

JUSTICE (NORTHERN IRELAND) ACT 2004

EXPLANATORY NOTES

COMMENTARY

Section 4: Appointment of Lord Chief Justice and Lords Justices of Appeal

12. Section 4 of the 2002 Act amends section 12 the [Judicature \(Northern Ireland\) Act 1978 \(c.23\)](#) by requiring the Prime Minister to consult the First and Deputy First Ministers and the Lord Chief Justice before making recommendations to Her Majesty The Queen as to who should fill the posts of Lord Chief Justice and Lords Justices of Appeal. The 2002 Act also requires the Commission to advise the First and Deputy First Ministers over the procedure they should adopt for formulating their reply to the Prime Minister.
13. This section makes provision for a change to the process for appointing the Lord Chief Justice and Lords Justices of Appeal. The First and Deputy First Minister, after consultation with the Lord Chief Justice (or the most senior Lord Justice of Appeal if the office of the Lord Chief Justice is vacant or the Lord Chief Justice is unavailable), will make a recommendation to the Prime Minister (new section 12(4)). The Prime Minister must consider that recommendation before making his recommendation to Her Majesty The Queen. The Commission will still provide advice to the First and Deputy First Ministers on the procedure to adopt for formulating a recommendation to the Prime Minister. This amendment brings the procedure for appointing the Lord Chief Justice and Lord Justices of Appeal more closely in line with the Criminal Justice Review's recommendation (recommendation 75, paragraph 6.96).

Clause 5: Removal or suspension from listed judicial offices

14. This clause removes the requirement found in section 7(5) of the 2002 Act for the Lord Chief Justice's agreement to removal or suspension of a person from a listed judicial office. The Lord Chief Justice must be consulted on the removal instead.