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STATUTORY INSTRUMENTS

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**2010 No. 976**

**The Northern Ireland Act 1998 (Devolution  
of Policing and Justice Functions) Order 2010**

**PART 2 U.K.**

Provision consequential on devolution to the Northern Ireland  
Assembly of legislative power in relation to policing and justice matters

**Functions of the Lord Chancellor etc U.K.**

**15.**—(1) The Lord Chancellor’s functions immediately before the coming into force of this Order under the enactments specified in Schedule 17 are transferred to the Department of Justice.

(2) The Lord Chancellor’s functions immediately before the coming into force of this Order under sections 3(2)(b) and (8)(a), 5A(6) and 19(4) of, and paragraphs 1(2), 2(4), 3, 4(1), 5(6) and 6 of Schedule 2 to, the Justice (Northern Ireland) Act 2002(1) are transferred to the First Minister and deputy First Minister in Northern Ireland acting jointly.

(3) The Lord Chancellor’s functions immediately before the coming into force of this Order under paragraphs 1(3), 2(3) and 5(5) of Schedule 2 to the Justice (Northern Ireland) Act 2002(2) are transferred to the Office of the First Minister and deputy First Minister in Northern Ireland.

(4) The functions immediately before the coming into force of this Order of the Treasury or the Minister for the Civil Service under the following enactments are transferred to the Department of Finance and Personnel in Northern Ireland—

- (a) sections 2(1), (3) and (4) and 20(1) of the Administration of Justice Act (Northern Ireland) 1954(3);
- (b) sections 56(2), 75(7) and (9)(c), 79(1), 82(1) and 116(1) and (2) of the Judicature (Northern Ireland) Act 1978(4);
- (c) Article 53 of the County Courts (Northern Ireland) Order 1980(5);
- (d) Article 141(4) of the Judgments Enforcement (Northern Ireland) Order 1981(6);

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- (1) 2002 c. 26. Section 3(2)(b) was amended by Schedule 1 to the Justice (Northern Ireland) Act 2004 (c. 4). Section 3(8) was amended by section 2 of the Justice (Northern Ireland) Act 2004 (c. 4). Section 5A was inserted by the Constitutional Reform Act 2005 (c. 4), section 123; and amended by the Northern Ireland Act 2009 (c. 3), Schedule 3, paragraph 4. Schedule 2 was amended by section 2 of, and Schedule 1 to, the Justice (Northern Ireland) Act 2004 (c. 4).
- (2) 2002 c. 26. Schedule 2 was amended by section 2 of, and Schedule 1 to, the Justice (Northern Ireland) Act 2004 (c. 4).
- (3) 1954 c. 9 (N.I.). Functions of the Ministry of Finance under sections 2 and 20 were transferred to the Treasury by S.I. 1973/2163.
- (4) 1978 c. 23. Functions under the Act were transferred to the Treasury by S.I. 1981/1670. Section 75 was substituted by S.R. (N.I.) 1982/300; subsection (1) was substituted, and subsections (6) to (9) were inserted, by section 103 of the Courts Act 2003 (c. 39). Section 78(1) was amended by the Administration of Justice Act 1982 (c. 53) section 70, Schedule 8, paragraph 6. Section 82 was amended by the Administration of Justice Act 1982 (c. 53) section 70, Schedule 8, paragraph 8 and the Constitutional Reform Act 2005 (c. 4), section 59(5), Schedule 11, Part 3, paragraph 6.
- (5) S.I. 1980/397 (N.I. 3).
- (6) S.I. 1981/226 (N.I. 6).

- (e) Article 36(1) and (3) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(7);
  - (f) Articles 10(1), 86A(6) and 139(3) of the Magistrates' Courts (Northern Ireland) Order 1981(8);
  - (g) Article 104(5) of the Mental Health (Northern Ireland) Order 1986(9);
  - (h) Article 28(1) and (3) of the Juries (Northern Ireland) Order 1996(10);
  - (i) Article 40(7)(b) of the Fair Employment and Treatment (Northern Ireland) Order 1998(11);
  - (j) Articles 11(6)(d) and 21(5)(d) of the Access to Justice (Northern Ireland) Order 2003(12);
  - (k) paragraphs 4(2)(b), (5)(c), (8) and (10) and 5(5)(b), (7) and (9) of Schedule 3 to that Order.
- (5) Schedule 18 (which makes amendments relating to paragraphs (1) to (4) and other functions of the Lord Chancellor etc) has effect.
- (6) The functions transferred by paragraphs (1) to (4) include functions under any provision not yet in force at the time immediately before the coming into force of this Order (and a reference in Schedule 17 or in paragraphs (2) to (4) to an enactment includes a reference to the enactment as amended by any provision of an enactment or instrument passed or made before that time, but not yet in force).

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#### Commencement Information

- II** Art. 15 in force at 12.4.2010, see [art. 1\(2\)](#)

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(7) S.I. 1981/228 (N.I. 8). Article 36 was amended by S.I. 1982/159 and the Justice (Northern Ireland) Act 2002 (c. 26), Schedule 12, paragraph 26.

(8) S.I. 1981/1675 (N.I. 26). Article 86A(6) was inserted by S.I. 1993/1576 (N.I. 6).

(9) S.I. 1986/595 (N.I. 4).

(10) S.I. 1996/1141 (N.I. 6). There are amendments to the Order, but none are relevant to this Article.

(11) S.I. 1998/3162 (N.I. 21). There are amendments to the Order, but none are relevant to this Article.

(12) S.I. 2003/435 (N.I. 10). There are amendments to the Order, but none are relevant to this Article.

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Section 15.