

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Single Jurisdiction for County Courts and Magistrates' Courts

Part 1 of the Act creates a single jurisdiction in Northern Ireland for the county courts and magistrates' courts, replacing statutory county court divisions and petty sessions districts with administrative court divisions. This will allow greater flexibility in the distribution of court business by enabling cases to be listed in, or transferred to, an alternative court division where there is good reason for doing.

Section 1: Single jurisdiction: abolition of county court divisions and petty sessions districts

This section creates a single territorial jurisdiction for the county courts and magistrates' courts by providing that:

- Northern Ireland is no longer to be divided into county court divisions and petty sessions districts; and
- the courts' jurisdiction and powers are exercisable throughout Northern Ireland.

Section 2: Administrative court divisions

This section confers a power on the Department of Justice to divide Northern Ireland into administrative court divisions, after consultation with the Lord Chief Justice, and allows for Departmental directions to specify different administrative court divisions for different court purposes.

Section 3: Directions as to distribution of business

This section confers a power on the Lord Chief Justice to give directions detailing the arrangements for the distribution of business among the county courts and magistrates' courts, and for the transfer of business from one court to another. The section also allows the Department to give directions as to the distribution among the chief clerks and clerks of petty sessions of the exercise of any functions conferred by any statutory provision on them.

Section 4: Lay magistrates

This section re-enacts section 9 of the Justice (Northern Ireland) Act 2002, with amendments so that a lay magistrate will have jurisdiction throughout Northern Ireland, and will be appointed to an administrative court division.

The section also provides that a lay magistrate shall sit in accordance with directions issued by the Lord Chief Justice, and that in issuing such directions, the Lord Chief Justice shall have regard to the desirability of lay magistrates sitting in courts reasonably close to where they live or work.

Finally, the section confers a power on the Department, after consultation with the Lord Chief Justice to make further provision regarding eligibility for appointment as a lay magistrate which may include provision that may require a person to live or work in or within a specified distance of the administrative court division to which they are to be appointed.

Section 5: Justices of the peace

This section re-enacts section 103 of the Judicature (Northern Ireland) Act 1978, with amendments so that justices of the peace shall have jurisdiction throughout Northern Ireland. The section also provides for the centralisation of record-keeping in relating to justices of the peace, so that the Department will be responsible for these.

Section 6: Consequential amendments

This section provides for the consequential amendments contained in Schedule 1 to have effect. The section also contains an order making power so that the Department may make supplementary, incidental or consequential provisions as required by secondary legislation in consequence of or to give effect to this Part of the Act.