



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 1

#### THE JUDICIARY

##### *Other provisions*

#### 18 Qualification for appointment

- (1) In section 6 of the Appellate Jurisdiction Act 1876 (c. 59) (qualification for appointment as Lord of Appeal in Ordinary), for “practising member of the Bar of Northern Ireland” substitute “member of the Bar of Northern Ireland or a solicitor of the Supreme Court of Judicature of Northern Ireland”.
- (2) In section 7(1)(a) of the Judicature (Northern Ireland) Act 1978 (c. 23) (further assistance for transaction of business of High Court or Court of Appeal by Lord of Appeal in Ordinary), for “had practised for not less than ten years at the Bar of Northern Ireland” substitute “was a member of the Bar of Northern Ireland, or a solicitor of the Supreme Court, of at least ten years' standing”.
- (3) For section 9 of that Act (qualification for appointment as judge of High Court or Court of Appeal) substitute—

##### **“9 Qualification to be judge of High Court or Court of Appeal**

A person is not qualified for appointment as Lord Chief Justice, a Lord Justice of Appeal or a judge of the High Court unless he is—

- (a) a member of the Bar of Northern Ireland of at least ten years' standing;  
or
  - (b) a solicitor of the Supreme Court of at least ten years' standing.”
- (4) In section 103(1) of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) (qualification for appointment as county court judge), for the words after “unless” substitute “he is—

- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
  - (b) a solicitor of the Supreme Court of at least ten years' standing.”
- (5) In section 107(1) of that Act (qualification for appointment as deputy county court judge), for the words after “deputy judge” substitute “a person who is—
- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
  - (b) a solicitor of the Supreme Court of at least ten years' standing.”
- (6) In section 9(1) of the [Magistrates' Courts Act \(Northern Ireland\) 1964 \(c. 21 \(N.I.\)\)](#) (qualification for appointment as resident magistrate), for the words after “appointments” substitute “are—
- (a) members of the Bar of Northern Ireland of at least seven years' standing; or
  - (b) solicitors of the Supreme Court of at least seven years' standing.”
- (7) In section 2(3) of the [Coroners Act \(Northern Ireland\) 1959 \(c. 15 \(N.I.\)\)](#) (qualification for appointment as coroner), for the words after “unless” substitute “he is—
- (a) a member of the Bar of Northern Ireland of at least five years' standing; or
  - (b) a solicitor of the Supreme Court of at least five years' standing.”
- (8) In section 70(2) of the Judicature (Northern Ireland) Act 1978 (c. 23) (qualification for appointment to offices in Schedule 3), for the words after “unless” substitute “he is—
- (a) a barrister or solicitor, or in the case of the Official Solicitor a solicitor, who has at least the number of years' standing specified in relation to that office in column 3 of that Schedule; or
  - (b) the holder of any other office so listed.”
- (9) In Schedule 3 to that Act, in each of the entries relating to a Master and in the entry relating to the Official Solicitor, in column 3 (number of years' standing), for “10” substitute “7”.
- (10) In section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland), after subsection (1) insert—
- “(1A) A person is not qualified for appointment as Crown Solicitor unless he is—
- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
  - (b) a solicitor of the Supreme Court of at least ten years' standing.”

## **19 Judicial oath or affirmation**

- (1) Every person appointed to an office specified in Schedule 6 must, before undertaking any functions of the office, either—
- (a) take the oath specified in subsection (2), or
  - (b) make the affirmation and declaration specified in subsection (3).
- (2) The oath is—

“I ... .. do swear that I will well and faithfully serve in the office of ... .. and that I will do right to all manner of people without fear or favour, affection or ill-will according to the laws and usages of this realm.”

(3) The affirmation and declaration is—

“I ... .. do solemnly and sincerely and truly affirm and declare that I will well and faithfully serve in the office of ... .. and that I will do right to all manner of people without fear or favour, affection or ill-will according to the laws and usages of this realm.”

(4) The Lord Chancellor may by order amend Schedule 6 by—

- (a) adding an office,
- (b) omitting an office, or
- (c) altering the description of an office.

(5) An order under subsection (4) may make appropriate consequential amendments in any enactment or instrument (whenever passed or made).

## 20 Crown Solicitor

In section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland), for subsection (3) substitute—

“(3) The Crown Solicitor—

- (a) must make his services available to any Minister or department of the Government of the United Kingdom; and
- (b) may make his services available to any Northern Ireland Minister or Northern Ireland department or any other public body or holder of public office.”

## 21 Judicial pensions: pension sharing

(1) Article 40 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) (power to extend judicial pension schemes in connection with pension credits) is amended as follows.

(2) In paragraph (2), after sub-paragraph (g) insert—

- “(h) the Judicial Pensions Act 1981 (c. 20); and
- (i) the Judicial Pensions and Retirement Act 1993 (c. 8).”

(3) In paragraph (3)(a)—

- (a) for “(2)(d) and (e)” substitute “(2)(d) or (e)”, and
- (b) for “(2)(a) to (c), (f) and (g),” substitute “(2)(a), (b), (c), (f), (g), (h) or (i)”.

(4) In paragraph (4)(a), for “(2)(a) to (c), (f) and (g)” substitute “(2)(a), (b), (c), (f), (g), (h) or (i)”.