

# **JUSTICE (NORTHERN IRELAND) ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY**

#### ***Section 1: Transfer to Lord Chancellor of functions relating to Judicial Appointments Commission***

5. The Criminal Justice Review recommended the establishment of a Judicial Appointments Commission once responsibility for criminal justice matters had been devolved (recommendation 77, paragraph 6.102). Part I of the 2002 Act confers on the First and Deputy First Ministers, acting jointly, a number of functions in relation to the Northern Ireland Judicial Appointments Commission (“the Commission”). The Joint Declaration published in May 2003 gave a commitment to establish the Commission prior to devolution in order further to enhance public confidence in the criminal justice system (paragraph 24).
6. This section transfers functions of the First and Deputy First Ministers in relation to the Commission to the Lord Chancellor. This transfer is so that the Commission can be brought into operation before the devolution of responsibility for criminal justice. Schedule 1 amends Part I of the 2002 Act to effect this transfer of functions. On devolution of criminal justice, these functions will be transferred back to the First and Deputy First Ministers, acting jointly, as provided for in the 2002 Act. There are also a number of consequential amendments on, for example, superannuation and the presentation of accounts.