

EXPLANATORY NOTES

JUSTICE (NORTHERN IRELAND) ACT 2002

INTRODUCTION

SUMMARY

OVERVIEW

COMMENTARY

General

Section 1: Guarantee of continued judicial independence

Appointment and Removal

Section 2: Introductory

Section 3: Judicial Appointments Commission

Section 4: Appointment to most senior judicial offices

Section 5: Appointment to listed judicial offices

Section 6: Removal from most senior judicial offices

Section 7: Removal from listed judicial offices

Section 8: Tribunals for considering removal

Magistrates

Section 9: Lay magistrates

Section 10: Transfer of functions of justices of the peace

Section 11: Transfer of functions of lay panellists

Lord Chief Justice

Section 12: Role of the Lord Chief Justice

Sections 13-15: Presiding judges

Section 16: Complaints about holders of judicial office

Section 17: Secretaries to Lord Chief Justice

Other Provisions

Section 18: Qualification for appointment

Section 19: Judicial oath or affirmation

Section 20: Crown Solicitor

Section 21: Judicial Pensions: pension sharing

General

Attorney General

Section 22: Attorney General

Section 23: Terms of appointment of Attorney General

Section 24: Removal of Attorney General

Section 25: Participation by Attorney General in Assembly proceedings

Section 26: Annual report by Attorney General

Advocate General

Section 27: Advocate General

Section 28: Functions of Advocate General

Public Prosecution Service

Section 29: Public Prosecution Service

Section 30: Director of Public Prosecutions

Section 31: Conduct of prosecutions

Section 32: Discontinuance of proceedings before court appearance

Section 33: Consents to prosecutions

Section 34: Police complaints

Section 35: Information for Director

Section 36: Exercise of functions by and on behalf of Service

Section 37: Code for Prosecutors

Section 38: Equality and non-discrimination

Section 39: Reports by Director

Relationship of Director and Attorney General

Section 40: Superintendence and removal of Director

These notes refer to the Justice (Northern Ireland) Act 2002 (c.26)

Section 41: Transfer of functions etc.

Section 42: Independence of Director

Section 43: Appointment and removal of Director by Attorney General

Supplementary

Section 44: Interpretation

Chief Inspector of Criminal Justice

Section 45: Chief Inspector of Criminal Justice

Section 46: Functions of Chief Inspector

Section 47: Further provisions about functions

Section 48: Powers of inspectors

Section 49: Reports

Law Commission

Section 50: Law Commission

Section 51: Duties of Commission

Section 52: Reports etc.

Aims

Section 53: Aims of youth justice system

New Orders

Section 54: Reparation orders

Section 55: Community responsibility orders

Section 56: Custody care orders

Youth Conferences

General

Section 57: Youth conferences and youth conference plans

Section 58: Diversionary youth conferences

Section 59: Court-ordered youth conferences

Section 60: Youth conference orders

Section 61: Legal aid for youth conferences

Other Provisions

Section 63: Extension of youth justice system to 17 year olds

Section 64: Juvenile justice centre orders for 17 year olds

Section 65: Consultation about detention

Royal Arms and Flags

Section 66: Display of the Royal Arms at courts

Section 67: Flying of flags at court-houses

Victims of Crime

Section 68: Information about discharge and temporary release of prisoners

Section 69: Views on temporary release

Section 70: Supplementary

Community Safety

Section 71: Community safety strategy

Section 72: Local community safety partnerships

Civil Procedure

Section 73: Constitution of Rules Committees

Section 74: Appeals in small claims cases

Section 75: Time limit for cases stated by county court

Legal Aid

Section 76: Exceptional legal aid

Section 77: Proceedings before coroner

Court Service

Section 78: Power to abolish the Court Service

Court Security

Sections 79-81: Court security and court security officers

PART 6: SUPPLEMENTARY

Section 82: Excepted matters: judicial office-holders

Section 83: Reserved matters: new institutions

Section 84: Assembly Acts about judiciary, law officers and prosecutions

These notes refer to the Justice (Northern Ireland) Act 2002 (c.26)

Section 89: Transitionals and savings

Section 90: Statutory rules

Section 91: Extent

Schedule 1: Listed Judicial Offices

Schedule 2: Judicial Appointments Commission

Schedule 3: Appointment to Listed Judicial Offices

Schedule 4: Functions of Justices of the Peace

Schedule 5: Transfer of Functions to Lord Chief Justice

Schedule 6: Office-Holders Required to Take Judicial Oath

Schedule 7: Functions of Advocate General

Schedule 8: Chief Inspector of Criminal Justice

Schedule 9: Law Commission

Schedule 10: Youth Justice Orders: Enforcement Etc

Schedule 11: Extension of Youth Justice System to 17 Year Olds

Schedule 12: Minor and Consequential Amendments

Schedule 13: Repeals and Revocations

COMMENCEMENT

HANSARD REFERENCES