



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

[^{F1}Transfer of functions of justices of the peace

Textual Amendments

- F1** By [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 132, 148](#); [S.I. 2005/1431](#), [art. 2\(b\)](#) it is provided (15.6.2005) that s. 9I and the cross-heading following that provision is inserted after s. 9H

^{x1}10 **Transfer of functions of justices of the peace**

- (1) Subject as follows, the functions of justices of the peace (including their functions as members of a court) are transferred to lay magistrates.
- (2) A lay magistrate sitting out of petty sessions may not exercise any function conferred or imposed on a magistrates' court in relation to the conduct of proceedings for an offence, apart from a function to which subsection (3) applies.
- (3) This subsection applies to —
 - (a) any function of issuing a warrant or summons,
 - (b) any function of remanding an accused who has not previously been remanded for the offence,
 - (c) any function of ordering a person to enter into a recognisance to keep the peace or to be of good behaviour,
 - (d) the function under section 21(3) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)) (committal where offence committed during suspended sentence etc.),

Changes to legislation: Justice (Northern Ireland) Act 2002, Cross Heading: Transfer of functions of justices of the peace is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) the function under Article 5(4) of the Treatment of Offenders (Northern Ireland) Order 1976 (S.I. 1976/226 (N.I. 4)) (committal where offence committed after early discharge),
 - (f) the functions under section 51(8) of the Judicature (Northern Ireland) Act 1978 (c. 23) (committal etc. of person in custody in pursuance of Crown Court warrant),
 - (g) any function relating to perjury, misbehaviour or failure to testify in proceedings before a lay magistrate exercising any function to which this subsection applies,
 - (h) any function relating to adjournment of, or any other ancillary matter concerning, such proceedings,
 - (i) the function of granting a criminal aid certificate in respect of a person where the lay magistrate is dealing, or has previously dealt, with him by virtue of paragraph (b), (c) or (g), and
 - (j) the function of granting a criminal aid certificate in relation to an appeal against anything done by a lay magistrate by virtue of paragraph (c) or (g).
- (4) The Lord Chancellor may [^{F2}, after consultation with the Lord Chief Justice,] by order amend subsection (3).
- (5) Subsection (1) is subject to paragraphs 1 to 3 of Schedule 4 which specify functions which are to remain functions of justices of the peace (instead of, or as well as, becoming functions of lay magistrates) or to become functions only of resident magistrates.
- (6) Schedule 4 also contains amendments consequential on this section.
- (7) In this section references to a function are to a function conferred or imposed by an enactment or instrument passed or made before the time when this section comes into force (including a function conferred or imposed by a provision not in force at that time).

Editorial Information

- X1** The insertion of the new heading "Transfer of functions of justices of the peace" on 15.6.2005 gives rise to a change in the structure of this legislation on legislation.gov.uk which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

- F2** Words in s. 10(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 5 para. 118](#); S.I. 2006/1014, [art. 2](#), Sch. 1 para. 12

Modifications etc. (not altering text)

- C1** [S. 10\(4\)](#): 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)

Commencement Information

- II** [S. 10](#) partly in force; [s. 10](#) not in force at Royal Assent see [s. 87](#); [s. 10\(1\)-\(5\)\(7\)](#) in force and [s. 10\(6\)](#) in force for certain purposes at 1.4.2005 by [S.R. 2005/109](#), [art. 2](#), Sch.

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X211 Transfer of functions of lay panellists

- (1) In paragraph 3(1) of Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.)) (composition of juvenile courts), for “persons selected from one or more of the panels mentioned in sub-paragraph (2)” substitute “lay magistrates for the county court division which includes the petty sessions district or districts for which the court acts or any other county court division which adjoins that county court division”.
- (2) In section 178 of that Act (assessors for county court in appeals from juvenile courts)
 - (a) in subsection (1), for “persons selected from one or more than one of the appropriate juvenile court panels,” substitute “appropriate lay magistrates, at least one of whom (where practicable) is a woman,”
 - (b) in subsection (2), for “person” (in each place) substitute “lay magistrate”, and
 - (c) in subsection (4), for the definition of “the appropriate juvenile courts panels” substitute—

““appropriate lay magistrate” means a lay magistrate for the county court division for which the county court is held or any other county court division which adjoins that county court division;”.
- (3) In Article 165(2)(i) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) (rules of court: discharge of functions of court of summary jurisdiction by member of juvenile court panel), for “member of a juvenile court panel” substitute “lay magistrate”.]

Editorial Information

- X2** The insertion of the new heading "Transfer of functions of justices of the peace" on 15.6.2005 gives rise to a change in the structure of this legislation on legislation.gov.uk which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Changes to legislation:

Justice (Northern Ireland) Act 2002, Cross Heading: Transfer of functions of justices of the peace is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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\(4\)](#)