



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 1

#### THE JUDICIARY

##### *Lord Chief Justice*

## 12 Role of Lord Chief Justice

[<sup>F1</sup>(1A) The Lord Chief Justice holds the office of President of the Courts of Northern Ireland and is Head of the Judiciary of Northern Ireland.

(1B) As President of the Courts of Northern Ireland he is responsible—

- (a) for representing the views of the judiciary of Northern Ireland to Parliament, the Lord Chancellor and Ministers of the Crown generally;
- (b) for representing the views of the judiciary of Northern Ireland to the Northern Ireland Assembly, the First Minister and deputy First Minister and Northern Ireland Ministers;
- (c) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary of Northern Ireland within the resources made available by the Lord Chancellor;
- (d) for the maintenance of appropriate arrangements for the deployment of the judiciary of Northern Ireland and the allocation of work within courts.

(1C) The President of the Courts of Northern Ireland is president of the courts listed in subsection (1D) and is entitled to sit in any of those courts.

(1D) The courts are—

- the Court of Appeal
- the High Court
- the Crown Court
- the county courts
- the magistrates' courts.]

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[<sup>F2</sup>the coroners' courts]

- (2) <sup>F3</sup> .....
- (3) <sup>F3</sup> .....

#### Textual Amendments

- F1** S. 12(1A)-(1D) substituted (3.4.2006 for certain purposes and 8.5.2007 otherwise) for s. 12(1) by Constitutional Reform Act 2005 (c. 4), **ss. 11**, 148; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 6; S.I. 2007/1252, **art. 2**
- F2** Words in s. 12(1D) added (1.11.2015) by Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 (c. 11), **ss. 7**, 12(1) (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/359, art. 2(a)
- F3** S. 12(2)(3) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 5 para. 119, **Sch. 18 Pt. 3**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 12, 30

#### Modifications etc. (not altering text)

- C1** S. 12(1B)(c): transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 17 para. 17** (with arts. 28-31)

### 13 Presiding county court judge

- (1) After section 102 of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) insert—

#### “102A Presiding judge

- (1) The Lord Chief Justice must appoint one of the judges to be the Presiding judge with responsibility for the county courts and the other judges and the deputy judges.
- (2) The person appointed as Presiding judge holds that office in accordance with the terms of his appointment.
- (3) If the office of Presiding judge becomes vacant, the Lord Chief Justice may appoint a judge to act as Presiding judge, pending a new appointment.”
- (2) The Lord Chief Justice may delegate any of his functions relating to county courts to the Presiding county court judge.

### 14 Presiding resident magistrate

- (1) The Lord Chief Justice must appoint one of the resident magistrates to be the Presiding resident magistrate with responsibility for the magistrates' courts, the other resident magistrates and the deputy resident magistrates.
- (2) The person appointed as Presiding resident magistrate holds that office in accordance with the terms of his appointment.
- (3) If the office of Presiding resident magistrate becomes vacant, the Lord Chief Justice may appoint a resident magistrate to act as Presiding resident magistrate, pending a new appointment.

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- (4) The Lord Chief Justice may delegate any of his functions relating to magistrates' courts to the Presiding resident magistrate.

## **15 Presiding lay magistrate**

- (1) The Lord Chief Justice must appoint one of the lay magistrates to be the Presiding lay magistrate with responsibility for the other lay magistrates.
- (2) The person appointed as Presiding lay magistrate holds that office in accordance with the terms of his appointment.
- (3) If the office of Presiding lay magistrate becomes vacant, the Lord Chief Justice may appoint a lay magistrate to act as Presiding lay magistrate, pending a new appointment.

## **16 Complaints about holders of judicial office**

- (1) The Lord Chief Justice must prepare a code of practice relating to the handling of complaints against any person who holds a protected judicial office.
- (2) The code must include provision for any complaints appearing to the Lord Chief Justice—
- (a) to involve a serious allegation of misbehaviour or inability to perform the functions of an office, and
  - (b) to have a reasonable prospect of being substantiated,
- to be referred to a tribunal for it to provide advice about any steps which should be taken to deal with the complaint.
- (3) The Lord Chief Justice may from time to time prepare a new code or make alterations to a code.
- (4) The Lord Chief Justice must publish each code prepared by him and any alterations which he makes to a code (or the code as altered).

## **17 Secretaries to Lord Chief Justice**

- (1) In Schedule 3 to the Judicature (Northern Ireland) Act 1978 (c. 23) (qualification for appointment to statutory offices), omit the entries relating to the Principal Secretary to the Lord Chief Justice and the Legal Secretary to the Lord Chief Justice.
- (2) In section 53(2) of that Act (secretary to Crown Court Rules Committee), for the words from “secretary to” to “such secretary” substitute “joint secretaries to the Crown Court Rules Committee shall be the Principal Secretary to the Lord Chief Justice and a person designated by the Lord Chancellor; and whichever of them is nominated by the Lord Chancellor”.
- (3) In section 54(5) of that Act (joint secretaries to [F<sup>4</sup>Court of Judicature] Rules Committee), for the words from “such persons” to the end substitute “the Principal Secretary to the Lord Chief Justice and a person designated by the Lord Chancellor.”
- (4) In paragraph 6 of Schedule 2 to the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6)) (joint secretaries to Northern Ireland Family Proceedings Rules Committee), for the words from “such persons” to the end substitute “the Principal Secretary to the Lord Chief Justice and a person designated by the Lord Chancellor.”

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#### Textual Amendments

- F4** Words in s. 17(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6](#); S.I. 2009/1604, [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)