



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

Magistrates

9 Lay magistrates

- (1) The Lord Chancellor must, for each county court division, appoint persons to be lay magistrates for the division.
- (2) A person may not be appointed to be a lay magistrate unless—
 - (a) he has completed a course of training approved by the Lord Chancellor, or
 - (b) he has given an undertaking in writing to attend such a course of training.
- (3) It is a condition of the appointment of a person under subsection (2)(b) that he will complete such a course of training within the period of one year beginning with the date of his appointment or such longer period as the Lord Chancellor may allow.
- (4) The Lord Chancellor may by order make further provision about eligibility for appointment to be a lay magistrate.
- (5) The provision which may be made by an order under subsection (4) includes (in particular) provision that a person may not be appointed to be a lay magistrate—
 - (a) if he does not reside or work in, or within a prescribed distance of, the county court division to which the appointment relates,
 - (b) if he, or a person related to or otherwise connected with him in a prescribed manner, holds an office of a prescribed description, has an occupation of a prescribed description or has been selected as a candidate for election to a prescribed body,
 - (c) if a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or

Status: Point in time view as at 13/06/2005. This version of this provision has been superseded.

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- (d) if he has been convicted of a prescribed offence,
unless the Lord Chancellor otherwise determines in the case of a particular person.
- (6) “Prescribed” means prescribed in the order.
- (7) No act by a person appointed to be a lay magistrate is invalidated by reason only that he is not a lay magistrate because he was not eligible to be appointed.
- (8) A lay magistrate ceases to hold office on the day on which he attains the age of 70.
- (9) No act by a person who has been a lay magistrate is invalidated by reason only that he has ceased to hold office under subsection (8).
- (10) The Lord Chancellor may remove a lay magistrate from office.
- (11) The Lord Chancellor must pay to lay magistrates any such allowances as he may determine.
- (12) The Lord Chief Justice, Lords Justices of Appeal, judges of the High Court and county court judges may exercise any function of a lay magistrate (in relation to any matter arising within any county court division).
- (13) In paragraph 11 of Schedule 2 to the Northern Ireland Act 1998 (c. 47) (excepted matters: judicial offices), after “resident magistrates,” insert “lay magistrates,”.
- (14) “County court division” means a division specified under Article 3(1) of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)).

Commencement Information

- II** S. 9 wholly in force at 1.4.2005; s. 9 not in force at Royal Assent see s. 87; s. 9(4)(5)(6)(14) in force at 15.10.2002 by S.R 2002/319, art. 2, Sch.; s. 9(1)-(3)(7)-(11)(13) in force at 1.9.2004 by S.R. 2004/301, art. 2; s. 9(12) in force at 1.4.2005 by S.R. 2005/109, art. 2, Sch.

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