



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 3

OTHER NEW INSTITUTIONS

Law Commission

50 Law Commission

- (1) There is to be a body corporate known as the Northern Ireland Law Commission.
- (2) The Commission is to consist of—
 - (a) a chairman, and
 - (b) four other Commissioners, appointed by the [^{F1}Department of Justice].
- (3) The chairman is to be a person who holds the office of judge of the High Court.
- (4) Of the other Commissioners—
 - (a) one is to be a person appearing to the [^{F2}Department of Justice] to be suitably qualified to be a Commissioner by experience as a barrister,
 - (b) one is to be a person appearing to the [^{F3}Department of Justice] to be suitably qualified to be a Commissioner by experience as a solicitor,
 - (c) one is to be a person appearing to the [^{F4}Department of Justice] to be suitably qualified to be a Commissioner by experience as a teacher of law in a university, and
 - (d) the other is to be a person who does not hold (and has never held) judicial office and is not (and has never been) a barrister, solicitor or teacher of law in a university.
- (5) Before appointing a person to be a Commissioner the [^{F5}Department of Justice] must consult—
 - ^{F6}(a)

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- (b) the First Minister and deputy First Minister, and
 - (c) the Attorney General for Northern Ireland.
- (6) In appointing persons to be Commissioners, the [^{F7}Department of Justice] must so far as possible secure that the Commissioners (taken together) are representative of the community in Northern Ireland.
- (7) Schedule 9 makes further provision about the Commission.

Textual Amendments

- F1** Words in s. 50(2) substituted (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. 13 para. 8(2)** (with arts. 28-31)
- F2** Words in s. 50(4)(a) substituted (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. 13 para. 8(2)** (with arts. 28-31)
- F3** Words in s. 50(4)(b) substituted (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. 13 para. 8(2)** (with arts. 28-31)
- F4** Words in s. 50(4)(c) substituted (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. 13 para. 8(2)** (with arts. 28-31)
- F5** Words in s. 50(5) substituted (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. 13 para. 8(2)** (with arts. 28-31)
- F6** S. 50(5)(a) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 18 para. 65** (with arts. 28-31)
- F7** Words in s. 50(6) substituted (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. 13 para. 8(2)** (with arts. 28-31)

51 Duties of Commission

- (1) The Commission must keep under review the law of Northern Ireland with a view to its systematic development and reform, including in particular by—
- (a) codification,
 - (b) the elimination of anomalies,
 - (c) the repeal of legislation which is no longer of practical utility, and
 - (d) the reduction of the number of separate legislative provisions,
- and generally by simplifying and modernising it.
- (2) For that purpose the Commission must—
- (a) consider any proposals for the reform of the law of Northern Ireland made or referred to it,
 - (b) prepare and submit to the [^{F8}Department of Justice] (from time to time) programmes for the examination of different branches of that law with a view to reform, including recommendations as to the agency (whether itself or another body) by which any such examination should be carried out,
 - (c) undertake, pursuant to any such recommendations approved by the [^{F8}Department of Justice], the examination of particular branches of that law and the formulation (by means of draft legislation or otherwise) of proposals for reform of those branches,
 - (d) prepare (from time to time) at the request of the [^{F8}Department of Justice] comprehensive programmes of consolidation and repeal of legislation, and undertake the preparation of draft legislation pursuant to any such programme approved by the [^{F8}Department of Justice],

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- [^{F9}(e) provide advice and information—
 - (i) to Northern Ireland departments, and
 - (ii) with the consent of the Department of Justice, to departments of the Government of the United Kingdom and other authorities or bodies concerned with proposals for the reform or amendment of any branch of the law of Northern Ireland, and]
- (f) obtain such information as to the legal systems of other countries as appears to the Commission likely to facilitate the performance of its other duties.
- (3) Before approving any programme prepared by the Commission, the [^{F10}Department of Justice] must consult—
 - ^{F11}(a)
 - ^{F11}(b)
 - (c) the Attorney General for Northern Ireland.
- [^{F12}(3A) Before approving any programme prepared by the Commission that includes—
 - (a) the examination of any branch of law relating (in whole or in part) to a reserved matter or an excepted matter, or
 - (b) the consolidation or repeal of legislation relating (in whole or in part) to a reserved matter or an excepted matter,the Department of Justice must consult the Secretary of State.
- (3B) For the purposes of subsection (3A) “reserved matter” and “excepted matter” have the meanings given by section 4 of the Northern Ireland Act 1998.]
- (4) In performing its duties the Commission must consult—
 - (a) the Law Commission,
 - (b) the Scottish Law Commission, and
 - (c) the Law Reform Commission of the Republic of Ireland.
- (5) The Commission must make an annual report on how it has performed its duties.

Textual Amendments

- F8** Words in s. 51(2)(b)-(d) substituted (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. 13 para. 9(2)(a)** (with arts. 28-31)
- F9** S. 51(2)(e) substituted (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. 13 para. 9(2)(b)** (with arts. 28-31)
- F10** Words in s. 51(3) substituted (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. 13 para. 9(3)(a)** (with arts. 28-31)
- F11** S. 51(3)(a)(b) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 13 para. 9(3)(b)** (with arts. 28-31)
- F12** S. 51(3A)(3B) inserted (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. 13 para. 9(4)** (with arts. 28-31)

[^{F13}52 **Reports etc.**

- (1) The Commission must send to the Department of Justice a copy of—
 - (a) each programme prepared by the Commission and approved by the Department of Justice,

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- (b) each set of proposals for reform formulated by the Commission pursuant to such a programme, and
 - (c) each annual report of the Commission.
- (2) The Department of Justice must lay before the Northern Ireland Assembly a copy of each document received by it under subsection (1).
- (3) The Commission must send to the Secretary of State a copy of—
- (a) any programme prepared by the Commission and approved by the Department of Justice which includes—
 - (i) the examination of any branch of law relating (in whole or in part) to a reserved matter or an excepted matter, or
 - (ii) the consolidation or repeal of legislation relating (in whole or in part) to a reserved matter or an excepted matter,
 - (b) any set of proposals for reform formulated by the Commission pursuant to an approved programme which relate (in whole or in part) to a reserved matter or an excepted matter, and
 - (c) any annual report of the Commission which contains anything relevant to a reserved matter or an excepted matter.
- (4) The Secretary of State must lay before each House of Parliament a copy of each document received by the Secretary of State under subsection (3).
- (5) After a copy of a document has been—
- (a) laid before the Assembly in accordance with subsection (2), and
 - (b) if so required by subsection (4), laid before Parliament in accordance with that subsection,
- the Commission must arrange for the document to be published.
- (6) In this section “reserved matter” and “excepted matter” have the meanings given by section 4 of the Northern Ireland Act 1998.
- (7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (2) in relation to the laying of a copy of a document as it applies in relation to the laying of a statutory document under an enactment.]

Textual Amendments

- F13** S. 52 substituted (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. 13 para. 10** (with arts. 28-31)

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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\(4\)](#)