

## SCHEDULE

### 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 The entry in Schedule 5 to the 1978 Act is repealed by paragraph 5(5) to this Order.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<sup>(13)</sup> (activities liable to control under the Act) is amended as follows.

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

(3) In paragraph 3A(6)(aa)<sup>(15)</sup> (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<sup>(16)</sup> is amended as follows.

(2) In section 46(1)(ha)<sup>(17)</sup> (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<sup>(18)</sup>, 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<sup>(19)</sup> 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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<sup>(13)</sup> 2001 c.12.

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

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

<sup>(16)</sup> 2002 c.26.

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

<sup>(18)</sup> S.I. 1980/397 (N.I. 3).

<sup>(19)</sup> 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”.

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

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