126}(3)

^{F126}(4)

Textual Amendments

F122 Words in Sch. 9 para. 4(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 25(4)(a)** (with arts. 28-31)

F123 Word in Sch. 9 para. 4(2) inserted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 9(5)(a)** (with arts. 5-7)

F124 Sch. 9 para. 4(2)(c) and word omitted (12.4.2010) by virtue of The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 9(5)(b)** (with arts. 5-7)

F125 Sch. 9 para. 4(2A)(2B) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 25(4)(b)** (with arts. 28-31)

F126 Sch. 9 para. 4(3)(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 25(4)(c)** (with arts. 28-31, Sch. 13 para. 26)

Modifications etc. (not altering text)

C19 Sch. 9 para. 4(2B) extended (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 26(6)(b)** (with arts. 28-31)

Financial provisions

5 The [^{F127}Department of Justice] may make grants to the Commission.

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Textual Amendments

F127 Words in Sch. 9 para. 5 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 25(5)** (with arts. 28-31)

- 6 (1) The Commission must—
- (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- (a) contain such information, and
 - (b) be in such form,
- as the [^{F128}Department of Justice] directs.
- (3) The Commission must send copies of the statement of accounts relating to a financial year to—
- (a) the [^{F128}Department of Justice], ^{F129} ...
 - ^{F129}(b)
- within such period after the end of the financial year as the [^{F128}Department of Justice] directs.
- ^{F130}(4)
- ^{F130}(4A)
- (5) In this paragraph “financial year” means—
- (a) the period beginning with the day on which section 50 comes into force and ending with the first 31st March which falls at least six months after that day, and
 - (b) each subsequent period of twelve months beginning with 1st April.

Textual Amendments

F128 Words in Sch. 9 para. 6(2)(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 25(6)(a)** (with arts. 28-31, Sch. 13 para. 27)

F129 Sch. 9 para. 6(3)(b) and word repealed (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 102(a), 111(1), **Sch. 8 Pt. 5** (with Sch. 6 para. 9)

F130 Sch. 9 para. 6(4)(4A) repealed (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 102(b), 111(1), **Sch. 8 Pt. 5** (with Sch. 6 para. 9)

Miscellaneous

- 7 The exercise by the Commission of its functions is not affected by—
- (a) any vacancy among the Commissioners, or
 - (b) any defect in the appointment of a Commissioner.
- 8 (1) The Commission is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.

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- (2) The Commission’s property is not to be regarded as property of, or held on behalf of, the Crown.
- 9 The Commission may do anything, apart from borrowing money, which it considers is—
- (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
- the exercise of its functions.
- 10 The application of the seal of the Commission is to be authenticated by the signature of any Commissioner or member of staff of the Commission who has been authorised (whether generally or specially) for the purpose.
- 11 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specially) for the purpose.
- 12 A document purporting to be—
- (a) duly executed by the Commission under its seal, or
 - (b) signed on its behalf,
- is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 13 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Law Commission.”
- 14 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Law Commission.”

Freedom of information

- 15 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Law Commission.”

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“SCHEDULE 1A N.I.

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—
 - (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.

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- (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;
- 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.

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- (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
 - (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.

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- (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.
- (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.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) The court to which an application under paragraph 2 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 3, 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—
 - (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 4 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.”

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 11 **N.I.**

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 ".

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.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 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 **F131**

Textual Amendments

F131 Sch. 11 para. 12 repealed (1.4.2009) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1, 102, [Sch. 6 Pt. 1](#); S.R. 2009/120, [art. 2](#), Sch. 1 para. 19 (with Sch. 2)

- 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 ”.

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) ”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Terrorism Act 2000 (c. 11)

22 F132

Textual Amendments

F132 Sch. 11 paras. 22-24 repealed (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\), s. 5, Sch.](#)

23 F133

Textual Amendments

F133 Sch. 11 paras. 22-24 repealed (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\), s. 5, Sch.](#)

24 F134

Textual Amendments

F134 Sch. 11 paras. 22-24 repealed (19.2.2006) by [Terrorism \(Northern Ireland\) Act 2006 \(c. 4\), s. 5, Sch.](#)

SCHEDULE 12 **N.I.**

Section 85

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.))

1 Section 18(3) of the Criminal Justice Act (Northern Ireland) 1945 (prosecution of offences against a corporation) shall continue to have effect with the substitution (originally made by Article 10 of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))) of “an indictment has been presented” for the words from “a grand jury” to “a true Bill”.

Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

2 Section 20(3) of the Interpretation Act (Northern Ireland) 1954 (offences by bodies corporate) shall continue to have effect with the substitution (originally made by Article 9(3) of the Prosecution of Offences (Northern Ireland) Order 1972) of “except by or with the consent of the Attorney-General or the Director of Public Prosecutions for Northern Ireland” for “except upon the direction of the Attorney-General”.

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

3 The County Courts Act (Northern Ireland) 1959 has effect subject to the following amendments.

4 (1) Section 102 (appointment and assignment of judges) is amended as follows.

(2) In subsection (4) (assignment of one judge to each division), for “one judge” substitute “one or more judges”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) In subsection (5) (judge assigned to Belfast or Londonderry to be Recorder), after “judge” insert “, or (if more than one) one of the judges, ”.
- 5 In section 106(2) (salary payable to judge from date on which he takes the oaths required by section 105(3)), for “oaths required by section 105(3)” substitute “required oath or makes the required affirmation and declaration ”.

Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))

- 6 Sections 73, 96, 97, 106(1) and 120 of, and paragraph 12 of Schedule 8 to, the Electoral Law Act (Northern Ireland) 1962 (prosecution of offences disclosed on election petitions) shall continue to have effect with the substitution (originally made by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1)) of “The Director of Public Prosecutions for Northern Ireland” for “The Chief Crown Solicitor”.

Law Commissions Act 1965 (c. 22)

- 7 The Law Commissions Act 1965 has effect subject to the following amendments.
- 8 In section 1(1) (purpose of Law Commission), after “of the law” insert “ of England and Wales ”.
- 9 In section 3(4) (duty of Law Commission and Scottish Law Commission to consult each other), insert at the end “ and the Northern Ireland Law Commission ”.

Administration of Justice Act 1973 (c. 15)

- 10 The Administration of Justice Act 1973 has effect subject to the following amendments.

Commencement Information

I31 Sch. 12 para. 10 in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, [Sch. para. 20\(a\)](#)

- 11 In section 9(5) (judicial salaries), after “Salaries payable” insert “ under subsection (1)(d) shall be charged on and paid out of the Consolidated Fund of Northern Ireland and other salaries payable ”.

Commencement Information

I32 Sch. 12 para. 11 in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, [Sch. para. 20\(a\)](#)

- 12 In section 12(1) (retirement of higher judiciary in event of incapacity), after “Northern Ireland” insert “ (other than a judge to whom section 7 of the Justice (Northern Ireland) Act 2002 applies) ”.

Commencement Information

I33 Sch. 12 para. 12 in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, [Sch. para. 20\(a\)](#)

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

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

F135 13

Textual Amendments

F135 Sch. 12 para. 13 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 37** (with **Sch. 5 para. 16**); S.I. 2010/812, art. 2

PROSPECTIVE

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

14 In Article 6(6) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for certain orders), after sub-paragraph (b) insert—
“(ba) a custody care order under Article 44A of that Order of 1998;”.

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

- 15 (1) Section 9 of the Criminal Appeal (Northern Ireland) Act 1980 (appeal to Court of Appeal) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “1996” insert “ or a youth conference order ”, and
 - (b) in paragraph (b), after “community order” insert “ or the youth conference order ”.
- (3) In subsection (3)(c), for “paragraph 4(1)(a)” substitute “ paragraph (a), or against whom an order is made under paragraph (b) or (c), of paragraph 4(1) ”.
- (4) After that subsection insert—
- “(3A) A person may appeal to the Court of Appeal against a decision under paragraph 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) not to revoke an order which is in force with respect to him; and on such an appeal the Court of Appeal may do anything which the Crown Court could do under that paragraph.
 - (3B) A person may appeal to the Court of Appeal against the dismissal of an application to the Crown Court under paragraph 5 of Schedule 1A to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) to make an order under sub-paragraph (1) of that paragraph.”

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

16 The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 has effect subject to the following amendments.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F136 17

Textual Amendments
F136 Sch. 12 para. 17 repealed (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), Sch. 5 (with art. 45); S.R. 2015/194, art. 2, Sch. (with art. 3)

PROSPECTIVE

18 F137

Textual Amendments
F137 Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), Sch. 5 (with art. 45); S.R. 2003/440, art. 3, Sch.

PROSPECTIVE

19 F138

Textual Amendments
F138 Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), Sch. 5 (with art. 45); S.R. 2003/440, art. 3, Sch.

PROSPECTIVE

20 F139

Textual Amendments
F139 Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), Sch. 5 (with art. 45); S.R. 2003/440, art. 3, Sch.

PROSPECTIVE

21 F140

Textual Amendments
F140 Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), Sch. 5 (with art. 45); S.R. 2003/440, art. 3, Sch.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

22 F141

Textual Amendments

F141 Sch. 12 paras. 18-22 repealed (2.11.2003) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10)), arts. 1(2), 49(2), **Sch. 5** (with art. 45); S.R. 2003/440, **art. 3**, Sch.

- 23 In Article 28(2) (free legal aid in the magistrates' court: representation by counsel), for "proceedings" substitute "defence".
- 24 In Article 31 (resolution of doubts), after "28," insert "28A,".
- 25 In Article 32 (statements for purposes of free legal aid), after "28," insert "28A,".
- 26 In Article 36(3) (rules about free legal aid in criminal proceedings), after subparagraph (b) insert—
“(bb) the form for the purpose of Article 28A(2)(a);”.
- 27 In Article 39 (interpretation of Part 3)—
(a) after the definition of “the certifying authority” insert—
 ““child” has the meaning given in Article 2(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);
 “court-ordered youth conference” has the meaning assigned to that expression by Article 33A(5) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”
(b) in the definition of “criminal aid certificate” after “28(1),” insert “28A(3),”, and
(c) after that definition insert—
 ““diversionary youth conference” has the meaning assigned to that expression by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

Commencement Information

I34 Sch. 12 para. 27 wholly in force at 30.8.2005; Sch. 12 para. 27 not in force at Royal Assent see s. 87; Sch. 12 para. 27 in force for certain purposes at 1.12.2003 by S.R. 2003/488, **art. 2**, Sch.; Sch. 12 para. 27 in force for remaining purpose at 30.8.2005 by S.R. 2005/391, **art. 2**, Sch. para. 9(a)

PROSPECTIVE

F142²⁸

Textual Amendments

F142 Sch. 12 para. 28 repealed (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), **Sch. 5** (with art. 45); S.R. 2015/194, art. 2, Sch. (with art. 3)

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

29 The Magistrates' Courts (Northern Ireland) Order 1981 has effect subject to the following amendments.

PROSPECTIVE

30 In Article 47(6) (period of remand), after "1998" insert "; and
(ba) a custody care order within the meaning of that Order."

31 (1) Article 140 (appeals to county court) is amended as follows.
(2) In paragraph (2), for "made on conviction," substitute "passed on the person for the offence, whether on conviction or in subsequent proceedings,".
(3) After that paragraph insert—
“(2A) A person may appeal to a county court against—
(a) a fine imposed under paragraph (a), or an order made under paragraph (b) or (c), of paragraph 3(1) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24);
(b) the dismissal of an application under Part 3 or 4 of that Schedule;
(c) a fine imposed, or an order made, under Article 41(2) or 44F(3) or (4) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);
(d) an order made under Article 44C(3)(a) or 54(3)(a) of that Order;
(e) an order made under paragraph 3 of Schedule 1A to that Order; or
(f) the dismissal of an application under paragraph 5 of that Schedule (otherwise than to the Crown Court) to make an order under subparagraph (1) of that paragraph.”

Commencement Information

I35 Sch. 12 para. 31 partly in force; Sch. 12 para. 31 not in force at Royal Assent, see s. 87; Sch. 12 para. 31 in force for certain purposes at 1.12.2003 by [S.R. 2003/488](#), [art. 2](#), [Sch.](#)

PROSPECTIVE

Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17))

32 The Child Abduction (Northern Ireland) Order 1985 has effect subject to the following amendments.

PROSPECTIVE

33 In Article 3(7) (application of offence of abduction of child in care or subject to certain orders) insert at the end "or a custody care order."

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PROSPECTIVE

- 34 (1) Paragraph 4 of the Schedule (modifications of Article 3 for children in certain cases) is amended as follows.
- (2) In sub-paragraph (1), after “order” insert “ or a custody care order ”.
- (3) In sub-paragraph (2)(a)—
- (a) after “consent of” insert “ , in the case of a juvenile justice centre order, ”, and
- (b) after “juvenile justice centre” insert “ or, in the case of a custody care order, the appropriate authority within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998 ”.
- (4) In sub-paragraph (3), insert at the end “ and “custody care order” has the same meaning as in Article 44A of that Order. ”

PROSPECTIVE

Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4))

- 35 The Mental Health (Northern Ireland) Order 1986 has effect subject to the following amendments.

PROSPECTIVE

- 36 In Article 44(8) (orders which can be made in conjunction with hospital or guardianship orders), for the words from “including” to the end substitute “ including juvenile justice centre orders and custody care orders under the Criminal Justice (Children) (Northern Ireland) Order 1998. ”

PROSPECTIVE

- 37 In Article 50A(7) (remitting persons for trial following detention in hospital)—
- (a) after sub-paragraph (d) insert “; or
- (e) to secure accommodation;”, and
- (b) for “or juvenile justice centre” substitute “ , juvenile justice centre or secure accommodation ”.

PROSPECTIVE

- 38 In Article 53(5)(a) (removal to hospital of certain persons serving sentences of imprisonment), for the words from “including” to “juvenile justice centre” substitute “ including juvenile justice centre orders and custody care orders under the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9) ”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

- 39 (1) Article 56 (further provision as to prisoners under sentence) is amended as follows.
- (2) In paragraph (1)—
- (a) for “or juvenile justice centre” substitute “ , juvenile justice centre or secure accommodation ”, and
 - (b) in sub-paragraph (b), after “juvenile justice centre” insert “ or the authority providing the secure accommodation ”.
- (3) In paragraph (3), for “or juvenile justice centre” substitute “ , juvenile justice centre or secure accommodation ”.

PROSPECTIVE

- 40 (1) Article 61 (interpretation) is amended as follows.
- (2) In paragraph (1A)—
- (a) for “means any juvenile justice centre,” substitute “ means any young offenders centre, any juvenile justice centre, any secure accommodation, ”, and
 - (b) insert at the end “ ; and in this paragraph “young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)). ”
- (3) After paragraph (1A) insert—
- “(1B) In this Part “secure accommodation” means accommodation provided by an authority (within the meaning of the Children (Northern Ireland) Order 1995 (N.I. 2)) for the purpose of restricting liberty.”

Criminal Justice Act 1988 (c. 33)

- 41 In paragraph 12 of Schedule 3 to the Criminal Justice Act 1988 (reviews of sentencing: supplementary), for “Attorney General for Northern Ireland” substitute “ Director of Public Prosecutions for Northern Ireland ”.

Commencement Information

I36 Sch. 12 para. 41 in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, [Sch. para. 20\(b\)](#)

PROSPECTIVE

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 42 The Police and Criminal Evidence (Northern Ireland) Order 1989 has effect subject to the following amendments.

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PROSPECTIVE

- 43 (1) Article 2(2) (interpretation) is amended as follows.
- (2) After the definition of “items subject to legal privilege” insert—
- ““juvenile justice centre” has the same meaning as in the Criminal Justice (Children) (Northern Ireland) Order 1998;”.
- (3) After the definition of “recordable offence” insert—
- ““secure accommodation” means accommodation provided by an authority (within the meaning of the Children (Northern Ireland) Order 1995) for the purpose of restricting liberty;”.
- (4) At the end insert—
- ““young offenders centre” has the meaning assigned to it by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.));”.

PROSPECTIVE

- 44 In Article 2(5) (definition of “custodial establishment”), after “juvenile justice centre” insert “, secure accommodation ”.

PROSPECTIVE

- 45 In Article 19(1)(ca) (entry for purpose of arrest), after “juvenile justice centre” insert “ or secure accommodation ”.

PROSPECTIVE

- 46 In Article 39(8) (place of safety), for “means any juvenile justice centre,” substitute “ means any young offenders centre, any juvenile justice centre, any secure accommodation, ”.

Child Support Act 1991 (c. 48)

- 47 ^{F143}

Textual Amendments

F143 Sch. 12 para. 47 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 9(1), [Sch. 3 para. 228\(j\)](#)

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 48 In Schedule 9 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in paragraph 1(1)(b) (exclusion of entitlement to child benefit for children in detention, care, etc.), after “juvenile justice centre” insert “ or kept in secure accommodation under a custody care order ”.

Criminal Appeal Act 1995 (c. 35)

- 49 (1) Section 22 of the Criminal Appeal Act 1995 (meaning of public body etc.) is amended as follows.
- (2) In subsection (3)(a), for “Office of the Director of Public Prosecutions for Northern Ireland” substitute “ Public Prosecution Service for Northern Ireland ”.
- (3) In subsection (4)(c), for “Office of the Director of Public Prosecutions for Northern Ireland, that Director” substitute “ Public Prosecution Service for Northern Ireland, the Director of Public Prosecutions for Northern Ireland ”.

PROSPECTIVE

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

- 50 The Children (Northern Ireland) Order 1995 has effect subject to the following amendments.

PROSPECTIVE

- 51 In Article 70(7) (provisions which do not apply to those providing refuges for children at risk), after sub-paragraph (b) insert—
- “(bb) Article 44C(5) of that Order (escape by child ordered to be kept in secure accommodation under a custody care order);”.

PROSPECTIVE

- 52 In paragraph 4(1)(b) of Schedule 4 (directions under education supervision orders where child is subject to other orders), for “or a juvenile justice centre order” substitute “ , a juvenile justice centre order or a custody care order, ”.

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

- 54 The Criminal Justice (Northern Ireland) Order 1996 has effect subject to the following amendments.
- 55 (1) Article 2(2) (interpretation) is amended as follows.
- (2) In the definition of “community order”, after paragraph (c) insert—

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- “(ca) a reparation order;
- (cb) a community responsibility order;”.

(3) After that definition insert—

““community responsibility order” means an order under Article 36E of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);”.

(4) In the definition of “custodial sentence”, insert at the end—

“(iv) an order under Article 44A of that Order sending the offender to secure accommodation;”.

(5) After the definition of “probation period” insert—

““reparation order” means an order under Article 36A of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

(6) After the definition of “young offenders centre” insert—

““youth conference order” means an order under Article 36J of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

Commencement Information

I37 Sch. 12 para. 55 partly in force; Sch. 12 para. 55 not in force at Royal Assent, see s. 87; Sch. 12 para. 55(1)-(3)(5)(6) in force at 1.12.2003 by [S.R. 2003/488](#), [art. 2](#), [Sch.](#)

- 56 In Article 9(3) (procedural requirements for community orders), at the end insert—
- “(ca) a reparation order; and
 - (cb) a community responsibility order.”

PROSPECTIVE

- 57 In Article 18(1) (restriction on imposing sentences of imprisonment or detention on persons not legally represented), after “order” insert “ or custody care order ”.

- 58 In Article 19(3) (court not prevented from passing custodial sentence if offender refuses to consent to community sentence), insert at the end “or a youth conference order”.

PROSPECTIVE

- 59 (1) Schedule 2 (enforcement of community orders) is amended as follows.
- (2) In paragraph 11(3)—
- (a) after “committed to” insert “ secure accommodation or ”, and
 - (b) after “assistance to” insert “ the authority keeping the child in secure accommodation, ”.
- (3) In paragraph 18(3)—
- (a) after “committed to” insert “ secure accommodation or ”, and
 - (b) after “assistance to” insert “ the authority keeping the child in secure accommodation, ”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Sex Offenders Act 1997 (c. 51)

60 In section 4(1) of the Sex Offenders Act 1997 (young sex offenders), for paragraph (c) substitute—

- “(c) a period for which a person is ordered to be detained in a juvenile justice centre under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9));
- (ca) a period for which a person is ordered to be kept in secure accommodation under Article 44A of that Order;”.

Commencement Information
I38 Sch. 12 para. 60 partly in force; Sch. 12 para. 60 not in force at Royal Assent see s. 87; Sch. 12 para. 60 in force for certain purposes at 30.8.2005 by [S.R. 2005/391](#), [art. 2](#), [Sch.](#)

PROSPECTIVE

Police (Northern Ireland) Act 1998 (c. 32)

61 In section 42(3) of the Police (Northern Ireland) Act 1998 (copies of reports of inspectors of constabulary relating to Police Service etc.), insert at the end (but not as part of paragraph (b))—

“and, if the report was received under section 41(2), to the Chief Inspector of Criminal Justice in Northern Ireland.”

PROSPECTIVE

Northern Ireland Act 1998 (c. 47)

62 The Northern Ireland Act 1998 has effect subject to the following amendments.

^{F144}63

Textual Amendments
F144 [Sch. 12 para. 64](#) repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), [s. 64](#), [Sch. 9](#)

^{F144}64

Textual Amendments
F144 [Sch. 12 para. 64](#) repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), [s. 64](#), [Sch. 9](#)

65 (1) Schedule 3 (reserved matters) is amended as follows.

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In paragraph 1 (conferral of functions on Ministers of the Crown), insert at the end “apart from the Advocate General for Northern Ireland”.

F145(3)

Textual Amendments

F145 Sch. 12 para. 65(3) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), **27(2)(b)** (with arts. 28-31)

Commencement Information

I39 Sch. 12 para. 65 in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, **Sch. para. 20(c)**

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

66 The Criminal Justice (Children) (Northern Ireland) Order 1998 has effect subject to the following amendments.

67 (1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2), in the definitions of “community order”, “community sentence” and “custodial sentence”—

(a) insert at the beginning “ “combination order”,”, and

(b) after “ “community sentence”” insert “ , “community service order” ”.

(3) After those definitions insert—

“ “community responsibility order” means an order under Article 36E;

“custody care order” means an order under Article 44A;”.

(4) In that paragraph, after the definition of “custody officer” insert—

“ “Director” means the Director of Public Prosecutions for Northern Ireland;”.

(5) In that paragraph, after the definition of “notice” insert—

“ “Order Book” means the Order Book required to be kept under rule 19 of the Magistrates’ Courts Rules (Northern Ireland) 1984 (SR 1984 No. 225);”.

(6) In that paragraph, after the definition of “parental responsibility” insert—

“ “place of safety” has the same meaning as in Article 39(8) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (N.I. 12);

“police officer” and “police support staff” have the same meaning as in the Police (Northern Ireland) Act 2000 (c. 32);

“probation order” means an order under Article 10 of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24);”.

(7) In that paragraph, after the definition of “relative” insert—

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““remand centre” has the same meaning as in the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.));

“reparation order” means an order under Article 36A;

“responsible officer”—

- (a) in relation to an offender subject to a reparation order, has the meaning assigned to it by Article 36D(2);
- (b) in relation to an offender subject to a community responsibility order, has the meaning assigned to it by Article 36E(4); and
- (c) in relation to an offender subject to a youth conference order, has the meaning assigned to it by Article 36K(3);

“secure accommodation” means accommodation provided for the purpose of restricting liberty;”.

(8) At the end of that paragraph insert—

““youth conference” has the meaning given by Article 3A, “diversionary youth conference” has the meaning given by Article 10A(2) and “court-ordered youth conference” has the meaning given by Article 33A(5);

“youth conference co-ordinator” means a person designated under Article 3A(3);

“youth conference order” has the meaning given by Article 36J(2);

“youth conference plan” has the meaning given by Article 3C.”

(9) After paragraph (3) insert—

“(4) References in this Order to an offence punishable, in the case of an adult, with imprisonment are to be construed without regard to any prohibition or restriction imposed by or under any statutory provision on the imprisonment of adults who are under the age of 21.

(5) References in this Order to associated offences are to be construed in accordance with Article 2(7) of the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24).”

Commencement Information

140 Sch. 12 para. 67 partly in force; Sch. 12 para. 67 not in force at Royal Assent, see s. 87; Sch. 12 para. 67 in force for certain purposes at 1.12.2003 by [S.R. 2003/488](#), [art. 2](#), [Sch.](#)

PROSPECTIVE

68 In Article 8(3) and (4) (child not released under Article 7), for “a juvenile justice centre” substitute “secure accommodation provided by or on behalf of the appropriate authority”.

69 (1) Article 13 (remand in custody) is amended as follows.

(2) In paragraph (1), for the words after “open court” substitute “and—

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- (a) if the child has not attained the age of 14, shall make an order committing him to secure accommodation provided by or on behalf of the appropriate authority;
- (b) if the child has attained the age of 14 but has not attained the age of 17, shall (subject to paragraph (1A)) make an order committing him to a juvenile justice centre; and
- (c) if the child has attained the age of 17, shall (subject to paragraph (1B)) make an order committing him to a young offenders centre.”

(3) After that paragraph insert—

“(1A) In the case of a child who has attained the age of 15 but has not attained the age of 17 the court shall make an order committing him to a young offenders centre (and not an order committing him to a juvenile justice centre) if it considers that he is likely to injure himself or another person.

(1B) In the case of a child—

- (a) who has attained the age of 17 but who, at the time of the court’s first decision in respect of the offence in question not to release him on bail, has not attained the age of 17 years and six months; and
- (b) who has not had a custodial sentence imposed on him within the last two years,

the court shall make an order committing him to a juvenile justice centre (and not an order committing him to a young offenders centre) if, after considering a report made by a probation officer, it considers that it is in his best interests to make such an order.

(1C) An order under this Article shall commit the child for the period for which he is remanded or until he is brought back before the court.”

Commencement Information

I41 Sch. 12 para. 69 partly in force; Sch. 12 para. 69 not in force at Royal Assent see s. 87; Sch. 12 para. 69(3) in force and Sch. 12 para. 69(1) in force for certain purposes at 30.8.2005 by [S.R. 2005/391](#), [art. 2](#), [Sch.](#)

- 70 In Article 30(3) (powers of youth court when child becomes adult)—
- (a) after “a community order” insert “, a youth conference order”, and
 - (b) after “the community order” (in both places) insert “ or youth conference order”.
- 71 In Article 37(4) (requirements of attendance centre orders), for the words from “be such” to the end substitute “, so far as practicable, be such as to avoid any conflict with the child’s religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.”
- 72 In Article 39(1) (juvenile justice centre orders)—
- (a) after “a child” insert “ who has attained the age of 14”, and
 - (b) for “to which Article 45(1) applies” substitute “ the sentence for which is, in the case of an adult, fixed by law as imprisonment for life”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I42 Sch. 12 para. 72 partly in force; Sch. 12 para. 72 not in force at Royal Assent see s. 87; Sch. 12 para. 72(b) in force at 30.8.2005 by [S.R. 2005/391](#), [art. 2](#), [Sch.](#)

73 (1) Article 41 (breach of supervision requirements of juvenile justice centre order) is amended as follows.

(2) In paragraph (2)—

(a) for “in any of” substitute “in either of”,

(b) for sub-paragraph (a) substitute—

“(a) it may impose on him a fine not exceeding £1,000;”,

and

(c) for paragraphs (i) and (ii) of sub-paragraph (b) substitute—

“(i) in a juvenile justice centre if he has not attained the age of 17 or falls within paragraph (2A); or

(ii) in a young offenders centre in any other case.”

(3) After that paragraph insert—

“(2A) The offender falls within this paragraph if he—

(a) has attained the age of 17;

(b) has not attained the age of 18 and will not attain that age within the next 30 days; and

(c) has not had a custodial sentence (other than the juvenile justice centre order in question) imposed on him within the last two years,

and the court, after considering a report made by a probation officer, considers that it is in his best interests to order him to be detained in a juvenile justice centre (and not in a young offenders centre).

(2B) Where the court imposes a fine on the offender under paragraph (2)(a)—

(a) if he has not attained the age of 16, it shall order that the fine be paid by the parent or guardian of the child instead of by the child, unless it is satisfied that there is good reason for not so doing; and

(b) if he has attained that age but has not attained the age of 18, it may so order.

(2C) A fine ordered under paragraph (2B) to be paid by a parent or guardian may be recovered from him by distress, or he may be imprisoned in default of payment, in like manner as if the order had been made on the conviction of the parent or guardian of the offence for which the juvenile justice centre order was made.

(2D) A parent or guardian may appeal to a county court against an order under paragraph (2B).”

Commencement Information

I43 Sch. 12 para. 73 partly in force; Sch. 12 para. 73 not in force at Royal Assent see s. 87; Sch. 12 para. 73(2)(c)(3) in force and Sch. 12 para. 73(1) in force for certain purposes at 30.8.2005 by [S.R. 2005/391](#), [art. 2](#), [Sch.](#)

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F146 75

Textual Amendments

F146 Sch. 12 para. 75 repealed (12.4.2010) by Justice (Northern Ireland) Act 2004 (c. 4), s. 19(1), **Sch. 4**; S.R. 2012/114, art. 2(c)

PROSPECTIVE

Northern Ireland Act 2000 (c. 1)

76 The Northern Ireland Act 2000 has effect subject to the following amendments.

PROSPECTIVE

77 In section 1(4) (effect on offices of suspension of devolved government), after “junior Minister,” insert “ as Attorney General for Northern Ireland ”.

PROSPECTIVE

78 In section 3 (restoration of devolved government), insert at the end—
“(8) If the period of appointment of the person who held office as Attorney General for Northern Ireland immediately before the date on which section 1 came into force has not expired, he resumes office on the effective date.”

PROSPECTIVE

79 In the Schedule (provisions applicable during suspension of devolved government), after paragraph 5 insert—
“5A If the office of Attorney General is vacant at the time when section 1 comes into force, or becomes vacant at any time while that section is in force, no steps are to be taken to fill the vacancy while that section is in force; but if a restoration order is subsequently made, the vacancy is to be filled in accordance with section 22 of the Justice (Northern Ireland) Act 2002.”

Terrorism Act 2000 (c. 11)

80 In paragraph 39(4)(b) and (6)(b) of Schedule 4 to the Terrorism Act 2000 (compensation where restraint order is discharged), for “member of the Office of the Director of Public Prosecutions for Northern Ireland” substitute “ member of staff of the Public Prosecution Service for Northern Ireland ”.

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PROSPECTIVE

*Regulatory Reform Act 2001 (c. 6)*81 ^{F147}**Textual Amendments**

F147 Sch. 12 para. 81 repealed (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), ss. 30, 33, [Sch.](#) (with s. 30(2)-(5))

Constitutional Reform Act 2005

[^{F148}82 Omit sections 133 to 136 of the Constitutional Reform Act 2005 (judicial removals: Northern Ireland).]

Textual Amendments

F148 Sch. 12 para. 82 inserted (12.4.2010) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 5 para. 127](#); [S.I. 2010/883](#), [art. 2\(c\)\(ii\)](#)

SCHEDULE 13 **N.I.**

Section 86

REPEALS AND REVOCATIONS

Commencement Information

I44 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 and 15.6.2005 by [S.R. 2005/281](#), [arts. 2, 3](#). Schs. 1, 2; Sch. 13 in force for certain further purposes at 30.8.2005 by [S.R. 2005/391](#), [art. 2](#), [Sch.](#); Sch. 13 in force for certain further purposes at 3.4.2006 by [S.R. 2006/124](#), [art. 2](#), [Sch.](#); Sch. 13 in force for certain further purposes at 16.4.2007 by [S.R. 2007/237](#), [art. 2](#), [Sch.](#)

I45 Sch. 13 in force at 1.3.2010 for specified purposes by [S.R. 2010/52](#), [art. 2\(e\)](#)

I46 Sch. 13 in force at 12.4.2010 for specified purposes by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 21](#)

Short title and chapter or title and number **Extent of repeal or revocation**

Promissory Oaths Act 1868 (c. 72)

Section 4.

Section 6 .

In the Schedule, in the Second Part, the entry relating to Ireland.

Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) Section 19.

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))	In section 42(4), in the definition of “committed for trial”, the words “, justice of the peace”.
Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))	Section 2(2).
County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))	Section 105(1), (1A) and (3). In section 107(7), the words “, except a resident magistrate,”. Section 136(a).
Magistrates’ Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))	In section 1(3), in the definition of “resident magistrate”, the words “or a temporary resident magistrate appointed under any enactment repealed by this Act”. Section 7. Section 9(2). F149 ... Section 11. In section 12A(1), the words “other than a resident magistrate”.
Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))	In section 2, in subsection (1), the words “Subject to subsections (4) and (4A),” and subsections (4) and (4A).
Law Commissions Act 1965 (c. 22)	Section 1(5).
Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))	Section 178(3). In Schedule 2, paragraphs 1, 2, 2A, 3(2), 6 and 8(a).
Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.))	In section 2(2), paragraph (f) and the word “or” before it and the words “or paragraph (f)”.
Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))	The whole Order.
Northern Ireland Constitution Act 1973 (c. 36)	Section 10(1). Section 34.
Northern Ireland (Modification of Enactments -No. 1) Order 1973 (S.I. 1973/2163)	In Schedule 2, the entry for the Lands Tribunal and Compensation Act (Northern Ireland) 1964. In Schedule 5, paragraph 50(a).
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 1 of Schedule 1, the words “the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 or”.
Energy Act 1976 (c. 76)	In Schedule 2, in paragraph 6(4), the words following paragraph (b).
Internationally Protected Persons Act 1978 (c. 17)	In section 2(1), the words following paragraph (b).

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

In section 2(1), the words “who shall be president thereof”.

In section 3(1), the words “who shall be president thereof”.

In section 4(1), the words “who shall be president thereof”.

Section 13.

In section 51(5), the words “or a justice of the peace” and the words “or justices”.

In section 51A(6), the words “or (f)”.

Section 71(1), (2) and (4).

Section 75(3).

Section 99(1).

F150

In Schedule 2, the entry relating to the Lord Chief Justice’s Office.

In Schedule 3, the entries relating to the Principal Secretary to the Lord Chief Justice and the Legal Secretary to the Lord Chief Justice and column 2 of the other entries.

In Schedule 5, the entries relating to sections 2(1), 2(2) and 3, 2(3) and 6(2) of the Coroners Act (Northern Ireland) 1959, section 105 of the County Courts Act (Northern Ireland) 1959 and sections 7 and 11 of the Magistrates’ Courts Act (Northern Ireland) 1964, in the entry relating to section 10(1) of that Act, the words “for the word “Governor” wherever it occurs substitute the words “Lord Chancellor” and” and the entries relating to section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964, section 21(2) of the Treatment of Offenders Act (Northern Ireland) 1968, section 178 of, and paragraphs 1(1) and 3(2) and paragraphs 1(2), (3) and (4), 2(2) and 6 of Schedule 2 to, the Children and Young Persons Act (Northern Ireland) 1968 and the Prosecution of Offences (Northern Ireland) Order 1972.

Suppression of Terrorism Act 1978 (c. 26)

In section 4(4), the words following paragraph (b).

Interpretation Act 1978 (c. 30)

In Schedule 1, in the definition of “committed for trial”, in paragraph (b), the words “, justice of the peace”.

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

F151

...

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

F152

...

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6))	In Part 2 of Schedule 1, paragraphs 65 to 68.
Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))	In Article 4(2), the word “or” following sub-paragraph (a). Article 10(6). In Article 34, the words “within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998”. In Part 1 of Schedule 1, paragraph 5.
Magistrates’ Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Article 2(3), in the definition of “resident magistrate”, the words “or a temporary resident magistrate appointed under any enactment repealed by that Act of 1964”. In Article 18, paragraph (3) and, in paragraph (4)(a), the words “or other justice of the peace” and the words “or, as the case may be, paragraph (3),”. In Article 34, in paragraphs (3) and (4), the words “or other justice of the peace” and, in paragraph (5), the words “or justice of the peace”. Article 44(5). Article 90(4). In Article 152, the words “or other justice of the peace having jurisdiction in the same petty sessions district as the court which made the original order”. In Article 158A(3), the words “or another justice of the peace (as the case may be)”. F152 In Schedule 1, in paragraph 4, the words “and section 6(2A)” and Part 2.
Civil Aviation Act 1982 (c. 16)	In section 92, in subsection (2), the words following paragraph (b) and subsection (6).
Administration of Justice Act 1982 (c. 53)	Section 72(2). In Schedule 8, paragraph 2.
Probation Board (Northern Ireland) Order 1982 (S.I. 1982/713 (N.I. 10))	Article 14. In Article 15(1), sub-paragraph (b) and the word “and” before it.
Criminal Justice Act 1987 (c. 38)	In Schedule 1, paragraph 5(2). In Schedule 2, paragraph 6.
Courts and Legal Services Act 1990 (c. 41)	Section 109(4).
Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I. 7))	In Article 8(5), paragraph (b) and the word “and” before it.
Criminal Justice (Northern Ireland) Order 1991 (S.I. 1991/1711 (N.I. 16))	Article 7(3).

Changes to legislation: Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In Schedule 2, paragraph 1(4).
Radioactive Substances Act 1993 (c. 12)	Section 38(3).
Criminal Procedure and Investigations Act 1996 (c. 25)	In section 1 (as it applies to Northern Ireland), in subsection (2)(e), the words “or (f)”. In section 39 (as it applies to Northern Ireland), in subsection (2)(a), the words “or (f)”. In Schedule 3 (as it applies to Northern Ireland), in paragraph 8(1)(b), the words “or (f)”.
Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))	Article 22(4)(a).
Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6))	In Schedule 2, the entry relating to members of juvenile court panels.
Police (Northern Ireland) Act 1998 (c. 32)	In section 58, in subsection (3), the words “under the Prosecution of Offences (Northern Ireland) Order 1972” and subsection (4).
Northern Ireland Act 1998 (c. 47)	In section 7(1), the word “and” after paragraph (b). In Schedule 2, in paragraph 11, the words “lay magistrates, justices of the peace, members of juvenile court panels,”. In Schedule 10, in paragraph 6, the words “or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly”, in paragraph 12, in sub-paragraph (1), the words “or defended” and, in sub-paragraph (2), the words “or the First Minister and the deputy First Minister acting jointly”, in paragraph 14, the words “or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly”, in paragraph 22, in sub-paragraph (1), the words “or defended” and, in sub-paragraph (2), the words “or the First Minister and the deputy First Minister acting jointly”, in paragraph 24, the words “or, where such intimation is given to the First Minister and the deputy First Minister, those Ministers acting jointly” and paragraph 36.
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	Article 4. Article 54(3)(b). Article 55. In Schedule 5, paragraphs 14, 25, 26(b), 27, 28(a)(i) and (b) and 46(a).

Changes to legislation: *Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))	Article 7(5). In Schedule 1, paragraph 1(3).
Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))	Article 82(4).
Access to Justice Act 1999 (c. 22)	In section 98(3), paragraph (b) and the word “and” before it.
Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))	In Article 2(2), in the definition of “judge”, the words “or justice of the peace”.
Welfare Reform and Pensions Order 1999 (S.I. 1999/3147 (N.I. 11))	In Article 40(2), the word “or” at the end of sub-paragraph (f).
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 7, the entries relating to the Advisory Committee on Juvenile Court Lay Panel (Northern Ireland) and the Law Reform Advisory Committee for Northern Ireland.
Justice (Northern Ireland) Act 2002 (c. 26)	Section 9(10) and (13). F153 ... In Schedule 6, the entries relating to justices of the peace and members of panels formed under Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.)).
[^{F154} Constitutional Reform Act 2005	Sections 133 to 136.]

Textual Amendments

- F149** Words in [Sch. 13](#) omitted (12.4.2010) by virtue of [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 38\(a\)](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, art. 2
- F150** [Sch. 13](#): entry repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 146, 148, [Sch. 18 Pt. 3](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 para. 30](#)
- F151** [Sch. 13](#): entry repealed (8.6.2008) by [The Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1, 95(3), 102, [Sch. 6 Pt. 2](#)
- F152** [Sch. 13](#): entries repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, [Sch. 5 para. 128\(2\)](#), [Sch. 18 Pt. 3](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 paras. 12, 30](#)
- F153** Words in [Sch. 13](#) omitted (12.4.2010) by virtue of [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), [Sch. 4 para. 38\(b\)](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, art. 2
- F154** [Sch. 13](#) entry inserted (12.4.2010) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 5 para. 128\(3\)](#); S.I. 2010/883, art. 2(c)(iii)

Changes to legislation:

Justice (Northern Ireland) Act 2002 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 2(5) words inserted by [2009 c. 3 Sch. 3 para. 1\(3\)](#)
- s. 6 words substituted by [2005 c. 4 Sch. 17 para. 38](#) (This amendment is not applied to legislation.gov.uk. Sch. 17 para. 38 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 8; S.I. 2010/812, art. 2)
- s. 7(5) words substituted by [2004 c. 4 s. 5](#) (This amendment not applied to legislation.gov.uk. S. 5 omitted (12.4.2010) without ever being in force by virtue of 2009 c. 3, Sch. 5 para. 5; S.I. 2010/812, art. 2)
- s. 8(7) words inserted by [2005 c. 4 Sch. 5 para. 116](#) (This amendment is not applied to legislation.gov.uk. Sch. 5 para. 116 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 6(3); S.I. 2010/812, art. 2)
- s. 9(1) words substituted by [2002 c. 26 Sch. 3 para. 41\(2\)](#)
- s. 9(2) words substituted by [2002 c. 26 Sch. 3 para. 41\(3\)](#)
- s. 9(2)(a) words substituted by [2009 c. 3 Sch. 4 para. 33\(3\)](#)
- s. 9(3)(4) words substituted by [2002 c. 26 Sch. 3 para. 41\(2\)](#)
- s. 9(3) words substituted by [2009 c. 3 Sch. 4 para. 33\(3\)](#)
- s. 9(4) words substituted by [2009 c. 3 Sch. 4 para. 33\(3\)](#)
- s. 9(5) words substituted by [2002 c. 26 Sch. 3 para. 41\(4\)](#)
- s. 9(5) words substituted by [2009 c. 3 Sch. 4 para. 33\(3\)](#)
- s. 9(11) words substituted by [2002 c. 26 Sch. 3 para. 41\(5\)\(a\)](#)
- s. 9(11) words substituted by [2002 c. 26 Sch. 3 para. 41\(5\)\(b\)](#)
- s. 22 applied by [2000 c. 1, Sch. para 5A \(as inserted\) by 2002 c. 26 Sch. 12 para. 79](#)
- s. 47(2)(aa) inserted by [2002 c. 26 Sch. 7 para. 16\(3\)](#)
- s. 61 repealed by [S.I. 2003/435 \(N.I.\) Sch. 5](#)
- s. 88 words inserted by [2009 c. 3 Sch. 3 para. 12](#)
- s. 90(1A) inserted by [2009 c. 3 Sch. 4 para. 34\(3\)](#)
- s. 90(2) words substituted by [2002 c. 26 Sch. 3 para. 42\(2\)](#)
- s. 90(4) word omitted by [2009 c. 3 Sch. 4 para. 34\(4\)](#)
- s. 90(4) words repealed by [2002 c. 26 Sch. 3 para. 42\(3\)Sch. 13](#)
- Sch. 1 words repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 54Sch. 5](#)
- Sch. 3 para. 33 repealed by [2005 c. 4 Sch. 5 para. 123\(6\)Sch. 18 Pt. 3](#) (This amendment is not applied to legislation.gov.uk. Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 6(3); S.I. 2010/812, art. 2)
- Sch. 3 para. 25(3) substituted by [2005 c. 4 Sch. 5 para. 123\(2\)](#) (This amendment is not applied to legislation.gov.uk. Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 6(3); S.I. 2010/812, art. 2)
- Sch. 3 para. 30 words substituted by [2005 c. 4 Sch. 5 para. 123\(3\)](#) (This amendment is not applied to legislation.gov.uk. Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 6(3); S.I. 2010/812, art. 2)
- Sch. 3 para. 31 words substituted by [2005 c. 4 Sch. 5 para. 123\(4\)](#) (This amendment is not applied to legislation.gov.uk. Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 6(3); S.I. 2010/812, art. 2)
- Sch. 3 para. 32 words substituted by [2005 c. 4 Sch. 5 para. 123\(5\)](#) (This amendment is not applied to legislation.gov.uk. Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 6(3); S.I. 2010/812, art. 2)
- Sch. 6 entry substituted by [2005 c. 4 Sch. 5 para. 126\(3\)](#)
- Sch. 6 words repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 55Sch. 5](#)
- Sch. 12 para. 16 repealed by [S.I. 2003/435 \(N.I.\) Sch. 5](#)
- Sch. 12 para. 23-27 repealed by [S.I. 2003/435 \(N.I.\) Sch. 5](#)

- Sch. 13 words inserted by [2005 c. 4 Sch. 17 para. 39](#) (This amendment is not applied to [legislation.gov.uk](#). Sch. 17 para. 39 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2, 5, Sch. 5 para. 8; S.I. 2010/812, art. 2)