

# JUSTICE (NORTHERN IRELAND) ACT 2004

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## EXPLANATORY NOTES

### COMMENTARY

#### *Schedule 3: Court Security*

53. This Schedule (as inserted by section 16) builds on provisions made in the 2002 Act in relation to court security. Sections 79 to 81 of the 2002 Act have been re-enacted with amendments and supplemented with a number of new provisions.
54. [Paragraph 1\(1\)](#) replicates the duty in the 2002 Act on the Northern Ireland Court Service to take all reasonable steps to provide security at relevant buildings. “Relevant buildings” is extended to include not only court houses but also buildings in which certain tribunals and Masters sit (*sub-paragraph (6)*). [Paragraph 1\(3\)](#) replicates the existing provision that court security officers may be either members of the Court Service’s own staff, designated as such, or employees of other organisations with which the Court Service has entered into arrangements for the provision of court security officers under section 69 of the [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#).
55. [Paragraph 1\(4\)](#) is a new provision that enables the Lord Chancellor to make regulations as to the training to be completed and conditions to be met before a person may be designated or employed as a court security officer.
56. *Sub-paragraphs (7) and (8)* make new provision for court security officers to be employed in relevant parts of buildings that are not solely devoted to court business (for example the building in which the Social Security Commissioners sit). [Paragraph 2](#) replicates the existing provision that court security officers are to have the following powers to search and remove people from relevant buildings:
- power to search any person who is in, or seeking to enter, a relevant building ([paragraph 2\(1\)\(a\)](#));
  - power to search any article in possession of a person who is in, or seeking to enter, a relevant building ([paragraph 2\(1\)\(b\)](#));
  - power to exclude or remove from a relevant building any person who refuses to permit a search ([paragraph 3 \(1\)\(a\)](#))
  - power to exclude or remove from a relevant building a person who will not surrender an article when asked to do so ([paragraph 3\(1\)\(b\)](#));
  - power to restrain, exclude or remove any person from a relevant building if it is reasonably necessary to do so for the purposes of enabling the business of any court or office-holder to be carried out without interference or delay, maintaining order, securing the safety of the person in the building ([paragraph 3\(3\)](#)).
- The court security officers’ powers to exclude, remove and restrain include the power to use reasonable force where necessary ([paragraph 3\(4\)](#)).
57. [Paragraph 4](#) provides court security officers with the following new powers in relation to the seizure of goods:

*These notes refer to the Justice (Northern Ireland) Act  
2004 (c.4) which received Royal Assent on 13 May 2004*

- power to ask a person to surrender an article (paragraph 4 (1));
  - power to seize an article if the person asked to surrender that article refuses to do so (paragraph 4 (2)).
  - Under paragraph 4(3) the grounds on which a court security officer may seize or require surrender of articles are that the article may:
    - (a) jeopardise the maintenance of order in the building;
    - (b) put the safety of any person in the building at risk; or
    - (c) be evidence of, or in relation to, an offence.
58. [Paragraph 5](#) is a new provision allowing an article surrendered or seized to be retained by the court security officer, only until such time as the owner is leaving the court building, unless the court security officer reasonably believes the article to be evidence of, or in relation to, an offence. In such a case the article may be retained for a maximum of 24 hours to enable the security officer to draw the article to the attention of a police officer.
59. [Paragraph 6](#) provides the Lord Chancellor with a new power to make regulations about the retention of articles which are surrendered to, or seized by, a court security officer.
60. [Paragraph 7](#) replicates two existing offences: first, an offence of assaulting a court security officer in the execution of his duty; and secondly, an offence of resisting or intentionally obstructing a court security officer in the execution of his duty.