

SCHEDULES

SCHEDULE 18

Amendments relating to Article 15(1) to (4) etc

PART 3

Orders in Council

Family Law Reform (Northern Ireland) Order 1977

111.—(1) Amend the Family Law Reform (Northern Ireland) Order 1977(1) as follows.

(2) In Article 10(2) (power to provide for manner of giving effect to direction for use of blood tests) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Fatal Accidents (Northern Ireland) Order 1977

112.—(1) Amend the Fatal Accidents (Northern Ireland) Order 1977(2) as follows.

(2) In Article 3A(5) (power to vary sum to be awarded as damages for bereavement) for “The Lord Chancellor may by order made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament,” substitute “The Department of Justice may by order subject to negative resolution”.

Rates (Northern Ireland) Order 1977

113.—(1) Amend the Rates (Northern Ireland) Order 1977(3) as follows.

(2) In paragraph 7(3) of Schedule 9B (Valuation Tribunal: rules) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Matrimonial Causes (Northern Ireland) Order 1978

114.—(1) Amend the Matrimonial Causes (Northern Ireland) Order 1978(4) as follows.

(2) In Article 26B(2) (pension sharing orders: duty to stay) for the words from “annulment” to “accordingly” substitute “negative resolution”.

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- (1) *S.I. 1977/1250 (N.I. 17)*. Functions under the Order were transferred to the Lord Chancellor by *S.I. 1993/1576 (N.I. 6)*. Relevant amendments are made by section 65 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) (N.I.); section 3 of the Family Law Act (Northern Ireland) 2001 (c. 12) (N.I.).
 - (2) *S.I. 1977/1251 (N.I. 18)*. Article 3A was inserted by the Administration of Justice Act 1982 (c. 53), section 69 and Schedule 6, paragraph 4.
 - (3) *S.I. 1977/2157 (N.I. 28)*. Schedule 9B was inserted by *S.I. 2006/2954 (N.I. 18)*. Schedule 9B is amended by the Northern Ireland Act 2009 (c. 3), section 2 and Schedule 4, paragraph 9.
 - (4) *S.I. 1978/1045 (N.I. 15)*. Article 27D was inserted by *S.I. 1995/3213 (N.I. 22)* and amended by *S.I. 1999/3147 (N.I. 11)*. Articles 26B and 33(4D) were inserted by *S.I. 1999/3147 (N.I. 11)*. Article 27E was inserted by *S.I. 2005/255 (N.I. 1)*.

Status: This is the original version (as it was originally made).

(3) In Article 27D(2B) (pensions: supplementary) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(4) In Article 27E(10) (Pension Protection Fund) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(5) In Article 33(4D) (variation etc of certain orders for financial relief) for the words from “annulment” to “accordingly” substitute “negative resolution”.

County Courts (Northern Ireland) Order 1980

115. Amend the County Courts (Northern Ireland) Order 1980(5) as follows.

116. In Article 2(2) (interpretation), in the definition of “chief clerk”, for “the Lord Chancellor” substitute “that Department”.

117. In Article 22(2) (power to increase civil jurisdiction of county courts) for the words from “annulment” to “accordingly” substitute “negative resolution”.

118. In Article 47 (making of county court rules)—

(a) after paragraph (1) insert—

“(1A) For the purposes of this Article, “relevant authority” means—

(a) in relation to county court rules which deal (or would deal) with an excepted matter, the Lord Chancellor; and

(b) otherwise, the Department of Justice;

and for the purposes of this paragraph “deal with” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998(6).”;

(b) for “Lord Chancellor” (wherever occurring) substitute “relevant authority”;

(c) in paragraph (4) for “him” substitute “it”;

(d) in paragraphs (6) and (8) for “he” substitute “it”.

119. In Article 67 (financial provisions) for “the Parliament of the United Kingdom” substitute “the Assembly”.

Domestic Proceedings (Northern Ireland) Order 1980

120.—(1) Amend the Domestic Proceedings (Northern Ireland) Order 1980(7) as follows.

(2) In Article 4(4) (powers of court to make orders for financial provision) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Judgments Enforcement (Northern Ireland) Order 1981

121. Amend the Judgments Enforcement (Northern Ireland) Order 1981(8) as follows.

122. In Article 2(2) (interpretation)—

(5) *S.I. 1980/397 (N.I. 3)*. Articles 22 and 47 were amended by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 5, paragraphs 55 and 57.

(6) *1998 c. 47*.

(7) *S.I. 1980/563 (N.I. 5)*. Functions under Article 4 were transferred to the Lord Chancellor by *S.I. 1993/1576 (N.I. 6)*. Article 4 was amended by *S.R. (N.I.) 1989 No. 323*; the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 5, paragraph 60.

(8) *S.I. 1981/226 (N.I. 6)*. Article 72 was substituted, and Article 72A was inserted, by *S.I. 1983/1904 (N.I. 22)*. Article 72A was amended by *S.I. 1986/1166 (N.I. 11)*.

(a) in the definition of “the Chief Enforcement Officer” for “the Lord Chancellor” substitute “that Department”;

(b) in the definition of “enforcement officer” for “the Lord Chancellor” substitute “that Department”.

123. In Article 5(2) (power to apply Order to other judgments) for the words from “annulment” to “accordingly” substitute “negative resolution”.

124. For Article 7(1) (Enforcement of Judgments Office) substitute—

“(1) The Department of Justice shall continue to maintain the Office within that department.”

125. In Article 72(5) (attachment of moneys in a bank or other deposit-taking institution) for the words from “annulment” to “accordingly” substitute “negative resolution”.

126. In Article 72A(4) (clerical and administrative costs of garnishees) for the words from “annulment” to “accordingly” substitute “negative resolution”.

127. In Article 124 (conduct of prosecutions) for “the Lord Chancellor” substitute “that Department”.

128. In Article 141(3) (Judgment Enforcement Rules) for the words from “annulment” to “accordingly” substitute “negative resolution”.

129. In Article 142 (financial provision) for “the Parliament of the United Kingdom” substitute “the Assembly”.

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

130.—(1) Amend the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(9) as follows.

(2) In Article 22(6) (regulations) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(3) In Article 36 (expenses of free legal aid and making of rules)—

(a) in paragraph (1) for “Parliament” substitute “the Assembly”;

(b) in paragraph (4) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(4) In paragraph 7 of Schedule 2 (remuneration of persons giving legal aid under Part 2 of Order) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Magistrates’ Courts (Northern Ireland) Order 1981

131. Amend the Magistrates’ Courts (Northern Ireland) Order 1981(10) as follows.

132. In Article 6A(5) (costs in legal proceedings) for the words from “annulment” to “accordingly” substitute “negative resolution”.

133. In Article 13 (magistrates’ courts rules)—

(9) *S.I. 1981/228 (N.I. 8)*. Relevant amendments were made by section 4 of the Civil Jurisdiction and Judgments Act 1982 (c. 27); *S.I. 1982/159; S.R. (N.I.) No. 417*.

(10) *S.I. 1981/1675 (N.I. 26)*. Relevant amendments were made by section 98(2) of the Access to Justice Act 1999 (c. 22); the Justice (Northern Ireland) Act 2002 (c. 26); the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 5, paragraphs 62 and 65; *S.I. 1993/1576 (N.I. 6)*, Article 9(1); the Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010.

Status: This is the original version (as it was originally made).

(a) after paragraph (3) insert—

“(3ZA) For the purposes of paragraphs (3A) to (3D), “relevant authority” means—

(a) in relation to magistrates’ courts rules which deal (or would deal) with an excepted matter, the Lord Chancellor; and

(b) otherwise, the Department of Justice;

and for the purposes of this paragraph “deal with” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998(11).”;

(b) in paragraphs (3A) and (3D) for “Lord Chancellor” substitute “relevant authority”;

(c) in paragraph (3B)—

(i) for “Lord Chancellor” substitute “relevant authority”;

(ii) for “he” substitute “it”.

134. In Article 24(7) (non-appearance of accused: plea of guilty) for the words from “annulment” to “accordingly” substitute “negative resolution”.

135. In Article 85(12) (orders for periodical payment: means of payment) for the words from “annulment” to “accordingly” substitute “negative resolution”.

136. In Article 86A(6) (interest on arrears) for the words from “annulment” to “accordingly” substitute “negative resolution”.

137. In Articles 139(1) and (3) and 151(2) (payments) (wherever occurring) for “Consolidated Fund of the United Kingdom” substitute “Consolidated Fund of Northern Ireland”.

138. In Article 150(1) and (2) (abandonment of appeal to county court or by way of case stated) for “the Lord Chancellor” substitute “that Department”.

139. In Article 167(2) (expenses) for “Lord Chancellor in performing his functions” substitute “Department of Justice in performing its functions”.

Matrimonial and Family Proceedings (Northern Ireland) Order 1989

140.—(1) Amend the Matrimonial and Family Proceedings (Northern Ireland) Order 1989(12) as follows.

(2) In Article 25(5) (application to certain orders of certain provisions of Part 3 of the principal Order) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Insolvency (Northern Ireland) Order 1989

141. Amend the Insolvency (Northern Ireland) Order 1989(13) as follows.

142.—(1) Amend Article 359 (insolvency rules) as follows.

(2) In paragraphs (1) and (2)(d) for “Lord Chancellor” substitute “Department of Justice”.

(3) In paragraph (4) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(11) 1998 c. 47.

(12) S.I. 1989/677 (N.I. 4). Article 25(5) was inserted by S.I. 1999/3147 (N.I. 11).

(13) S.I. 1989/2405 (N.I. 19); Relevant amendments were made by S.R. (N.I.) 2002 No. 223. In Article 359, paragraphs (1A) and (1B) were inserted by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 5, paragraphs 80 and 81. Articles 360(1), 364(1) and 365(1) were amended by the Constitutional Reform Act 2005 (c. 4), section 15 and Schedule 5, paragraphs 82 to 84.

143. In Article 360(1) (committee to review rules under Article 359) for “Lord Chancellor” substitute “Department of Justice”.

144. In Article 364 (insolvent partnerships)—

- (a) in paragraph (1) for “Lord Chancellor” substitute “Department of Justice”;
- (b) in paragraph (2) for the words from “annulment” to “accordingly” substitute “negative resolution”.

145. In Article 365 (insolvent estates of deceased persons)—

- (a) in paragraph (1) for “Lord Chancellor” substitute “Department of Justice”;
- (b) in paragraph (2) for the words from “annulment” to “accordingly” substitute “negative resolution”.

146.—(1) In this paragraph “relevant function” means a function under Article 359 conferred by virtue of—

- (a) section 134 or 167 of the Banking Act 2009(14), or
- (b) article 17 of the Building Societies (Insolvency and Special Administration) Order 2009(15).

(2) Any relevant function of the Lord Chancellor is transferred to the Department of Justice.

(3) Any relevant function of the Treasury is transferred to the Department of Finance and Personnel in Northern Ireland.

Child Support (Northern Ireland) Order 1991

147. Amend the Child Support (Northern Ireland) Order 1991(16) as follows.

148. In Article 48(1) (regulations and orders) for the words from “annulment” to “accordingly” substitute “negative resolution”.

149. In paragraph 4 of Schedule 4 (pensions of Child Support Commissioners)—

- (a) for “Lord Chancellor may” substitute “Department of Justice shall”;
- (b) for “as he may” substitute “as the Lord Chancellor may”.

Family Law (Northern Ireland) Order 1993

150.—(1) Amend the Family Law (Northern Ireland) Order 1993(17) as follows.

(2) For Article 12(4) (family proceedings rules) substitute—

“(4) Family proceedings rules shall be subject to negative resolution.”

Children (Northern Ireland) Order 1995

151.—(1) Amend the Children (Northern Ireland) Order 1995(18) as follows.

(2) In Article 183 (regulations and orders) for paragraph (3) substitute—

(14) 2009 c. 1.

(15) S.I. 2009/805.

(16) S.I. 1991/2628 (N.I. 23).

(17) S.I. 1993/1576 (N.I. 6).

(18) S.I. 1995/755 (N.I. 2); Article 183 was amended by the Tax Credits Act 2002 (c. 21), Schedule 3, paragraph 56.

Status: This is the original version (as it was originally made).

“(3) Orders under this Order made by the Department of Justice shall be subject to negative resolution.”

Juries (Northern Ireland) Order 1996

152.—(1) Amend the Juries (Northern Ireland) Order 1996(**19**) as follows.

(2) In Article 2(2) (interpretation), in the definition of “Juries Officer”, for “the Lord Chancellor” substitute “that Department”.

(3) In Article 27(2) (juror’s oath) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(4) In Article 30(2) (regulations) for the words from “annulment” to “accordingly” substitute “negative resolution”.

(5) In Schedule 2 (persons ineligible for jury service) after the entry for “Officers of the Northern Ireland Office or of the Lord Chancellor’s Department” insert the following entry—

“Officers of the Department of Justice”.

Road Traffic Offenders (Northern Ireland) Order 1996

153.—(1) Amend the Road Traffic Offenders (Northern Ireland) Order 1996(**20**) as follows.

(2) In Article 91 (procedure for making regulations and orders)—

(a) in paragraph (2) omit “Subject to paragraph (3),”;

(b) omit paragraph (3).

Family Homes and Domestic Violence (Northern Ireland) Order 1998

154.—(1) Amend the Family Homes and Domestic Violence (Northern Ireland) Order 1998(**21**) as follows.

(2) In Article 40(1) (orders and regulations) for the words from “annulment” to “accordingly” substitute “negative resolution”.

Social Security (Northern Ireland) Order 1998

155.—(1) Amend the Social Security (Northern Ireland) Order 1998(**22**) as follows.

(2) In Article 75(4) (Assembly etc control of regulations) for the words from “Lord Chancellor” to “accordingly” substitute “Department of Justice shall be subject to negative resolution”.

Access to Justice (Northern Ireland) Order 2003

156. Amend the Access to Justice (Northern Ireland) Order 2003(**23**) as follows.

157. In Articles 11(4) (funding of services), 16(2), (4), (5), (6) and (8)(a) (procedure relating to funding code), 22(6) and (8) (criminal defence services: code of conduct) and 46(5) (orders,

(19) S.I. 1996/1141 (N.I. 6).
(20) S.I. 1996/1320 (N.I. 10);
(21) S.I. 1998/1071 (N.I. 6).
(22) S.I. 1998/1506 (N.I. 10).
(23) S.I. 2003/435 (N.I. 10).

regulations and directions) and in paragraphs 15(3) and 16(4) and (6) of Schedule 1 (Northern Ireland Legal Services Commission) for “each House of Parliament” substitute “the Assembly”.

158. In Article 16 (procedure relating to funding code)—

(a) for paragraph (7) substitute—

“(7) Where the Department of Justice considers that it is desirable for a revised version of the code containing such changes to come into force without delay, it may (when laying the revised version before the Assembly) also lay before the Assembly a statement of its reasons for so considering.”;

(b) in paragraph (8)(b) for “each House” substitute “the Assembly”.

159. In Article 46 (orders, regulations and directions) in paragraph (6) for the words from “annulment” to “accordingly” substitute “negative resolution”.

160.—(1) In paragraph 17 of Schedule 1 (Northern Ireland Legal Services Commission: account and audit)—

(a) for “Lord Chancellor” (wherever occurring) substitute “Department of Justice”;

(b) in sub-paragraph (2) for “Treasury” substitute “Department of Finance and Personnel”;

(c) for “Comptroller and Auditor General” (wherever occurring) substitute “Comptroller and Auditor General for Northern Ireland”;

(d) in sub-paragraph (5) for “each House of Parliament” substitute “the Assembly”.

(2) Sub-paragraph (1) above does not apply in relation to a financial year ending before the coming into force of this Order.

161. In Schedule 3 (transitional provision and savings)—

(a) in paragraph 4(7) for “Parliament” substitute “the Assembly”;

(b) in paragraph 5(6) for “Parliament” substitute “the Assembly”.

Insolvency (Northern Ireland) Order 2005

162. Amend the Insolvency (Northern Ireland) Order 2005(24) as follows.

163. In Article 24 (disqualification for office: general) for paragraph (7) substitute—

“(7) An order by virtue of paragraph (5)(d) made by—

(a) the Department of Justice; or

(b) any other Northern Ireland department with the concurrence of the Department of Justice,

may provide for a discretion to be subject to appeal to a specified court or tribunal.”

Traffic Management (Northern Ireland) Order 2005

164.—(1) Amend the Traffic Management (Northern Ireland) Order 2005(25) as follows.

(2) In Article 46 (regulations)—

(a) in paragraph (1) omit “Subject to paragraph (2),”;

(b) omit paragraph (2).

(24) S.I. 2005/1455 (N.I. 10).

(25) S.I. 2005/1964 (N.I. 14).

Status: This is the original version (as it was originally made).

Legal Aid (Northern Ireland) Order 2005

165. Amend Schedule 1 to the Legal Aid (Northern Ireland) Order 2005(**26**) (minor and consequential amendments) as follows.

166. In paragraph 8, in the inserted Article 12A of the Access to Justice (Northern Ireland) Order 2003(**27**)—

- (a) in paragraph (1)—
 - (i) for “Lord Chancellor” substitute “Department of Justice”;
 - (ii) for “him” substitute “the Department of Justice”;
- (b) in paragraph (4)—
 - (i) for “Lord Chancellor” substitute “Department of Justice”;
 - (ii) for “he” substitute “the Department of Justice”.

Criminal Justice (Northern Ireland) Order 2008

167.—(1) Amend the Criminal Justice (Northern Ireland) Order 2008(**28**) as follows.

(2) Omit Article 61(10) (experimental period for alcohol ignition interlock programme orders).

(26) S.I. 2005/3423 (N.I. 19).

(27) S.I. 2003/435 (N.I. 10).

(28) S.I. 2008/1216 (N.I. 1).