

## SCHEDULE

Article 4

### CONSEQUENTIAL AMENDMENTS

#### PART 1

##### Amendments to Acts

###### ***Magistrates' Courts Act (Northern Ireland) 1964***

1. In section 6(1) of the Magistrates' Courts Act (Northern Ireland) 1964<sup>(1)</sup> (persons disqualified from acting as justices), for “member of the Northern Ireland Court Service” substitute “a civil servant in the Department of Justice”.

###### ***Parliamentary Commissioner Act 1967***

2.—(1) The Parliamentary Commissioner Act 1967<sup>(2)</sup> is amended as follows.

(2) In section 5(6)<sup>(3)</sup> (matters subject to investigation), omit “or, in Northern Ireland, of the Northern Ireland Court Service”.

(3) In Schedule 2<sup>(4)</sup> (departments etc subject to investigation), omit “Northern Ireland Court Service”.

###### ***House of Commons Disqualification Act 1975***

3. In section 1(3) of the House of Commons Disqualification Act 1975<sup>(5)</sup> (disqualification of holders of certain offices and places), in the definition of “civil service of the Crown”, omit “, the Northern Ireland Court Service”.

###### ***Northern Ireland Assembly Disqualification Act 1975***

4. In section 1(2) of the Northern Ireland Assembly Disqualification Act 1975<sup>(6)</sup> (disqualification of holders of certain offices and places), in the definition of “civil service of the Crown”, omit “, the Northern Ireland Court Service”.

###### ***Judicature (Northern Ireland) Act 1978***

5.—(1) The Judicature (Northern Ireland) Act 1978<sup>(7)</sup> is amended as follows.

(2) In section 69<sup>(8)</sup> (Northern Ireland Court Service)—

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- (1) [1964 c.21 \(N.I.\)](#). Section 6(1) was amended by [SR 1982 No.192](#) and Schedule 5 to the Judicature (Northern Ireland) Act [1978 c.23](#).
- (2) [1967 c.13](#).
- (3) Section 5(6) was inserted by section 110 of the Courts and Legal Services Act [1990 c.41](#) and was amended by [S.I. 2007/2128](#).
- (4) Schedule 2 was substituted by [S.I. 2008/3115](#).
- (5) [1975 c.24](#). The reference to the Northern Ireland Court Service in the definition of “civil service of the Crown” in section 1(3) was inserted by Part 2 of Schedule 5 to the Judicature (Northern Ireland) Act 1978. The entry in Schedule 5 to the 1978 Act is repealed by paragraph 5(5) to this Order.
- (6) [1975 c.25](#). The reference to the Northern Ireland Court Service in the definition of “civil service of the Crown” in section 1(2) was inserted by Part 2 of Schedule 5 to the Judicature (Northern Ireland) Act 1978. The entry in Schedule 5 to the 1978 Act is repealed by paragraph 5(5) to this Order.
- (7) [1978 c.23](#).
- (8) Section 69 was amended by [S.I. 1981/226](#), [S.I. 1981/1670](#), the Statute Law (Repeal) Act [2004 c.23](#) and paragraph 6 of Schedule 11 to the Constitutional Reform Act [2005 c.4](#).

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- (a) for the heading, substitute “General Functions of the Department of Justice in relation to Courts and Judgments”;
- (b) for subsection (1) substitute—
  - “(1) The functions of the Department of Justice include—
    - (a) facilitating the conduct of the business of the following courts, namely—
      - (i) the Court of Judicature;
      - (ii) county courts;
      - (iii) magistrates’ courts; and
      - (iv) coroners’ courts;
    - (b) giving effect to judgments to which the Judgments Enforcement (Northern Ireland) Order 1981 applies; and
    - (c) discharging such other functions in relation to the courts mentioned in paragraph (a) or the enforcement of the judgments mentioned in paragraph (b) as are conferred on, or transferred to, it or any civil servants in the Department of Justice by or under this Act or any other statutory provision.”;
  - (c) omit subsections (2) and (3);
  - (d) in subsection (4), omit “by the Court Service”;
  - (e) omit subsection (6).

(3) In paragraph (d) of section 76 (property held by officers), for “member of the Northern Ireland Court Service” substitute “person designated as a chief clerk under Article 2(2) of the County Courts (Northern Ireland) Order 1980<sup>(9)</sup> or appointed as a clerk of petty sessions under Article 2(4) of the Magistrates’ Courts (Northern Ireland) Order 1981<sup>(10)</sup>”.

(4) In section 85 (provision for default to be made good), for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

(5) In Part 2 of Schedule 5 (minor and consequential amendments), omit the entries relating to section 1(3) of the House of Commons Disqualification Act 1975 and section 1(2) of the Northern Ireland Assembly Disqualification Act 1975.

### ***Social Security Administration (Northern Ireland) Act 1992***

6.—(1) Schedule 4 to the Social Security Administration (Northern Ireland) Act 1992<sup>(11)</sup> (persons employed in social security administration or adjudication) is amended as follows.

(2) In paragraph (c) of the entry relating to government departments in Part 1 (the specified persons), for “Northern Ireland Court Service” substitute “Department of Justice”.

(3) In paragraph 3 of Part 2 (construction of references to government departments etc.), for “Northern Ireland Court Service is a reference to that Service” substitute “Department of Justice is a reference to that Department”.

### ***Freedom of Information Act 2000***

7. In section 84 of the Freedom of Information Act 2000<sup>(12)</sup> (interpretation), in the definition of “government department” omit “, the Northern Ireland Court Service”.

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(9) S.I. 1980/397 (N.I. 3)  
(10) S.I. 1981/1675 (N.I. 26)  
(11) 1992 c.8.  
(12) 2000 c.36.

### ***Private Security Industry Act 2001***

8.—(1) Schedule 2 to the Private Security Industry Act 2001(13) (activities liable to control under the Act) is amended as follows.

(2) In paragraph 3(3A)(aa)(14) (immobilisation of vehicles), for “Northern Ireland Court Service” substitute “Department of Justice in Northern Ireland”.

(3) In paragraph 3A(6)(aa)(15) (restriction and removal of vehicles), for “Northern Ireland Court Service” substitute “Department of Justice in Northern Ireland”.

### ***Justice (Northern Ireland) Act 2002***

9.—(1) The Justice (Northern Ireland) Act 2002(16) is amended as follows.

(2) In section 46(1)(ha)(17) (functions of Chief Inspector), for “Northern Ireland Court Service” substitute “Department of Justice insofar as it is concerned with the operation of the criminal courts”.

(3) In section 73(2) (constitution of Rules Committees) in the inserted sub-paragraph (f) of Article 46(1) of the County Courts (Northern Ireland) Order 1980(18), for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

(4) In paragraph 4 of Schedule 2 (Judicial Appointments Commission), sub-paragraph (2) is amended as follows—

(a) after paragraph (a) insert “or”;

(b) omit paragraph (c) and the word “or” which precedes it.

(5) In paragraph 4 of Schedule 9 (Law Commission), sub-paragraph (2) is amended as follows—

(a) after paragraph (a) insert “or”;

(b) omit paragraph (c) and the word “or” which precedes it.

### ***Justice (Northern Ireland) Act 2004***

10.—(1) The Justice (Northern Ireland) Act 2004(19) is amended as follows.

(2) In section 8(4) (guidance for criminal justice organisations on human rights standards), omit paragraph (b).

(3) In Schedule 3 (court security)—

(a) in the heading preceding paragraph 1, for “Court Service” substitute “Department of Justice”;

(b) in paragraph 1—

(i) for “Court Service” in sub-paragraph (1) substitute “Department of Justice”;

(ii) for “Court Service” in sub-paragraph (2) substitute “Department of Justice”;

(iii) for “members of staff of the Court Service” in sub-paragraph (3)(a) substitute “civil servants in the Department of Justice”;

(iv) for “Court Service” in sub-paragraph (3)(b) substitute “Department of Justice”;

(c) in paragraph 3(6)(d), for “officer or other member of staff of the Court Service” substitute “civil servant in the Department of Justice”.

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(13) 2001 c.12.

(14) Sub-paragraph (3A) of paragraph 3 was inserted by S.I. 2006/1831. Paragraph (aa) was inserted by S.I. 2009/3043.

(15) Paragraph 3A was inserted by S.I. 2005/224 and paragraph (aa) was inserted by S.I. 2009/3043.

(16) 2002 c.26.

(17) Section 46(1)(ha) was inserted by section 45(2)(b) of the Justice and Security (Northern Ireland) Act 2007 c.6.

(18) S.I. 1980/397 (N.I. 3).

(19) 2004 c.4.

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### ***Corporate Manslaughter and Corporate Homicide Act 2007***

11. In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007<sup>(20)</sup> (list of government departments etc), omit “Northern Ireland Court Service”.

### ***Criminal Justice and Immigration Act 2008***

12.—(1) Section 82 of the Criminal Justice and Immigration Act 2008<sup>(21)</sup> (requests to other member States: Northern Ireland) is amended as follows.

(2) In subsection (1), for “Northern Ireland Court Service” substitute “Department of Justice”.

(3) In subsection (4)(a)—

(a) for “Northern Ireland Court Service”, in the first place that it occurs, substitute “Department of Justice”;

(b) for “member of the staff of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

## **PART 2**

### **Amendments to Northern Ireland Orders in Council**

#### ***County Courts (Northern Ireland) Order 1980***

13. In Article 2(2) of the County Courts (Northern Ireland) Order 1980<sup>(22)</sup> (interpretation), in the definition of “chief clerk”, for “officer of the Northern Ireland Court Service”, substitute “civil servant in the Department of Justice”.

#### ***Judgments Enforcement (Northern Ireland) Order 1981***

14.—(1) The Judgments Enforcement (Northern Ireland) Order 1981<sup>(23)</sup> is amended as follows.

(2) In Article 2(2) (general interpretation)—

(a) in the definition of “the Chief Enforcement Officer”, for “officer of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”;

(b) in the definition of “enforcement officer”, for “officer of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

(3) In paragraph (c) of Article 8 (exercise of functions of Office), for “the Northern Ireland Court Service” substitute “staff of the Office”.

(4) In Article 124 (conduct of prosecutions), for “An officer of the Northern Ireland Court Service who is an officer” substitute “A civil servant in the Department of Justice who is”.

#### ***Magistrates’ Courts (Northern Ireland) Order 1981***

15.—(1) The Magistrates’ Courts (Northern Ireland) Order 1981<sup>(24)</sup> is amended as follows.

(2) In Article 2(4) (interpretation)—

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<sup>(20)</sup> 2007 c.19.

<sup>(21)</sup> 2008 c.4.

<sup>(22)</sup> S.I. 1980/397 (N.I. 3).

<sup>(23)</sup> S.I. 1981/226 (N.I. 6).

<sup>(24)</sup> S.I. 1981/1675 (N.I. 26).

- (a) omit “in the exercise of his power under section 69 of the Judicature (Northern Ireland) Act 1978”;
  - (b) for “under that power” substitute “by the Department of Justice”.
- (3) In Article 85(13) (orders for periodical payment: means of payment), for “an officer of the Northern Ireland Court Service” substitute “a civil servant in the Department of Justice”.
- (4) In Article 150 (abandonment of appeal to county court or by way of case stated) for “member of the Northern Ireland Court Service”, in each place that those words occur, substitute “civil servant in the Department of Justice”.

### ***Juries (Northern Ireland) Order 1996***

- 16.—(1) The Juries (Northern Ireland) Order 1996<sup>(25)</sup> is amended as follows.
- (2) In Article 2(2) (interpretation)—
- (a) in the definition of “Juries Officer”, for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”;
  - (b) in the definition of “officer of the court”, for “member of the Northern Ireland Court Service” substitute “person designated as a chief clerk under Article 2(2) of the County Courts (Northern Ireland) Order 1980<sup>(26)</sup> or another civil servant in the Department of Justice whose work relates to the administration of the courts”.
- (3) In Article 26A(3)<sup>(27)</sup> (restriction on disclosure of juror information)—
- (a) in sub-paragraph (a) for “Northern Ireland Court Service” substitute “Department of Justice in respect of its functions under section 69 of the Judicature (Northern Ireland) Act 1978”;
  - (b) in sub-paragraph (b)—
    - (i) after “provision of” insert “those”;
    - (ii) omit “to the Court Service”.
- (4) In Article 26B<sup>(28)</sup> (disclosure of juror information: lawful authority)—
- (a) in paragraph (4)—
    - (i) for “Northern Ireland Court Service” substitute in sub-paragraph (a) “Department of Justice in respect of its functions under section 69 of the Judicature (Northern Ireland) Act 1978”;
    - (ii) after “provision of” insert “those”;
    - (iii) omit “to the Court Service”;
  - (b) in paragraph (5)—
    - (i) for “Northern Ireland Court Service” in sub-paragraph (a) substitute “Department of Justice in respect of its functions under section 69 of the Judicature (Northern Ireland) Act 1978”;
    - (ii) after “provision of” insert “those”;
    - (iii) omit “to the Court Service”.
- (5) In Schedule 2 (persons ineligible for jury service), omit “Members of the Northern Ireland Court Service”.

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<sup>(25)</sup> S.I. 1996/1141 (N.I. 6).

<sup>(26)</sup> S.I. 1980/397 (N.I. 3).

<sup>(27)</sup> Article 26A was inserted by section 10 of the Justice and Security (Northern Ireland) Act 2007 c.6.

<sup>(28)</sup> Article 26B was inserted by section 10 of the Justice and Security (Northern Ireland) Act 2007 c.6.

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### ***Commissioner for Children and Young People (Northern Ireland) Order 2003***

17. In Schedule 1 to the Commissioner for Children and Young People (Northern Ireland) Order 2003(29) (relevant authorities – justice and policing), omit paragraph 11.

## **PART 3**

### **Amendments to secondary legislation**

#### ***Crown Court Rules (Northern Ireland) 1979***

18.—(1) The Crown Court Rules (Northern Ireland) 1979(30) are amended as follows.

(2) In rule 2(1) (interpretation), in the definition of “chief clerk”, for “member of the Court Service” substitute “civil servant in the Department of Justice”.

(3) In rule 74 (interpretation), in the definition of “the chief clerk”, for “member of the Court Service” substitute “civil servant in the Department of Justice”.

(4) In rule 105(1) (Criminal Justice and Police Act 2001), in the definition of “chief clerk” for “member of the Court Service” substitute “civil servant in the Department of Justice”.

#### ***Judgment Enforcement Rules (Northern Ireland) 1981***

19. In rule 2(1) of the Judgment Enforcement Rules (Northern Ireland) 1981(31) (interpretation), in the definition of “Chief Enforcement Officer”—

- (a) for “officer of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”;
- (b) for “officer”, in the second place that the word occurs, substitute “civil servant in that Department”.

#### ***County Court Rules (Northern Ireland) 1981***

20. In Order 57, rule 1(1) of the County Court Rules (Northern Ireland) 1981(32) (proceedings on complaint of a contempt of court), for “officer of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

#### ***Magistrates’ Courts Rules (Northern Ireland) 1984***

21.—(1) Rule 11 of the Magistrates’ Courts Rules (Northern Ireland) 1984(33) (service of summons) is amended as follows.

(2) In paragraph (3A)(34), for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

(3) In paragraph (3B)(35), for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

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(29) [S.I. 2003/439 \(N.I. 11\)](#).

(30) [S.R. 1979 No.90](#).

(31) [S.R. 1981 No.147](#).

(32) [S.R. 1981 No.225](#).

(33) [S.R. 1984 No.225](#).

(34) Rule 11(3A) was inserted by [S.R. 1997 No.428](#).

(35) Rule 11(3B) was inserted by [S.R. 2009 No.310](#).

***Judgment Enforcement (Recovery of Admitted Debts) Rules (Northern Ireland) 1985***

22. In rule 11(1) of the Judgment Enforcement (Recovery of Admitted Debts) Rules (Northern Ireland) 1985(36) (summons for examination under Article 95(1)), for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

***Insolvency Rules (Northern Ireland) 1991***

23.—(1) Rule 2.020 of the Insolvency Rules (Northern Ireland) 1991(37) (appointment taking place out of court business hours) is amended as follows.

(2) In paragraph (3), for “Court Service” substitute “Department of Justice”.

(3) In paragraph (6), for “Court Service” substitute “Department of Justice”.

***Crown Court (Children’s Evidence) (Dismissal of Transferred Charges) Rules (Northern Ireland) 1996***

24. In rule 2(1) of the Crown Court (Children’s Evidence) (Dismissal of Transferred Charges) Rules (Northern Ireland) 1996(38) (interpretation), in the definition of “the chief clerk”, for “members of the Northern Ireland Court Service” substitute “civil servants in the Department of Justice”.

***Family Proceedings Rules (Northern Ireland) 1996***

25. In rule 8.33(2) of the Family Proceedings Rules (Northern Ireland) 1996(39) (interpretation) for “Northern Ireland Court Service” substitute “Department of Justice”.

***Magistrates’ Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996***

26. In rule 1(3) of the Magistrates’ Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996(40) (citation, commencement and interpretation), in the definition of “the Central Authority for Northern Ireland” for “Northern Ireland Court Service” substitute “Department of Justice”.

***Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules (Northern Ireland) 1997***

27. In rule 1(2) of the Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules (Northern Ireland) 1997(41) (citation, commencement and interpretation), in the definition of “chief clerk”, for “members of the Northern Ireland Court Service” substitute “civil servants in the Department of Justice”.

***Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997***

28. In regulation 12 of the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997(42) (conduct of proceedings), for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

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(36) S.R. 1985 No.78.

(37) S.R.1991 No.364.

(38) S.R. 1996 No.70.

(39) S.R. 1996 No.322. Rule 8.33 was substituted by S.R. 2005 No.558.

(40) S.R. 1996 No.323. The definition of ‘the Central Authority for Northern Ireland’ in rule 1(3) was inserted by S.R. 2005 No.559.

(41) S.R. 1997 No.266.

(42) S.R. 1997 No.344.

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***Crown Court (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997***

29. In rule 1(2) of the Crown Court (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997(43) (citation, commencement and interpretation), in the definition of “chief clerk”, for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

***Crown Court (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules (Northern Ireland) 1997***

30. In rule 1(2) of the Crown Court (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules (Northern Ireland) 1997(44) (citation, commencement and interpretation), in the definition of “the chief clerk”, for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

***Magistrates’ Courts (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules (Northern Ireland) 1997***

31. In rule 1(2) of the Magistrates’ Courts (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules (Northern Ireland) 1997(45) (citation, commencement and interpretation), in the definition of “clerk of petty sessions”, for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

***Magistrates’ Courts (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997***

32. In rule 1(2) of the Magistrates’ Courts (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997(46) (citation, commencement and interpretation), in the definition of “clerk of petty sessions”, for “member of the Northern Ireland Court Service” substitute “civil servant in the Department of Justice”.

***Re-use of Public Sector Information Regulations 2005***

33. In regulation 2 of the Re-use of Public Sector Information Regulations 2005(47) (interpretation), in the definition of “government department”, omit “, the Northern Ireland Court Service”.

***Crown Court (Prosecution Appeals) Rules (Northern Ireland) 2005***

34. In rule 1(2) of the Crown Court (Prosecution Appeals) Rules (Northern Ireland) 2005(48) (interpretation), in the definition of “chief clerk”, for “member of the Court Service” substitute “civil servant in the Department of Justice”.

***Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005***

35.—(1) The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005(49) are amended as follows.

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(43) S.R. 1997 No.519.  
(44) S.R. 1997 No.520.  
(45) S.R. 1997 No.531.  
(46) S.R. 1997 No.532.  
(47) S.I. 2005/1515.  
(48) S.R. 2005 No.79.  
(49) S.R. 2005 No.112.



(2) In rule 2 (interpretation), for the definition of “the Court Service” substitute—  
““the Department” means the Department of Justice;”.

(3) In rule 20 (review of operation of rules), for “Court Service”, in each place that those words occur, substitute “Department”.

#### ***Public Contracts Regulations 2006***

36. In Schedule 1 to the Public Contracts Regulations 2006(50) (GPA Annex 1 contracting authorities)—

- (a) after “Office of the Social Security Commissioners”, in the first place that those words occur, insert “Pensions Appeal Tribunals”;
- (b) omit the entry for the Northern Ireland Court Service (including the entries related to it).

#### ***Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007***

37. In regulation 39(10)(b) of the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007(51) (unauthorised disclosure of information relating to particular persons), for “Northern Ireland Court Service” substitute “Department of Justice”.

#### ***Rate Relief (General) Regulations (Northern Ireland) 2007***

38. In regulation 40(10)(b) of the Rate Relief (General) Regulations (Northern Ireland) 2007(52) (unauthorised disclosure of information relating to particular persons), for “Northern Ireland Court Service” substitute “Department of Justice”.

#### ***Magistrates’ Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009***

39.—(1) The Magistrates’ Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009(53) are amended as follows.

(2) In rule 2 (interpretation), for the definition of “the Court Service” substitute—  
““the Department” means the Department of Justice;”.

(3) In rule 16 (review of operation of rules), for “Court Service”, in each place that those words occur, substitute “Department”.

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(50) S.I. 2006/5.

(51) S.R. 2007 No.203.

(52) S.R. 2007 No.204.

(53) S.R. 2009No.313.