

SCHEDULES

SCHEDULE 18

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

PART 1

Acts of the Parliament of the United Kingdom

Justice (Northern Ireland) Act 2002

- 61.** Amend the Justice (Northern Ireland) Act 2002(1) as follows.
- 62.** In section 9F(2) (procedure for reports by Northern Ireland Judicial Appointments Ombudsman)—
- (a) for subsection (2)(a) and (b) substitute—
 - “(a) if the complaint was a Commission complaint, to the First Minister and deputy First Minister and to the Commission;
 - (b) otherwise, to the Lord Chancellor.”;
 - (b) in subsection (3)(a) for the words from “by the Lord Chancellor” to the end substitute “for changes in the draft report which is made—
 - (i) if the complaint was a Commission complaint, by the First Minister and deputy First Minister acting jointly or by the Commission;
 - (ii) otherwise, by the Lord Chancellor.”;
 - (c) in subsection (5) for “Lord Chancellor and” substitute “First Minister and deputy First Minister and to”.
- 63.** In section 47(3) (further provision about functions of Chief Inspector of Criminal Justice)—
- (a) in subsection (1) omit “, the Lord Chancellor”;
 - (b) in subsection (2) omit paragraph (aa);
 - (c) omit subsections (5A) and (5B).
- 64.** In section 49(4) (reports by Chief Inspector of Criminal Justice) omit subsection (6).
- 65.** In section 50 (Northern Ireland Law Commission) omit subsection (5)(a).
- 66.** In section 73 (constitution of Rules Committee)—

(1) 2002 c.26. Relevant amendments were made by the Justice (Northern Ireland) Act 2004 (c.4).

(2) Section 9F was inserted by section 129 of the Constitutional Reform Act 2005 (c. 4).

(3) Section 47 was amended by section 45 of the Justice and Security (Northern Ireland) Act 2007 (c.6).

(4) Section 49(6) was inserted by section 45 of the Justice and Security (Northern Ireland) Act 2007 (c. 6).

Status: This is the original version (as it was originally made).

- (a) in subsection (1), in the inserted paragraphs (d), (e) and (f) of section 54(1) of the Judicature (Northern Ireland) Act 1978⁽⁵⁾, for “Lord Chancellor” substitute “Department of Justice”;
- (b) in subsection (2), in the amendment of Article 46(1) of the County Courts (Northern Ireland) Order 1980⁽⁶⁾—
 - (i) in the inserted sub-paragraphs (d), (e) and (g) for “Lord Chancellor” substitute “Department of Justice”;
 - (ii) in the inserted sub-paragraph (f) for “the Lord Chancellor” substitute “that Department”.

67.—(1) Amend Schedule 2 (Judicial Appointments Commission) as follows.

(2) After paragraph 4(2) insert—

“(2A) Employment as a member of staff of the Commission is among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972⁽⁷⁾ can apply; and accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—
“Employment by the Northern Ireland Judicial Appointments Commission.””

(3) Omit paragraph 4(3)⁽⁸⁾ (and the Superannuation Act 1972⁽⁹⁾ has effect accordingly).

(4) Sub-paragraph (3) above does not affect the position of any person under the Superannuation Act 1972 in relation to the person’s employment by the Northern Ireland Judicial Appointments Commission before the coming into force of this Order.

(5) Sub-paragraph (6) below applies in relation to a person who immediately before the coming into force of this Order is, by virtue of paragraph 4(3) of Schedule 2 to the Justice (Northern Ireland) Act 2002⁽¹⁰⁾, a participant in the principal civil service pension scheme as defined in section 2(10) of the Superannuation Act 1972.

(6) In relation to the person’s employment by the Northern Ireland Judicial Appointments Commission after the coming into force of this Order, the person is entitled to be a participant in the principal civil service pension scheme as defined in Article 4(10) of the Superannuation (Northern Ireland) Order 1972⁽¹¹⁾; and the person’s terms and conditions of service have effect accordingly.

(7) In paragraph 5—

- (a) in sub-paragraph (6) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (b) in sub-paragraph (7) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (c) after sub-paragraph (7) insert—

“(7A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽¹²⁾ applies for the purposes of sub-paragraph (6) in relation to the laying of a copy of an annual report as it applies in relation to the laying of a statutory document under an enactment.”

(8) In paragraph 7—

⁽⁵⁾ 1978 c. 23.

⁽⁶⁾ S.I. 1980/397 (N.I. 3).

⁽⁷⁾ S.I. 1972/1073 (N.I. 10).

⁽⁸⁾ Paragraph 4(3) was substituted by the Justice (Northern Ireland) Act 2004 (c.4), section 1 and Schedule 1, paragraph 5.

⁽⁹⁾ 1972 c. 11.

⁽¹⁰⁾ 2002 c. 26

⁽¹¹⁾ S.I. 1972/1073 (N.I. 10).

⁽¹²⁾ 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

- (a) in sub-paragraph (2) for “Lord Chancellor directs” substitute “First Minister and deputy First Minister acting jointly direct”;
- (b) in sub-paragraph (3) for “Lord Chancellor” (in both places) substitute “Office of the First Minister and deputy First Minister”;
- (c) in sub-paragraphs (3)(b) and (4) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
- (d) in sub-paragraph (4)(b) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (e) after sub-paragraph (4) insert—

“(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4) in relation to the laying of a copy of a statement of accounts or report as it applies in relation to the laying of a statutory document under an enactment.”

(9) Sub-paragraph (8) above does not apply in relation to a financial year ending before the coming into force of this Order.

68. In paragraph 15 of Schedule 3A (reports of Northern Ireland Judicial Appointments Ombudsman)—

- (a) in sub-paragraph (4) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (b) after sub-paragraph (5) insert—

“(6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.”