



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 2

LAW OFFICERS AND PUBLIC PROSECUTION SERVICE

Attorney General

22 Attorney General

- (1) The Attorney General for England and Wales shall no longer be Attorney General for Northern Ireland.
- (2) The First Minister and deputy First Minister, acting jointly, must appoint a person to be Attorney General for Northern Ireland.
- (3) The Attorney General for Northern Ireland is to be funded by the First Minister and deputy First Minister, acting jointly.
- (4) The Attorney General for Northern Ireland may appoint staff, but subject to the approval of the First Minister and deputy First Minister as to—
 - (a) numbers,
 - (b) salary, and
 - (c) other conditions of service.
- (5) The functions of the Attorney General for Northern Ireland shall be exercised by him independently of any other person.
- (6) A person is not qualified for appointment as Attorney General for Northern Ireland unless he is—
 - (a) a member of the Bar of Northern Ireland of at least ten years' standing, or
 - (b) a solicitor of the [^{F1}Court of Judicature] of at least ten years' standing.
- (7) The First Minister and deputy First Minister, acting jointly, must make arrangements for the discharge of the functions of the Attorney General of Northern Ireland during any vacancy in that office.

Changes to legislation: Justice (Northern Ireland) Act 2002, Cross Heading: Attorney General is up to date with all changes known to be in force on or before 19 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

Textual Amendments

- F1** Words in s. 22 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6](#); [S.I. 2009/1604](#), [art. 2](#)

Commencement Information

- II** [S. 22](#) in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 2](#)

23 Terms of appointment of Attorney General

- (1) Subject as follows, the Attorney General for Northern Ireland holds office in accordance with the terms of his appointment (or re-appointment).
- (2) A person may not be appointed as the Attorney General for Northern Ireland for more than five years at a time.
- (3) The Attorney General for Northern Ireland may resign by notice in writing to the Office of the First Minister and deputy First Minister.
- (4) The First Minister and deputy First Minister, acting jointly, must pay to or in respect of the Attorney General for Northern Ireland any such salary or allowances as they may determine.
- (5) Section 48 of the Northern Ireland Act 1998 (c. 47) (pensions) applies in relation to a person who has ceased to be the Attorney General for Northern Ireland.
- (6) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (disqualifying offices), insert (at the appropriate place in alphabetical order)—
 “Attorney General for Northern Ireland.”
- (7) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (disqualifying offices), insert (at the appropriate place in alphabetical order)—
 “Attorney General for Northern Ireland.”
- (8) The Attorney General for Northern Ireland is disqualified from being elected to, or being a member of, a district council in Northern Ireland.
- (9) In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—
 “The Attorney General for Northern Ireland.”

Commencement Information

- I2** [S. 23](#) in force at 12.4.2010 by [S.R. 2010/113](#), [art. 2](#), [Sch. para. 3](#)

24 Removal of Attorney General

- (1) The Attorney General for Northern Ireland—
 - (a) may be removed from office by the First Minister and deputy First Minister, acting jointly, if a tribunal convened under subsection (3) has reported to them

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- recommending that he be removed on the ground of misbehaviour or inability to perform the functions of the office, and
- (b) may be suspended from office by them (pending a decision whether to remove him) if the tribunal, at any time when it is considering whether to recommend his removal, has recommended to them that he be suspended.
- (2) If the Attorney General for Northern Ireland is suspended he may not perform any of the functions of the office until the decision whether to remove him has been taken (but his other rights as holder of the office are unaffected).
- (3) A tribunal may be convened by the First Minister and deputy First Minister, acting jointly.
- (4) A tribunal is to consist of—
- (a) a person who ^{F2}holds high judicial office, within the meaning of Part 3 of the Constitutional Reform Act 2005] and does not hold (and has never held) the office of Lord Chief Justice, Lord Justice of Appeal or judge of the High Court, and
- (b) a person who holds, or has held, office as a judge of the High Court in England and Wales or a judge of the Court of Session.
- (5) The selection of the persons to be the members of a tribunal is to be made by the Lord Chancellor ^{F3}after consultation with all of the following—
- (a) the President of the Supreme Court;
- (b) the Lord Chief Justice of England and Wales;
- (c) the Lord President of the Court of Session;
- (d) the Lord Chief Justice of Northern Ireland].
- (6) The chairman of a tribunal is the person mentioned in paragraph (a) of subsection (4).
- (7) The procedure of a tribunal is to be determined by its chairman.
- (8) The First Minister and deputy First Minister, acting jointly, may pay to a member of a tribunal any such allowances or fees as they may determine.

Textual Amendments

- F2** Words in s. 24(4)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 145, 148, Sch. 17 para. 33\(2\)](#); S.I. 2009/1604, [art. 2](#)
- F3** Words in s. 24(5) inserted (12.4.2010) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 5 para. 120](#) (with [Sch. 5 para. 115\(2\)](#)); S.I. 2010/883, [art. 2\(c\)\(i\)](#)

Commencement Information

- I3** S. 24 in force at 12.4.2010 by [S.R. 2010/113, art. 2, Sch. para. 4](#)

25 Participation by Attorney General in Assembly proceedings

- (1) The Attorney General for Northern Ireland may participate in the proceedings of the Assembly to the extent permitted by its standing orders but he may not vote in the Assembly.
- (2) The Assembly's standing orders may in other respects provide that they are to apply to the Attorney General of Northern Ireland as if he were a member of the Assembly.

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- (3) The Attorney General for Northern Ireland may, in any proceedings of the Assembly, decline to answer any question or produce any document relating to the operation of the system of prosecution of offences in any particular case if he considers that answering the question or producing the document—
 - (a) might prejudice criminal proceedings in that case, or
 - (b) would be otherwise against the public interest.
- (4) Section 43 of the Northern Ireland Act 1998 (c. 47) (interests of members of Assembly) applies to the Attorney General for Northern Ireland as if he were a member of the Assembly.

Commencement Information

I4 [S. 25](#) in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, [Sch. para. 5](#)

26 Annual report by Attorney General

- (1) The Attorney General for Northern Ireland must, as soon as possible after the end of each financial year, prepare a report on how he has exercised his functions during the financial year.
- (2) The Attorney General for Northern Ireland must send a copy of each annual report of his to the Office of the First Minister and deputy First Minister.
- (3) The First Minister and deputy First Minister, acting jointly, must lay before the Assembly a copy of each annual report received by their Office under subsection (2).
- (4) After a copy of an annual report has been laid in accordance with subsection (3), the First Minister and deputy First Minister, acting jointly, must arrange for the annual report to be published.
- (5) But the First Minister and deputy First Minister, acting jointly, may exclude a part of an annual report from the copy laid or published if, in their opinion, the laying or publication of the part—
 - (a) would be against the public interest, or
 - (b) might jeopardise the safety of any person.
- (6) If the First Minister and deputy First Minister exclude a part of an annual report from laying or publication, they must lay or publish with the annual report a statement that it has been excluded.
- (7) “Financial year” means—
 - (a) the period beginning with the day on which the first person appointed under section 22 takes office and ending with the first 31st March which falls at least six months after that day, and
 - (b) each subsequent period of twelve months beginning with 1st April.

Commencement Information

I5 [S. 26](#) in force at 12.4.2010 by [S.R. 2010/113](#), art. 2, [Sch. para. 6](#)

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\(4\)](#)