

Status: Point in time view as at 12/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 2009, Cross Heading: Judicature (Northern Ireland) Act 1978 (c. 23). (See end of Document for details)

SCHEDULES

SCHEDULE 4

TRANSFER OF APPOINTMENT AND RELATED FUNCTIONS

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

- 10 (1) Amend section 2 as follows.
- (2) In subsection (3) for “Her Majesty may by Order in Council” substitute “The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may, with the agreement of the Northern Ireland Judicial Appointments Commission, by order”.
- (3) For subsection (4) substitute—
- “(4) Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 does not apply in relation to puisne judges.”

Commencement Information

11 Sch. 4 para. 10 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

- 11 In section 3(4) for “Her Majesty may by Order in Council” substitute “The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may, with the agreement of the Northern Ireland Judicial Appointments Commission, by order”.

Commencement Information

12 Sch. 4 para. 11 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

- 12 For section 7(3) substitute—
- “(3) The Northern Ireland Judicial Appointments Commission may appoint a person qualified for appointment as a judge of the High Court to sit and act as a judge of the High Court as a temporary measure in order to facilitate the disposal of business in the High Court or the Crown Court.”

Commencement Information

13 Sch. 4 para. 12 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

- 13 After section 8(1) insert—
- “(1A) For this purpose, an appointment under section 7(3) is to be made for—

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- (a) a particular case or cases determined by the Lord Chief Justice or a person within section 7(5)(a) or (b) nominated by the Lord Chief Justice to make determinations under this paragraph, or
- (b) a period specified by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

Commencement Information

I4 Sch. 4 para. 13 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

14 In section 14(1) for “the Lord Chancellor” substitute “ Her Majesty ”.

Commencement Information

I5 Sch. 4 para. 14 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

15 (1) Amend section 70 as follows.

(2) For subsection (1) substitute—

“(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the Northern Ireland Judicial Appointments Commission after consultation with the Lord Chief Justice; and persons holding such offices are in this Act referred to as “statutory officers”.

(1A) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to statutory officers.

(1B) The terms and conditions of service for statutory officers are to be determined by the Lord Chancellor with the concurrence of the Treasury.”

(3) In subsection (3)—

(a) for “Lord Chancellor” substitute “ Commission ”;

(b) for “he” (in both places where it appears) substitute “ it ”.

^{F1}(4)

^{F2}(5)

Textual Amendments

F1 Sch. 4 para. 15(4) omitted (12.4.2010) by virtue of [Department of Justice Act \(Northern Ireland\) 2010](#) (c. 3), s. 3(2), [Sch. para. 22](#); [S.R. 2010/147](#), [art. 2\(2\)](#)

F2 Sch. 4 para. 15(5) omitted (12.4.2010) by virtue of [Department of Justice Act \(Northern Ireland\) 2010](#) (c. 3), s. 3(2), [Sch. para. 22](#); [S.R. 2010/147](#), [art. 2\(2\)](#)

Commencement Information

I6 Sch. 4 para. 15 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

16 (1) Amend section 74 as follows.

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(2) For subsection (1) substitute—

“(1) In order to facilitate the disposal of business, the Northern Ireland Judicial Appointments Commission may, after consultation with the Lord Chief Justice, appoint a suitably qualified person—

- (a) to act as a deputy for any statutory officer, or
- (b) to act as a temporary additional statutory officer,

during such period or on such occasions as the Commission determines with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).

(1A) The justice department must consult the Lord Chief Justice before giving its agreement to a period or occasion under subsection (1).

(1B) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to deputies for statutory officers or temporary additional statutory officers.”

(3) In subsection (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Commencement Information

I7 Sch. 4 para. 16 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

17 In section 103(3)—

- ^{F3}(a)
- (b) for “so appointed” substitute “ of the peace ”.

Textual Amendments

F3 Sch. 4 para. 17(a) omitted (12.4.2010) by virtue of [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\)](#), s. 3(2), [Sch. para. 22](#); [S.R. 2010/147](#), [art. 2\(2\)](#)

Commencement Information

I8 Sch. 4 para. 17 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

^{F4}18

Textual Amendments

F4 Sch. 4 para. 18 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. 97](#) (with arts. 28-31)

Commencement Information

I9 Sch. 4 para. 18 in force at 12.4.2010 by [S.I. 2010/812](#), [art. 2](#)

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