

SCHEDULES

SCHEDULE 1

Section 2

LISTED JUDICIAL OFFICES

Judge of the High Court
Temporary judge of the High Court under section 7(3) of the [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#)
County court judge
Deputy county court judge
Resident magistrate
Deputy resident magistrate
Coroner
Deputy coroner
Statutory officer (within the meaning of section 70(1) of the Judicature (Northern Ireland) Act 1978)
Deputy for a statutory officer under section 74 of that Act
Temporary additional statutory officer under that section
Chief Social Security Commissioner for Northern Ireland
Social Security Commissioner for Northern Ireland
Deputy Social Security Commissioner for Northern Ireland
Chief Child Support Commissioner for Northern Ireland
Child Support Commissioner for Northern Ireland
Deputy Child Support Commissioner for Northern Ireland
President of appeal tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998 ([S.I. 1998/1506 \(N.I. 10\)](#)))
Member of the panel of persons to act as members of such appeal tribunals
Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland
President of the Industrial Tribunals and the Fair Employment Tribunal
Acting President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998 ([S.I. 1998/3162 \(N.I. 12\)](#))
Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998
Member of the panel of chairmen of the Fair Employment Tribunal
President of the Lands Tribunal for Northern Ireland
Deputy President of the Lands Tribunal for Northern Ireland under section 3(1) of the [Lands Tribunal and Compensation Act \(Northern Ireland\) 1964 \(c. 29 \(N.I.\)\)](#)
Other member of the Lands Tribunal for Northern Ireland
Temporary member of the Lands Tribunal for Northern Ireland under section 3(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964

Status: This is the original version (as it was originally enacted).

President of the Special Educational Needs Tribunal for Northern Ireland
 Member of the panel of persons who may serve as chairman of that Tribunal
 Member of the tribunal established under section 91 of the [Northern Ireland Act 1998 \(c. 47\)](#)
 Member of the Mental Health Review Tribunal for Northern Ireland
 Lay magistrate

SCHEDULE 2

Section 3

JUDICIAL APPOINTMENTS COMMISSION

Members' tenure

- 1 (1) Subject as follows, a judicial member of the Commission is a member for so long as he holds the judicial office entitling him to membership.
 - (2) The First Minister and deputy First Minister, acting jointly, may terminate the membership of a judicial member on the recommendation of the Lord Chief Justice.
 - (3) A judicial member may resign by notice in writing to the Office of the First Minister and deputy First Minister.
- 2 (1) Subject as follows, a non-judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).
 - (2) A person may not be appointed as a non-judicial member for more than five years at a time; and the aggregate period for which a person may be a non-judicial member must not exceed ten years.
 - (3) A non-judicial member 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, may dismiss a non-judicial member if satisfied that—
 - (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
 - (b) he has been convicted of a criminal offence,
 - (c) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (d) he is otherwise unable or unfit to exercise his functions.

Salary etc. of non-judicial members

- 3 The Commission must pay to or in respect of each non-judicial member of the Commission any such salary or allowances as the First Minister and deputy First Minister, acting jointly, may determine.

Staff

- 4 (1) The Commission may employ staff, but subject to the approval of the First Minister and deputy First Minister as to—
- (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.
- (2) The Commission may make arrangements for securing the provision to it of such assistance by persons employed in—
- (a) the civil service of the United Kingdom,
 - (b) the civil service of Northern Ireland, or
 - (c) the Court Service,
- as it considers appropriate for or in connection with the exercise of its functions.
- (3) Employment as a member of staff of the Commission is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 (S.I. 1972/1073 (N.I. 10)) can apply; and, accordingly, in Schedule 1 to that Order (employments etc. to which Article 3 can apply), insert at the appropriate place—
- “Employment in the Northern Ireland Judicial Appointments Commission.”

Annual report

- 5 (1) The Commission must, as soon as possible after the end of each financial year, prepare a report on how it has exercised its functions during the financial year.
- (2) Each annual report must include information about the persons who have applied to be, and the persons who have been, selected to be appointed or recommended for appointment by the Commission during the financial year to which it relates.
- (3) The information to be included about any persons in an annual report must include information about their gender, age, ethnic origins and community background and the part of Northern Ireland (if any) with which they regard themselves as being most closely associated.
- (4) But an annual report must not identify any person or include information from which the identity of any person could be readily ascertained.
- (5) The Commission must send a copy of each annual report to the Office of the First Minister and deputy First Minister.
- (6) 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 subparagraph (5).
- (7) After a copy of a report has been laid before the Assembly, the Commission must arrange for it to be published.
- (8) In this paragraph “financial year” means—
- (a) the period beginning with the day on which section 3 comes into force 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.

Status: This is the original version (as it was originally enacted).

Financial provisions

- 6 The First Minister and deputy First Minister, acting jointly, may make grants to the Commission.
- 7 (1) The Commission must—
- (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
- (a) contain such information, and
 - (b) be in such form,
- as the First Minister and deputy First Minister, acting jointly, direct.
- (3) The Commission must send copies of the statement of accounts relating to a financial year to—
- (a) the Office of the First Minister and deputy First Minister, and
 - (b) the Comptroller and Auditor General for Northern Ireland,
- within such period after the end of the financial year as the First Minister and deputy First Minister, acting jointly, direct.
- (4) The Comptroller and Auditor General for Northern Ireland must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before the Assembly.
- (5) In this paragraph “financial year” has the same meaning as in paragraph 5.

Committees and sub-committees

- 8 (1) The Commission may establish committees.
- (2) Any committee of the Commission may establish sub-committees.
- (3) A committee or sub-committee may consist of or include persons who are not members of the Commission.
- (4) The Commission may pay to or in respect of any member of a committee or sub-committee who is neither a member of the Commission nor a member of staff of the Commission any such salary or allowances as the Commission may determine.

Proceedings

- 9 The Commission may regulate—
- (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of its committees and their sub-committees.
- 10 The validity of any proceedings of the Commission, or of any of its committees or their sub-committees, is not affected by—
- (a) any vacancy amongst the members, or
 - (b) any defect in the appointment of a member.

Delegation

- 11 (1) The Commission may delegate any of its functions (to such extent as it determines) to any of its committees.
- (2) A committee to which a function has been delegated may further delegate it (to such extent as it determines) to a sub-committee.
- 12 If the function of selecting a person for appointment, or recommendation for appointment, to an office is delegated to a committee or sub-committee, the committee or sub-committee must include a member of the Commission and, unless he is a lay member, a person who is eligible to be a lay member.

Miscellaneous

- 13 (1) The Commission is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission's property is not to be regarded as property of, or held on behalf of, the Crown.
- 14 The Commission may do anything, apart from borrowing money, which it considers is—
- (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
- the exercise of its functions.
- 15 The application of the seal of the Commission is to be authenticated by the signature of any member, or member of staff, of the Commission who has been authorised (whether generally or specially) for the purpose.
- 16 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specially) for the purpose.
- 17 A document purporting to be—
- (a) duly executed by the Commission under its seal, or
 - (b) signed on its behalf,
- is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”
- 19 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”

Status: This is the original version (as it was originally enacted).

Freedom of information

- 20 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 Northern Ireland Judicial Appointments Commission.”

SCHEDULE 3

Section 5

APPOINTMENT TO LISTED JUDICIAL OFFICES

Temporary High Court judges

- 1 In section 7(3) of the Judicature (Northern Ireland) Act 1978 (c. 23) (appointment of temporary High Court judges)—
- (a) for “Lord Chancellor” substitute “First Minister and deputy First Minister”, and
- (b) for “he may” substitute “they may, acting jointly”.

County court judges and deputy county court judges

- 2 The County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) has effect subject to the following amendments.
- 3 In section 102(1) (appointment of county court judges), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.
- 4 (1) Section 107 (deputy county court judges) is amended as follows.
- (2) In subsection (1), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.
- (3) In subsection (3)—
- (a) for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”, and
- (b) for “he thinks” substitute “they think”.
- 5 In section 134 (evidence of health of person recommended for appointment as county court judge), for “Lord Chancellor shall take steps to satisfy himself” substitute “First Minister and deputy First Minister shall take steps to satisfy themselves”.
- 6 After section 136 insert—

“136A Charges on Northern Ireland Consolidated Fund

There shall be charged on and paid out of the Consolidated Fund of Northern Ireland the salaries payable to judges under section one hundred and six.”

Resident magistrates and deputy resident magistrates

- 7 The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.)) has effect subject to the following amendments.

Status: This is the original version (as it was originally enacted).

- 8 In section 9(1) (appointment of resident magistrates), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.
- 9 In section 10(1) (appointment of deputy resident magistrates)—
- (a) for “The Lord Chancellor” substitute “The First Minister and deputy First Minister, acting jointly,”,
 - (b) for “the Lord Chancellor”, in the first place, substitute “they”, and
 - (c) for the words from “such conditions” to the end substitute—
 - “(a) such terms and conditions relating to removal from office as the First Minister and deputy First Minister, acting jointly, may determine; and
 - (b) such other terms and conditions, including as to remuneration and superannuation, as the Lord Chancellor may determine.”
- 10 In section 168(2) (payment of salaries), for “the United Kingdom” substitute “Northern Ireland”.

Coroners and deputy coroners

- 11 The [Coroners Act \(Northern Ireland\) 1959 \(c. 15 \(N.I.\)\)](#) has effect subject to the following amendments.
- 12 In section 1 (administration of matters relating to coroners), for “The Lord Chancellor” substitute “Subject to the provisions of this Act, the First Minister and deputy First Minister, acting jointly,”.
- 13 For section 2(1) substitute—
- “(1) The First Minister and deputy First Minister, acting jointly, may appoint one, or more than one, coroner and deputy coroner—
- (a) for such district or districts and on such conditions as to their removal as the First Minister and deputy First Minister may jointly determine; and
 - (b) on such other conditions, including as to remuneration and superannuation, as the Lord Chancellor, after consultation with the Treasury, may determine;
- and the Lord Chancellor may, in exercise of his powers under section 69 of the Judicature (Northern Ireland) Act 1978 (c. 23), appoint coroner’s officers and other officers to assist such coroners.”
- 14 In section 3 (power to amalgamate coroners' districts), for “Lord Chancellor, as from such date as he” substitute “First Minister and deputy First Minister, acting jointly, as from such date as they”.
- 15 In section 6(2) (inability or failure of coroner to discharge duties)—
- (a) for “Lord Chancellor may in writing” substitute “First Minister and deputy First Minister, acting jointly, may in writing”, and
 - (b) for “the Lord Chancellor may specify” substitute “they may specify”.

Statutory officers and deputies and temporary appointments

- 16 The Judicature (Northern Ireland) Act 1978 has effect subject to the following amendments.

Status: This is the original version (as it was originally enacted).

- 17 (1) Section 70 (appointment of statutory officers) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the First Minister and deputy First Minister, acting jointly, after consultation with the Lord Chief Justice—
- (a) on such conditions as to their removal as the First Minister and deputy First Minister may jointly determine; and
- (b) on such other conditions, including as to remuneration and superannuation, as the Lord Chancellor may determine with the concurrence of the Treasury;
- and persons holding such offices are in this Act referred to as “statutory officers”.”
- (3) In subsection (3)—
- (a) for “Lord Chancellor” substitute “First Minister and deputy First Minister”,
- (b) for “he may” substitute “they may jointly”, and
- (c) for “he considers” substitute “they consider”.
- (4) In subsection (5), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.
- (5) In subsection (6), for “Lord Chancellor” substitute “First Minister and deputy First Minister”.
- 18 (1) Section 74 (deputies and temporary appointments) is amended as follows.
- (2) In subsection (1)—
- (a) for “to the Lord Chancellor” substitute “to the First Minister and deputy First Minister”,
- (b) for “he” substitute “they, acting jointly,”,
- (c) for “as the Lord Chancellor” substitute “as they”, and
- (d) for “thinks” substitute “think”.
- (3) In subsection (3), for “Lord Chancellor otherwise directs” substitute “First Minister and deputy First Minister, acting jointly, otherwise direct”.

Chief Social Security Commissioner, Social Security Commissioners and deputy Social Security Commissioners for Northern Ireland

- 19 (1) Section 50 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (appointment of Social Security Commissioners for Northern Ireland) is amended as follows.
- (2) In subsection (1)—
- (a) after “time to time” insert “, on the recommendation of the First Minister and deputy First Minister, acting jointly,”, and
- (b) for the words from “such number” to the end substitute “other Social Security Commissioners.”
- (3) In subsection (2)—
- (a) for “Lord Chancellor considers” substitute “First Minister and deputy First Minister consider”,

Status: This is the original version (as it was originally enacted).

- (b) for “he should” substitute “they should”,
- (c) for “he may” substitute “they may jointly”, and
- (d) for “Lord Chancellor thinks” substitute “First Minister and deputy First Minister think”.

Chief Child Support Commissioner, Child Support Commissioners and deputy Child Support Commissioners for Northern Ireland

20 The Child Support Act 1991 (c. 48) has effect subject to the following amendments.

21 In section 23(1) (appointment of Child Support Commissioners for Northern Ireland)

- (a) after “time to time” insert “, on the recommendation of the First Minister and deputy First Minister, acting jointly,”, and
- (b) for the words from “such number” to the end substitute “other Child Support Commissioners.”

22 In paragraph 8(d) of Schedule 4 (application of provisions relating to Child Support Commissioners to Northern Ireland)—

- (a) before paragraph (i) insert—
 - “(ai) in sub-paragraph (1), for “Lord Chancellor” there were substituted “First Minister and deputy First Minister, acting jointly,”;” and
- (b) after paragraph (i) insert—
 - “(ia) in paragraph (b) of sub-paragraph (2), for “Lord Chancellor thinks” there were substituted “First Minister and deputy First Minister think”;

President and members of appeal tribunals

23 The Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) has effect subject to the following amendments.

24 In Article 6(1) (appointment of the President of appeal tribunals), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.

25 (1) Article 7 (appointment of panel of persons to act as members of appeal tribunals) is amended as follows.

- (2) In paragraph (1), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.
- (3) In paragraph (2), for “Lord Chancellor thinks” substitute “First Minister and deputy First Minister think”.
- (4) In paragraph (3), for “Lord Chancellor” substitute “First Minister and deputy First Minister”.
- (5) In paragraph (4), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.

Chairmen of Social Care Tribunals in Northern Ireland

26 The Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20)) has effect subject to the following amendments.

Status: This is the original version (as it was originally enacted).

- 27 (1) Article 30 (constitution of panels of persons available to act as chairmen and members of Social Care Tribunals in Northern Ireland) is amended as follows.
- (2) In paragraph (1)(a), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.
- (3) In paragraph (3), for “Lord Chancellor considers” substitute “First Minister and deputy First Minister consider”.
- 28 In Article 31(2) (constitution of tribunal), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.

President and Vice President of the Industrial Tribunals and the Fair Employment Tribunal and chairmen of the Fair Employment Tribunal

- 29 (1) Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21)) (appointment of President and Vice-President of the Industrial Tribunals and the Fair Employment Tribunal and of chairmen of the Fair Employment Tribunal) is amended as follows.
- (2) In paragraph (1), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.
- (3) In paragraph (3), for “Lord Chancellor” substitute “Office of the First Minister and deputy First Minister”.
- (4) In paragraph (6), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.
- 30 The Fair Employment Tribunal Regulations (Northern Ireland) 1989 (S.R. 1989 No. 444) have effect subject to the following amendments.
- 31 In regulation 2(2), in the definitions of “the President” and “the Vice-President”, for “Lord Chancellor” substitute “First Minister and deputy First Minister”.
- 32 In regulation 4(1) (resignation of chairmen of the Fair Employment Tribunal for Northern Ireland), for “Lord Chancellor” substitute “Office of the First Minister and deputy First Minister”.
- 33 In regulation 2(2) of the Fair Employment Tribunal (Rules of Procedure) Regulations 1989 (S.R. 1989 No. 445), in the definitions of “the President” and “Vice-President”, for “Lord Chancellor” substitute “First Minister and deputy First Minister”.

President and other members of the Lands Tribunal for Northern Ireland

- 34 The [Lands Tribunal and Compensation Act \(Northern Ireland\) 1964 \(c. 29 \(N.I.\)\)](#) has effect subject to the following amendments.
- 35 In section 1(2) (appointment of President and other members), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.
- 36 In section 3(1) and (2) (appointment of deputy President and temporary members), for “Governor” substitute “First Minister and deputy First Minister, acting jointly,”.

President and chairmen of Special Educational Needs Tribunal for Northern Ireland

- 37 (1) Article 22 of the Education (Northern Ireland) Order 1996 ([S.I. 1996/274 \(N.I. 1\)](#)) (appointment of President and chairmen of Special Educational Needs Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph (2)—
- (a) for “Lord Chancellor;” substitute “First Minister and deputy First Minister, acting jointly;”, and
 - (b) for “Lord Chancellor of” substitute “First Minister and deputy First Minister, acting jointly, of”.
- (3) In paragraph (3)(a), for “Lord Chancellor considers” substitute “First Minister and deputy First Minister consider”.
- (4) In paragraph (4)(b), for “Lord Chancellor” substitute “Office of the First Minister and deputy First Minister”.

Members of tribunal established under section 91 of the Northern Ireland Act 1998

- 38 (1) Schedule 11 to the Northern Ireland Act 1998 ([c. 47](#)) (tribunal established under section 91 of that Act) is amended as follows.
- (2) In paragraph 2(1), for “Lord Chancellor as he” substitute “First Minister and deputy First Minister, acting jointly, as they”.
- (3) In paragraph 2(3), for “Lord Chancellor” substitute “Office of the First Minister and deputy First Minister”.
- (4) In paragraph 3(1), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.
- (5) In paragraph 3(4), for “Lord Chancellor” substitute “Office of the First Minister and deputy First Minister”.
- (6) In paragraph 4—
- (a) for “Lord Chancellor” (in each place) substitute “First Minister and deputy First Minister”,
 - (b) for “he may determine” (in each place) substitute “they may determine”,
 - (c) in sub-paragraph (2), for “he thinks fit” substitute “they think fit”, and
 - (d) in sub-paragraph (3), for “he may pay” substitute “they may pay”.

Members of the Mental Health Review Tribunal for Northern Ireland

- 39 (1) Schedule 3 to the Mental Health (Northern Ireland) Order 1986 ([S.I. 1986/ 595 \(N.I. 4\)](#)) (Mental Health Review Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph 1—
- (a) for “appointed by the Lord Chancellor” (in each place) substitute “appointed by the First Minister and deputy First Minister, acting jointly,”, and
 - (b) for “Lord Chancellor considers” (in both places) substitute “First Minister and deputy First Minister consider”.
- (3) In paragraph 2, for “Lord Chancellor” substitute “Office of the First Minister and deputy First Minister”.

Status: This is the original version (as it was originally enacted).

- (4) In paragraph 3, for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly.”.

Lay magistrates

- 40 This Act has effect subject to the following amendments.
- 41 (1) Section 9 is amended as follows.
- (2) In subsections (1), (3) and (4), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly.”.
- (3) In subsection (2), for “Lord Chancellor” substitute “First Minister and deputy First Minister”.
- (4) In subsection (5), for “Lord Chancellor otherwise determines” substitute “First Minister and deputy First Minister, acting jointly, otherwise determine”.
- (5) In subsection (11)—
- (a) for “Lord Chancellor” substitute “First Minister and deputy First Minister”,
and
- (b) for “he may” substitute “they may jointly”.
- 42 (1) Section 90 is amended as follows.
- (2) In subsection (2), after “2(2)(b)” insert “or 9(4)”.
- (3) In subsection (4), omit “9(4)”.

SCHEDULE 4

Section 10

FUNCTIONS OF JUSTICES OF THE PEACE

Retained functions

- 1 (1) A function of justices of the peace under any provision to which sub-paragraph (2) applies is to remain a function of theirs (and is not transferred to lay magistrates).
- (2) This sub-paragraph applies to—
- (a) sections 79 and 80 of the Harbours, Docks, and Piers Clauses Act 1847 (c. 27) (appointment and dismissal of harbour police),
- (b) section 542(2) of the Merchant Shipping Act 1894 (c. 60) (declaration by marine store dealer),
- (c) section 6(2A) of the Game Preservation Act (Northern Ireland) 1928 (c. 25 (N.I.)) (destruction of game),
- (d) section 23(1) of the Government Annuities Act 1929 (c. 29) (confirmation of declaration),
- (e) section 63(3) and (4) of the Foyle Fisheries Act (Northern Ireland) 1952 (c. 5 (N.I.)) (destruction or disposal of fish),
- (f) section 10(4) (board of visitors) and section 19(1) and (2) (right to visit prison) of the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.)),

Status: This is the original version (as it was originally enacted).

- (g) section 8(3) of the [Agricultural Produce \(Meat Regulation and Pig Industry\) Act \(Northern Ireland\) 1962 \(c. 13 \(N.I.\)\)](#) (certificate authorising destruction or disposal of meat),
- (h) section 47(1) and (2) of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#) (declaration of expenses at election),
- (i) section 114(1) (certificate of fitness for dealer's licence) and section 181(4) (certificate of fish to be destroyed or disposed of) of the [Fisheries Act \(Northern Ireland\) 1966 \(c. 17 \(N.I.\)\)](#),
- (j) section 57 of the [Civil Aviation Act 1982 \(c. 16\)](#) (appointment and swearing in of constables),
- (k) section 1(2)(c) of the [Ministry of Defence Police Act 1987 \(c. 4\)](#) (declaration by members of Ministry of Defence police force),
- (l) Article 8(3) to (7) of the [Food Safety \(Northern Ireland\) Order 1991 \(S.I. 1991/762 \(N.I. 7\)\)](#) (condemnation of food not complying with food safety requirements),
- (m) Article 19(3) of the [Airports \(Northern Ireland\) Order 1994 \(S.I. 1994/426 \(N.I. 1\)\)](#) (declaration by airport constables),
- (n) section 38(1) of the [Police \(Northern Ireland\) Act 2000 \(c. 32\)](#) (attestation of constables of Police Service of Northern Ireland),
- (o) section 18(2) and (3) of the [Street Trading Act \(Northern Ireland\) 2001 \(c. 8 \(N.I.\)\)](#) (certificate of seized items).

Shared functions

- 2 (1) A function of justices of the peace under any provision to which sub-paragraph (2) applies is to remain a function of theirs but is also to become a function of lay magistrates.
- (2) This sub-paragraph applies to—
 - (a) section 26(1) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#) (power to administer oaths),
 - (b) Article 56(1) of the [County Courts \(Northern Ireland\) Order 1980 \(S.I. 1980/397 \(N.I. 3\)\)](#) (affidavits for use in a county court).

Functions to be exercisable only by resident magistrates

- 3 (1) A function of justices of the peace or magistrates' courts under a provision to which sub-paragraph (2) applies is to be a function only of resident magistrates.
- (2) This sub-paragraph applies to—
 - (a) Article 5(1) and (2) of the [Protection of Children \(Northern Ireland\) Order 1978 \(S.I. 1978/1047 \(N.I. 17\)\)](#) (indecent photographs: forfeiture),
 - (b) Article 152 of the [Magistrates' Courts \(Northern Ireland\) Order 1981 \(S. I. 1981/1675 \(N.I. 26\)\)](#) (enforcement of orders after appeal),
 - (c) Articles 44 and 45 of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(S.I. 1989/1341 \(N.I. 12\)\)](#) (warrants of further detention).

Amendments: general

- 4 The Lord Chancellor may by order amend paragraph 1(2), 2(2) or 3(2)—

Status: This is the original version (as it was originally enacted).

(a) by adding any provision contained in any enactment or instrument passed or made before the coming into force of this Schedule, or

(b) by removing any provision.

5 The Lord Chancellor may by order make provision amending any enactment or instrument in consequence of the provision made by section 10 or by or by virtue of the preceding provisions of this Schedule.

6 So far as may be appropriate in consequence of the provision made by section 10 or by or by virtue of this Schedule—

(a) references in any enactment or instrument to a justice of the peace (or to a justice of the peace other than a resident magistrate) may be construed as being or including a reference to a lay magistrate, and

(b) references in any enactment or instrument to a magistrates' court may be construed as a reference to a resident magistrate or a court of summary jurisdiction.

Specific amendments

7 The references to justices of the peace in sections 13, 15, 16 and 18 of the Statutory Declarations Act 1835 (c. 62) (oaths and declarations) include lay magistrates.

8 In section 5(1) of the [General Dealers \(Ireland\) Act 1903 \(c. 44\)](#) (general dealers to produce articles and books on demand of constable authorised by a justice), for “general or special authority of a justice of the peace” substitute “authority of a warrant issued by a lay magistrate”.

9 In section 26(4) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33 \(N.I.\)\)](#) (administration of oaths), after “upon a” insert “lay magistrate or”.

10 In section 189(1) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) (certificates of arrest or surrender of deserters and absentees), after “justice of the peace” insert “or (in Northern Ireland) resident magistrate”.

11 In section 189(1) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) (certificates of arrest or surrender of deserters and absentees), after “justice of the peace” insert “or (in Northern Ireland) resident magistrate”.

12 In sections 47(2) and 110(2) of the Naval Discipline Act 1957 (c. 53) (certificates of arrest and surrender), after “justice of the peace” insert “or (in Northern Ireland) resident magistrate”.

13 In section 110(2) of the [Electoral Law Act \(Northern Ireland\) 1962 \(c. 14 \(N.I.\)\)](#) (non-payment of compensation for unjust etc. charge of personation), for “under the hand and seal of a justice of the peace” substitute “issued by a lay magistrate”.

14 In section 12A(2) of the [Magistrates' Courts Act \(Northern Ireland\) 1964 \(c. 21 \(N.I.\)\)](#) (rates of allowances payable to justices of the peace), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly”.

15 In section 21 of the [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29 \(N.I.\)\)](#) (offences during suspended sentence etc.), for subsection (2) substitute—

“(2) A summons under this section shall not be issued except on complaint; and a warrant under this section shall not be issued except on complaint in writing and on oath.

Status: This is the original version (as it was originally enacted).

(2A) Subsection (2) does not apply to a summons or warrant issued (by virtue of section 9(12) of the Justice (Northern Ireland) Act 2002) by a judge of the Crown Court acting in consequence of a notice under section 20(3) of this Act.”

16 The Judicature (Northern Ireland) Act 1978 (c. 23) has effect subject to the following amendments.

17 (1) Section 103 (appointment of justices of the peace) is amended as follows.

(2) In subsection (3), for “Lord Chancellor” substitute “First Minister and deputy First Minister, acting jointly,”.

(3) In subsections (4) and (5), insert at the beginning “Subject to the Justice (Northern Ireland) Act 2002,”.

(4) After subsection (5) insert—

“(5A) A justice of the peace for a county court division may act as such in relation to all matters arising within that division and may so act even if at the time of acting he is in some other area of Northern Ireland.”

18 After that section insert—

“103A Power of court of record to bind over

(1) Any court of record in Northern Ireland having a criminal jurisdiction has, as ancillary to that jurisdiction, the power—

(a) to bind over to keep the peace; or

(b) to bind over to be of good behaviour,

a person who or whose case is before the court by requiring him to enter into his own recognisances or to find sureties (or both) and committing him to prison if he does not comply.

(2) A magistrates' court is not to be regarded as a court of record for the purposes of subsection (1).”

19 In Article 84(6) of the Pollution Control and Local Government (Northern Ireland) Order 1978 (S.I. 1978/1049 (N.I. 19)) (judges and justices not disqualified by being ratepayers etc.), for “and a justice of the peace” substitute “, resident magistrate or lay magistrate”.

20 The Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) has effect subject to the following amendments.

21 In Article 2(2)(b) (meaning of “magistrates' court”), for “justice of the peace” substitute “lay magistrate”.

22 (1) Article 3 (functions of justices etc.) is amended as follows.

(2) In paragraph (1)—

(a) for “justice of the peace” substitute “lay magistrate”, and

(b) for “justices of the peace” substitute “lay magistrates”.

(3) In paragraph (2)—

(a) for “justice of the peace other than a resident magistrate” substitute “lay magistrate”, and

Status: This is the original version (as it was originally enacted).

- (b) for “justice of the peace by the commission of the peace or” substitute “lay magistrate”.
- 23 In Article 4 (local jurisdiction of justice of the peace), for “justice of the peace” substitute “lay magistrate”.
- 24 In Articles 5 and 6 (immunity)—
- (a) for “justice of the peace” substitute “lay magistrate”, and
- (b) for “such a magistrate or justice” substitute “a resident magistrate or a lay magistrate”.
- 25 In Article 6A (costs)—
- (a) for “justice of the peace” (in each place) substitute “lay magistrate”, and
- (b) for “such a magistrate or justice” substitute “a resident magistrate or a lay magistrate”.
- 26 In Article 7 (clerk’s immunity in respect of warrant to enforce order), for “resident magistrate or other justice of the peace” substitute “magistrates’ court”.
- 27 In Article 10(1) and (1A) (defrayal of expenses)—
- (a) for “or other justice of the peace” substitute “, by a lay magistrate”, and
- (b) for “magistrate, justice” substitute “resident magistrate, lay magistrate”.
- 28 In Article 18(4) (procedure)—
- (a) for “other justice of the peace” in the words preceding sub-paragraph (a) and in sub-paragraph (b) substitute “lay magistrate”, and
- (b) for “or justice of the peace” substitute “or lay magistrate”.
- 29 In Article 42(1)(a) and (b) (reading of depositions), for “other justice of the peace” substitute “lay magistrate”.
- 30 In Article 114(2) (warrants: postponement of issue and stay of execution), insert at the end “; but a lay magistrate sitting out of petty sessions may postpone the issue of a warrant, or stay the execution of it, only if it was issued by him or another lay magistrate.”
- 31 In Article 126(1) (proof of service), for “other justice of the peace” substitute “lay magistrate”.
- 32 In Article 156 (validity of documents)—
- (a) for “other justice of the peace” substitute “lay magistrate”, and
- (b) for “magistrate, justice or clerk of petty sessions” substitute “person”.
- 33 In Article 158(1) (execution of warrants), for “other justice of the peace” substitute “lay magistrate”.
- 34 In Article 160(1) (misbehaviour in court), for “justice of the peace” substitute “lay magistrate”.
- 35 In paragraph 2 of Schedule 1 (matters which may be dealt with by a justice of the peace out of petty sessions), for “justice of the peace” substitute “lay magistrate”.
- 36 In Article 165(2) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/ 2405 (N.I. 19)) (affidavits etc.), for “justices” substitute “lay magistrates”.
- 37 In section 244(6)(a)(ii) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (community service orders), for “justice of the peace acting for the petty sessions district for the time being specified in the order” substitute “resident magistrate”.

- 38 In Schedule 2 to the Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6)) (persons ineligible for jury service), after the entry relating to persons holding an office belonging to any court of justice in Northern Ireland insert—
“Lay magistrate.”
- 39 In section 9(5) of the Human Rights Act 1998 (c. 42) (judicial acts), in the definition of “judge”, after “a justice of the peace” insert “(or, in Northern Ireland, a lay magistrate)”.
- 40 In section 81(1) of the Regulation of Investigatory Powers Act 2000 (c. 23) (interpretation), after the definition of “interception warrant” insert—
““justice of the peace” does not include a justice of the peace in Northern Ireland;”.

SCHEDULE 5

Section 12

TRANSFER OF FUNCTIONS TO LORD CHIEF JUSTICE

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

- 1 In section 102(2) and (4) of the County Courts Act (Northern Ireland) 1959 (county court judges to sit in accordance with directions and to be assigned to divisions), for “Lord Chancellor” substitute “Lord Chief Justice”.

Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

- 2 In section 9(3) and (5) of the Magistrates' Courts Act (Northern Ireland) 1964 (resident magistrates to sit in accordance with directions and to be assigned to districts), for “Lord Chancellor” substitute “Lord Chief Justice”.

Judicature (Northern Ireland) Act 1978 (c. 23)

- 3 The Judicature (Northern Ireland) Act 1978 has effect subject to the following amendments.
- 4 In section 7(1) and (2) (request to serving or retired law lord or retired judge of Court of Appeal or High Court to sit as judge of Court of Appeal or High Court and request to county court judge to sit as judge of High Court), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 5 (1) Section 47 (Crown Court: directions as to judges and sittings) is amended as follows.
- (2) In subsection (2)—
- (a) for “Lord Chancellor”, in the first place, substitute “Lord Chief Justice”, and
- (b) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “Lord Chief Justice”.
- (3) In subsection (3), for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “Lord Chief Justice”.

Status: This is the original version (as it was originally enacted).

- 6 In section 48(1)(c) (magistrates' court to have regard to directions under section 47(2) when committing person for trial), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 7 In section 53(1)(c) and (d) (membership of Crown Court Rules Committee), for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “Lord Chief Justice”.
- 8 In section 58(2) (directions as to places outside Royal Courts of Justice at which High Court and Court of Appeal sit and conduct business), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 9 In section 60(1) (power to designate officer to exercise jurisdiction in relation to taxation of costs), for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “Lord Chief Justice”.
- 10 In section 68(2)(b) and (4) (directions as to discharge of functions by statutory officers), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 11 In section 75(2)(b) (directions conferring or imposing functions on Official Solicitor), for “Lord Chancellor” substitute “Lord Chief Justice”.

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))

- 12 The County Courts (Northern Ireland) Order 1980 has effect subject to the following amendments.
- 13 In Article 4 (directions as to holding of courts), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 14 In Article 5 (directions authorising sittings otherwise than in courthouses), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 15 (1) Article 6 (appointment of days for holding of ordinary sittings) is amended as follows.
- (2) In paragraph (1), for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) In paragraph (2), for “Lord Chancellor shall consult the Lord Chief Justice and” substitute “Lord Chief Justice shall consult”.
- 16 In Article 7(1) and (2) (additional and extraordinary sittings), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 17 In Article 46(1)(a) (chairman of County Court Rules Committee) (as substituted by section 73 of this Act), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 18 In Article 56(1) (swearing of affidavits before designated court officer), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 19 In Article 58 (furnishing of information by certain officers), insert at the end “and furnish to the Lord Chief Justice such information as may be prescribed or required by the Lord Chief Justice.”

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 20 The Magistrates' Courts (Northern Ireland) Order 1981 has effect subject to the following amendments.

Status: This is the original version (as it was originally enacted).

- 21 In Article 12(a) (petty sessions to be held in courthouse unless otherwise directed), for “Lord Chancellor” substitute “Lord Chief Justice”.
- 22 (1) Article 13 (Magistrates' Courts Rules) is amended as follows.
- (2) In paragraph (2), for “Lord Chancellor” substitute “Lord Chief Justice”.
- (3) In paragraph (5), after “member of the committee” insert “as the Lord Chief Justice shall designate.”
- 23 In Article 15(2) (assignment of matters to juvenile courts by rules), for “Lord Chancellor” substitute “Lord Chief Justice”.

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

- 24 (1) Article 360 of the Insolvency (Northern Ireland) Order 1989 (committee to review insolvency rules) is amended as follows.
- (2) In paragraph (1), for “continue to be a committee appointed by the Lord Chancellor” substitute “be a committee appointed by the Lord Chief Justice”.
- (3) In paragraph (2)(f), for “Lord Chancellor” substitute “Lord Chief Justice”.

Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))

- 25 (1) Paragraph 2 of Schedule 2 to the Family Law (Northern Ireland) Order 1993 (Northern Ireland Family Proceedings Rules Committee) is amended as follows.
- (2) In sub-paragraph (c), for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “Lord Chief Justice”.
- (3) In sub-paragraph (f), for “Lord Chancellor” substitute “Lord Chief Justice”.

SCHEDULE 6

Section 19

OFFICE-HOLDERS REQUIRED TO TAKE JUDICIAL OATH

Lord Chief Justice
Lord Justice of Appeal
Judge of the High Court
Temporary judge of the High Court under section 7(3) of the [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#)
County court judge
Deputy county court judge
Resident magistrate
Deputy resident magistrate
Coroner
Deputy coroner
Statutory officer (within the meaning of section 70(1) of the [Judicature \(Northern Ireland\) Act 1978](#))
Deputy for a statutory officer under section 74 of that Act
Temporary additional statutory officer under that section

Status: This is the original version (as it was originally enacted).

Chief Social Security Commissioner for Northern Ireland
 Social Security Commissioner for Northern Ireland
 Deputy Social Security Commissioner for Northern Ireland
 Chief Child Support Commissioner for Northern Ireland
 Child Support Commissioner for Northern Ireland
 Deputy Child Support Commissioner for Northern Ireland
 President of appeal tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)))
 Member of the panel of persons to act as members of such appeal tribunals
 Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland
 President of the Industrial Tribunals and the Fair Employment Tribunal
 Acting President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 12))
 Vice-President of the Industrial Tribunals and the Fair Employment Tribunal
 Acting Vice-President of the Industrial Tribunals and the Fair Employment Tribunal under Article 82(6) of the Fair Employment and Treatment (Northern Ireland) Order 1998
 Member of the panel of chairmen of the Fair Employment Tribunal
 President of the Lands Tribunal for Northern Ireland
 Deputy President of the Lands Tribunal for Northern Ireland under section 3(1) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))
 Other member of the Lands Tribunal for Northern Ireland
 Temporary member of the Lands Tribunal for Northern Ireland under section 3(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964
 President of the Special Educational Needs Tribunal for Northern Ireland
 Member of the panel of persons who may serve as chairman of that Tribunal
 Member of the tribunal established under section 91 of the Northern Ireland Act 1998 (c. 47)
 Member of the Mental Health Review Tribunal for Northern Ireland
 Lay magistrate
 Justice of the Peace
 Member of a panel of persons formed under Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

SCHEDULE 7

Section 28

FUNCTIONS OF ADVOCATE GENERAL

Assembly Bills

- 1 (1) The Northern Ireland Act 1998 has effect subject to the following amendments.
 - (2) In section 11(1) (power of Attorney General for Northern Ireland to refer question whether Bill would be within legislative competence of Northern Ireland Assembly), after “The” insert “Advocate General for Northern Ireland or the”.

Status: This is the original version (as it was originally enacted).

- (3) In section 12(2) (procedure where Assembly wishes to reconsider Bill referred to European Court of Justice)—
 - (a) in paragraph (a), for “Attorney General for Northern Ireland and the Attorney General” substitute “Advocate General for Northern Ireland and the Attorney General for Northern Ireland”, and
 - (b) in paragraph (b), for “Attorney General for Northern Ireland shall request the withdrawal of the reference under section 11” substitute “person who made the reference in relation to the Bill under section 11 shall request the withdrawal of the reference”.
- (4) In section 14(2)(a) (no submission for Royal Assent where Attorney General for Northern Ireland entitled to make a reference under section 11), insert at the beginning “the Advocate General for Northern Ireland or”.

Devolution issues

- 2 (1) Schedule 10 to the Northern Ireland Act 1998 (c. 47) (devolution issues: Northern Ireland) is amended as follows.
 - (2) In paragraph 4 (institution of proceedings for determination of devolution issues in Northern Ireland)—
 - (a) in sub-paragraph (1), for “or defended by the Attorney General” substitute “by the Advocate General for Northern Ireland”, and
 - (b) in sub-paragraph (2), for “First Minister and the deputy First Minister acting jointly” substitute “Attorney General for Northern Ireland” and insert at the end “instituted by the Advocate General for Northern Ireland”.
 - (3) In paragraph 5 (notice of such proceedings), for “Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “Advocate General for Northern Ireland and the Attorney General for Northern Ireland”.
 - (4) In paragraph 13 (notice), for “, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “and the Attorney General for Northern Ireland”.
 - (5) In paragraph 23 (intimation), for “, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “and the Attorney General for Northern Ireland”.
 - (6) In paragraphs 33 and 34 (direct references to Judicial Committee), for “the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting jointly” substitute “the Advocate General for Northern Ireland, the Attorney General for Northern Ireland”.
 - (7) In paragraph 35(4) (no exercise of function pending decision on reference), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 3 In Schedule 8 to the Government of Wales Act 1998 (c. 38) (devolution issues: National Assembly for Wales), in—
 - (a) paragraph 23(1) (institution of proceedings of determination of devolution issues in Northern Ireland),
 - (b) paragraph 24(1) (notice of such proceedings), and

Status: This is the original version (as it was originally enacted).

(c) paragraph 30(2)(c) (direct references to Judicial Committee in proceedings in Northern Ireland),

for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

4 In Schedule 6 to the Scotland Act 1998 (c. 46) (devolution issues: Scottish Parliament and Executive), in—

(a) paragraph 25(1) (institution of proceedings for determination of devolution issues in Northern Ireland),

(b) paragraph 26 (notice of such proceedings), and

(c) paragraphs 33 and 34 (direct references to Judicial Committee),

for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Human rights

5 In section 71(2) of the Northern Ireland Act 1998 (c. 47) (law officers able to rely on Convention rights under that Act even though not victim), after “to the Attorney General,” insert “the Advocate General for Northern Ireland,”.

6 In section 107(3) of the Government of Wales Act 1998 (c. 38) (similar provision in relation to that Act), after “Advocate General for Scotland” insert “, the Advocate General for Northern Ireland”.

7 In section 100(2) of the Scotland Act 1998 (similar provision in relation to that Act), after “, the Attorney General” insert “, the Advocate General for Northern Ireland”.

Varying retrospective decisions

8 In section 81(7) of the Northern Ireland Act 1998 (notice of intention to vary retrospective decision to be given to the appropriate authority), for “First Minister and the deputy First Minister” substitute “Advocate General for Northern Ireland and”.

9 In section 110(8) of the Government of Wales Act 1998 (notice to be given to the relevant law officer), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

10 In section 102(7) of the Scotland Act 1998 (notice to be given to the appropriate law officer), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Suspension of devolved government

11 (1) Paragraph 4 of the Schedule to the Northern Ireland Act 2000 (c. 1) (executive functions during suspension of devolved government) is amended as follows.

(2) In sub-paragraph (1), after paragraph (c) insert—

“(ca) any functions of the Attorney General for Northern Ireland may be discharged by the Advocate General for Northern Ireland;”.

(3) In sub-paragraph (2)—

(a) after “Minister” insert “or the Attorney General for Northern Ireland”, and

Status: This is the original version (as it was originally enacted).

(b) after “Secretary of State” insert “, the Advocate General for Northern Ireland”.

(4) In sub-paragraphs (3), (5) and (6), after “Minister” insert “or the Attorney General for Northern Ireland”.

Acting as Attorney General for Northern Ireland during vacancy

12 The First Minister and deputy First Minister must consult the Advocate General for Northern Ireland about any arrangements they propose to make for the discharge of the functions of the Attorney General of Northern Ireland during any vacancy in that office.

Consultation about appointment of Attorney General for Northern Ireland

13 The First Minister and deputy First Minister must consult the Advocate General for Northern Ireland before appointing a person to be Attorney General for Northern Ireland.

Crown Solicitor

14 (1) Section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland) is amended as follows.

(2) In subsection (1), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland after consultation with the Attorney General for Northern Ireland”.

(3) In subsection (2), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Chief Inspector of Criminal Justice

15 Part 3 of this Act (Chief Inspector of Criminal Justice in Northern Ireland) has effect subject to the following amendments.

16 (1) Section 47 (functions: consultation and consent requirements etc.) is amended as follows.

(2) In subsection (1), after “Secretary of State” insert “, the Advocate General for Northern Ireland”.

(3) In subsection (2), after “Secretary of State,” insert—
“(aa) the Advocate General for Northern Ireland,”.

(4) In subsection (5), after “consent of” insert “the Advocate General for Northern Ireland and”.

17 In section 49(5) (copies of reports relating to Public Prosecution Service), after “copy of it to” insert “the Advocate General for Northern Ireland and”.

Life sentence prisoners' representatives

18 In paragraph 6(2) of Schedule 2 to the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (appointment of person to represent interests of prisoner

Status: This is the original version (as it was originally enacted).

serving life sentence before Life Sentence Review Commissioners), for “Attorney General” substitute “Advocate General for Northern Ireland”.

Special advocates

- 19 In section 91(7) of the Northern Ireland Act 1998 (c. 47) (appointment of person to represent interests of party to proceedings before Tribunal under that section), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 20 In paragraph 7(2) of Schedule 2 to the Northern Ireland (Sentences) Act 1998 (c. 35) (appointment of person to represent prisoner’s interests in proceedings of Sentence Review Commissioners from which he and his representative are excluded), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Scheduled offences

- 21 The Terrorism Act 2000 (c. 11) has effect subject to the following amendments.
- 22 In section 72(2)(b) (regulations providing for time limits to cease to have effect where Attorney General for Northern Ireland certifies that offence is not to be treated as scheduled offence), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 23 In Schedule 9 (certification that offence is not scheduled offence), in Notes 1 and 2 in Part 1, and in the Note in Part 3, for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

Consent to prosecution

- 24 In section 12 of the Official Secrets Act 1911 (c. 28) (construction of references to Attorney General), for “Attorney-General for Ireland” substitute “Advocate General for Northern Ireland”.
- 25 In section 6(5) of the Marine, &c., Broadcasting (Offences) Act 1967 (c. 41) (proceedings for offences under that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 26 In section 1(3) of the Genocide Act 1969 (c. 12) (proceedings for genocide), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 27 In section 2(1) of the Biological Weapons Act 1974 (c. 6) (proceedings for offence of contravening section 1 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 28 In section 11 of the Criminal Jurisdiction Act 1975 (c. 59) (proceedings for extra-territorial offences), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 29 In section 2(1) of the Internationally Protected Persons Act 1978 (c. 17) (proceedings for offence which is an offence by virtue only of section 1 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

- 30 In section 3(1) of the Nuclear Material (Offences) Act 1983 (c. 18) (proceedings for offence which is an offence only by virtue of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 31 In section 135 of the Criminal Justice Act 1988 (c. 33) (proceedings for offence of torture), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 32 In section 9(1) of the Official Secrets Act 1989 (c. 6) (proceedings for offence under that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 33 In Article 8(11) of the Iraq and Kuwait (United Nations Sanctions) Order 1990 (S.I. 1990/1651) (as substituted by the Iraq and Kuwait (United Nations Sanctions) (Second Amendment) Order 1990 (S.I. 1990/2144)) (proceedings for offence under that Order), for “Attorney General for Northern Ireland or” substitute “Advocate General for Northern Ireland or the Attorney General for”.
- 34 In section 31(1) of the Chemical Weapons Act 1996 (c. 6) (proceedings for offence under section 2 or 11 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 35 In section 117(3)(b) of the Terrorism Act 2000 (c. 11) (proceedings for offence committed for purpose connected with affairs of country other than United Kingdom), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 36 In—
(a) section 55 (proceedings for offence under section 47 or 50), and
(b) section 81(1) (proceedings for offence under section 79 or 80),
of the Anti-terrorism, Crime and Security Act 2001 (c. 24), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 37 Section 33 of this Act applies in relation to the giving of consent by the Advocate General for Northern Ireland as in relation to the giving of consent by the Director of Public Prosecutions for Northern Ireland.

SCHEDULE 8

Section 45

CHIEF INSPECTOR OF CRIMINAL JUSTICE

Chief Inspector's tenure

- 1 (1) Subject as follows, the Chief Inspector holds office in accordance with the terms of his appointment (or re-appointment).
- (2) The Chief Inspector must not be appointed for more than five years at a time.
- (3) The Chief Inspector may resign by notice in writing to the Secretary of State.
- (4) The Secretary of State may dismiss the Chief Inspector if satisfied that—
(a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,

Status: This is the original version (as it was originally enacted).

- (b) he has been convicted of a criminal offence,
- (c) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
- (d) he is otherwise unable or unfit to exercise his functions.

Salary etc. of Chief Inspector

- 2 (1) The Secretary of State must pay to or in respect of the Chief Inspector such—
- (a) salary,
 - (b) allowances, and
 - (c) sums for the provision of pensions,
- as the Secretary of State determines.
- (2) If a person who, by reference to any office or employment, is a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11) becomes the Chief Inspector, the Minister for the Civil Service may determine that (instead of payments being made to him under sub-paragraph (1)(c)) his service as Chief Inspector is to be treated for the purposes of the scheme as service in that office or employment.

Staff

- 3 (1) The Chief Inspector may employ staff, but subject to the approval of the Secretary of State as to—
- (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.
- (2) The Chief Inspector may make arrangements for securing the provision to him of such assistance by persons employed in—
- (a) the civil service of the United Kingdom, or
 - (b) the civil service of Northern Ireland,
- as he considers appropriate for or in connection with the exercise of his functions.
- (3) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (employments etc. to which section 1 can apply), at the appropriate place in the list of “Other Bodies” insert—
- “Employment by the Chief Inspector of Criminal Justice in Northern Ireland.”
- (4) The Chief Inspector must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Annual report

- 4 (1) The Chief Inspector 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 Chief Inspector must send a copy of each annual report to the Secretary of State who must—
 - (a) lay a copy of it before each House of Parliament, and
 - (b) arrange for it to be published.
- (3) But the Secretary of State may exclude a part of an annual report from the copy so laid or published if, in his opinion, the laying or publication of the part—
 - (a) would be against the public interest, or
 - (b) might jeopardise the safety of any person.
- (4) If the Secretary of State excludes a part of an annual report from laying or publication, he must lay or publish with the annual report a statement that it has been excluded.
- (5) In this paragraph “financial year” means—
 - (a) the period beginning with the day on which section 45 comes into force 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.

Financial provisions

- 5 The Secretary of State may make grants to the Chief Inspector.
- 6 (1) The Chief Inspector must—
 - (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
 - (a) contain such information, and
 - (b) be in such form,as the Secretary of State directs.
- (3) The Chief Inspector must send copies of the statement of accounts relating to a financial year to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,within such period after the end of the financial year as the Secretary of State directs.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before each House of Parliament.
- (5) In this paragraph “financial year” has the same meaning as in paragraph 4.

Delegation of functions

- 7 (1) The Chief Inspector may delegate any of his functions (to such extent as he may determine) to—
 - (a) any member of his staff,
 - (b) any person providing assistance by virtue of paragraph 3(2), or
 - (c) the holder of any office within sub-paragraph (2).

Status: This is the original version (as it was originally enacted).

- (2) Those offices are—
 - (a) Her Majesty’s Inspector of Constabulary,
 - (b) Her Majesty’s Chief Inspector of Prisons, and
 - (c) Her Majesty’s Chief Inspector of the Crown Prosecution Service.
- (3) The Secretary of State may by order amend sub-paragraph (2) by—
 - (a) adding an office,
 - (b) omitting an office, or
 - (c) altering the description of an office.
- (4) If the carrying out of an inspection or review is delegated under this paragraph it is nevertheless to be regarded for the purposes of sections 46 to 49 as carried out by the Chief Inspector.

Inspections of Police Service

- 8 (1) Before an inspection of the Police Service of Northern Ireland or Police Service of Northern Ireland Reserve is carried out under section 46, the Chief Inspector must inform those of Her Majesty’s Inspectors of Constabulary who have been appointed under section 41(1) of the Police (Northern Ireland) Act 1998 (c. 32) as inspectors of constabulary for Northern Ireland.
- (2) If those inspectors notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must delegate its carrying out to them under paragraph 7.
- (3) If those inspectors do not notify the Chief Inspector that they wish to carry out the inspection, the Chief Inspector must, before the inspection or review is carried out, consult the Secretary of State with a view to obtaining his approval of the inspection which it is proposed to carry out.

Miscellaneous

- 9 The Chief Inspector is a corporation sole.
- 10 (1) The Chief Inspector is not to be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Chief Inspector’s property is not to be regarded as property of, or held on behalf of, the Crown.
- 11 The Chief Inspector may do anything, apart from borrowing money, which he considers is—
 - (a) appropriate for facilitating, or
 - (b) incidental or conducive to,the exercise of his functions.
- 12 The application of the seal of the Chief Inspector is to be authenticated by the signature of the Chief Inspector or any member of his staff who has been authorised (whether generally or specially) for the purpose.
- 13 A document purporting to be—
 - (a) duly executed by the Chief Inspector under his seal, or

(b) signed on his behalf,
is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

14 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)—

“Chief Inspector of Criminal Justice in Northern Ireland.”

15 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)—

“Chief Inspector of Criminal Justice in Northern Ireland.”

Freedom of information

16 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 Chief Inspector of Criminal Justice in Northern Ireland.”

SCHEDULE 9

Section 50

LAW COMMISSION

Commissioners' tenure

1 (1) Subject as follows, a Commissioner holds office for the period specified in his appointment (or re-appointment).

(2) A person may not be appointed as a Commissioner for more than five years at a time.

(3) A Commissioner may resign by notice in writing to the Secretary of State.

(4) The Secretary of State may dismiss a Commissioner if satisfied that—

(a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,

(b) he has been convicted of a criminal offence,

(c) a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or

(d) he is otherwise unable or unfit to exercise his functions.

Commissioners holding judicial office

2 (1) A person who holds judicial office may be appointed as a Commissioner without relinquishing that office.

(2) But he is not, unless the terms of his appointment provide otherwise, required to perform the duties of his judicial office while he is a Commissioner.

Status: This is the original version (as it was originally enacted).

Salary etc. of Commissioners not holding full-time judicial office

- 3 (1) The Commission must pay to or in respect of each Commissioner, other than a Commissioner who holds a full-time judicial office, any such—
- (a) salary,
 - (b) allowances,
 - (c) fees, or
 - (d) sums for the provision of pensions,
- as the Secretary of State may determine.
- (2) If a person who, by reference to any office or employment, is a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11) becomes a Commissioner, the Minister for the Civil Service may determine that (instead of payments being made to him under sub-paragraph (1)(d)) his service as Commissioner is to be treated for the purposes of the scheme as service in that office or employment.
- (3) The Commission must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Staff

- 4 (1) The Commission may employ staff, but subject to the approval of the Secretary of State as to—
- (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.
- (2) The Commission may make arrangements for securing the provision to it of such assistance by persons employed in—
- (a) the civil service of the United Kingdom,
 - (b) the civil service of Northern Ireland, or
 - (c) the Court Service,
- as it considers appropriate for or in connection with the exercise of its functions.
- (3) Employment as a member of staff of the Commission is among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (employments etc. to which section 1 can apply), at the appropriate place in the list of “Royal Commissions and other Commissions” insert—
- “Northern Ireland Law Commission.”
- (4) The Commission must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (3) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Financial provisions

- 5 The Secretary of State may make grants to the Commission.
- 6 (1) The Commission must—

Status: This is the original version (as it was originally enacted).

- (a) keep proper accounts and proper financial records, and
 - (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
 - (a) contain such information, and
 - (b) be in such form,as the Secretary of State directs.
- (3) The Commission must send copies of the statement of accounts relating to a financial year to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General,within such period after the end of the financial year as the Secretary of State directs.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before each House of Parliament.
- (5) In this paragraph “financial year” means—
 - (a) the period beginning with the day on which section 50 comes into force 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.

Miscellaneous

- 7 The exercise by the Commission of its functions is not affected by—
 - (a) any vacancy among the Commissioners, or
 - (b) any defect in the appointment of a Commissioner.
- 8 (1) The Commission is not to be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.

(2) The Commission’s property is not to be regarded as property of, or held on behalf of, the Crown.
- 9 The Commission may do anything, apart from borrowing money, which it considers is—
 - (a) appropriate for facilitating, or
 - (b) incidental or conducive to,the exercise of its functions.
- 10 The application of the seal of the Commission is to be authenticated by the signature of any Commissioner or member of staff of the Commission who has been authorised (whether generally or specially) for the purpose.
- 11 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specially) for the purpose.
- 12 A document purporting to be—

Status: This is the original version (as it was originally enacted).

- (a) duly executed by the Commission under its seal, or
- (b) signed on its behalf,

is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 13 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Northern Ireland Law Commission.”

- 14 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—

“The Northern Ireland Law Commission.”

Freedom of information

- 15 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 Northern Ireland Law Commission.”

SCHEDULE 10

Section 62

YOUTH JUSTICE ORDERS: ENFORCEMENT ETC.

The Schedule to be inserted after Schedule 1 to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) is as follows—

“SCHEDULE 1A

Articles 36D, 36I and 36K

BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDERS, COMMUNITY RESPONSIBILITY ORDERS AND YOUTH CONFERENCE ORDERS

Introductory

- 1 (1) In this Schedule “relevant order” means a reparation order, a community responsibility order or a youth conference order.
- (2) In this Schedule “the appropriate court”, in relation to a relevant order, means a youth court acting for the petty sessions district for the time being named in the order under Article 36D(1), 36I(1) or 36K(5).
- (3) For the purposes of this Schedule a relevant order made on an appeal brought from a magistrates' court is to be treated as if made by the magistrates' court; and a relevant order made on appeal brought from the Crown Court or from the Court of Appeal is to be treated as if made by the Crown Court.

Breach of relevant order

- 2 (1) Paragraphs 3 and 4 make provision for dealing with an offender if, while a relevant order is in force in respect of him, it is proved to the satisfaction of the appropriate court, on the application of the responsible officer, that the offender has failed to comply with any requirement of the order.
- (2) But nothing in those paragraphs prevents the appropriate court from making an order revoking, amending or extending the relevant order under paragraph 5 in such circumstances.
- (3) In dealing with an offender under paragraph 3 or 4, a court must take into account the extent to which he has complied with the requirements of the relevant order.
- (4) An offender who is required by a youth conference order to submit to treatment for a mental condition, or for a dependency on drugs or alcohol, is not to be treated for the purposes of paragraph 3 or 4 as having failed to comply with that requirement on the ground only that he has refused to undergo any treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.

Order as punishment for breach

- 3 (1) The court may—
 - (a) in the case of a reparation order, make an attendance centre order in respect of the offender; or
 - (b) in the case of a community responsibility order or a youth conference order, make an attendance centre order or a community service order in respect of him.
- (2) The court may make an order under sub-paragraph (1) whether or not it also makes an order revoking, amending or extending the relevant order under paragraph 5.
- (3) Articles 37 and 38 of this Order have effect in relation to attendance centre orders under sub-paragraph (1), but as if the references in paragraph (1) of Article 37 to any court having (or, but for certain provisions, having) the power mentioned in that paragraph were to the appropriate court.
- (4) Article 13(1), (4), (6), (7)(b) to (9) and (11) and Article 14 of the [Criminal Justice \(Northern Ireland\) Order 1996 \(N.I. 24\)](#) have effect in relation to community service orders under sub-paragraph (1)(b), but as if—
 - (a) the reference in paragraph (1) of Article 13 to a court by or before which a person is convicted of an offence punishable with imprisonment were to the appropriate court; and
 - (b) the reference in that paragraph to the age of a person when convicted were to his age when the appropriate court determines that he has failed to comply with any requirement in a community responsibility order or youth conference order.
- (5) Article 13(2) of that Order has effect in relation to community service orders under sub-paragraph (1)(b), but as if for sub-paragraphs (a) and (b) there were substituted “not more than 60 hours”.
- (6) Schedule 2 to that Order has effect in relation to a community service order under sub-paragraph (1)(b), but as if references to the offence were to the failure to comply with the order in respect of which the community service order was made.

Status: This is the original version (as it was originally enacted).

- (7) Article 8(1) and (2) and Article 9 of that Order do not apply to any order under sub-paragraph (1).

Re-sentencing for breach

- 4 (1) Where the relevant order was made by a magistrates' court, the appropriate court may (instead of making an order under paragraph 3)—
- (a) revoke the order (if it is still in force); and
 - (b) deal with the offender, for the offence in respect of which it was made, in any way in which it could deal with him if he had just been found guilty of the offence by the court.
- (2) Where the relevant order was made by the Crown Court, the appropriate court may (instead of making an order under paragraph) commit the offender to custody or release him on bail until he can be brought or appear before the Crown Court.
- (3) Where the appropriate court deals with an offender under sub-paragraph (2), it must send to the Crown Court a certificate signed by a resident magistrate giving—
- (a) particulars of the offender's failure to comply with the requirement in question; and
 - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.
- (4) Where it is proved to the satisfaction of the Crown Court that an offender brought or appearing before the court by virtue of sub-paragraph (2) has failed to comply with the requirement in question, the court may—
- (a) revoke the order (if it is still in force); and
 - (b) deal with the offender, for the offence in respect of which it was made, in any way in which it could deal with him if he had just been found guilty of the offence by or before the court.
- (5) In proceedings before the Crown Court under sub-paragraph (4) any question whether the offender has failed to comply with the requirements of the relevant order is to be determined by the Crown Court and not by the verdict of a jury.
- (6) In dealing under this paragraph with an offender who has wilfully and persistently failed to comply with a requirement, the court may assume that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent or a youth conference order.

Revocation, amendment and extension of relevant order

- 5 (1) If, while a relevant order is in force in respect of an offender, it appears to the relevant court, on the application of the responsible officer or the offender, that it is appropriate to do so, the court may—
- (a) make an order revoking the relevant order;
 - (b) make an order amending the relevant order; or
 - (c) make an order extending the period specified in Article 3C(5), 36C(3)(b) or 36G(4).
- (2) In this paragraph “the relevant court” means—

Status: This is the original version (as it was originally enacted).

- (a) the appropriate court, if the relevant order was made by a magistrates' court; and
 - (b) the Crown Court, if the relevant order was made by the Crown Court.
- (3) The relevant court may make an order under paragraph (c) of sub-paragraph (1) whether or not it also makes an order under paragraph (b) of that sub-paragraph.
- (4) An order under sub-paragraph (1)(b) may amend a relevant order by—
- (a) cancelling any provision of it; or
 - (b) inserting in it (either in addition to or in substitution for any of its provisions) any provision which the relevant court could include if it were then making the order.
- (5) The relevant court must not make an order under sub-paragraph (1)(b) or (c) unless the offender consents.
- (6) But sub-paragraph (5) does not apply to an order—
- (a) cancelling a requirement of the relevant order;
 - (b) reducing the period of any requirement;
 - (c) substituting a new petty sessions district for the one specified in the relevant order; or
 - (d) substituting a new responsible officer for the one specified in the relevant order.
- (7) The relevant court must not make an order under sub-paragraph (1) amending a youth conference order on the application of the offender unless the relevant court has consulted the responsible officer.
- (8) The relevant court must not make an order under sub-paragraph (1)(b) or (c) in relation to a reparation order or youth conference order which affects any action required to be taken by the offender in relation to another person unless that other person agrees.
- (9) The relevant court must not make an order under sub-paragraph (1)(b) or (c) in relation to a youth conference order which affects any action falling to be taken by a person other than the offender unless that person agrees.
- (10) Where an application under sub-paragraph (1)(a) for the revocation of a relevant order is dismissed, no further application for its revocation may be made under that sub-paragraph by any person except with the consent of the relevant court.

Dealing with relevant order when sentencing after subsequent conviction

- 6
- (1) This paragraph applies where an offender in respect of whom a relevant order is in force is dealt with for an offence by the appropriate court, a court of summary jurisdiction other than the appropriate court or the Crown Court.
 - (2) The court may do anything which it could do under paragraph 5 in relation to the order if an application were made to it by the responsible officer (and, in the case of a court which is not the relevant court, it were the relevant court).
 - (3) If the court is the appropriate court or a court of summary jurisdiction other than the appropriate court and the order was made by the Crown Court, sub-paragraph (2) does not apply but the court may commit the offender to custody or release him on bail until he can be brought or appear before the Crown Court.

Status: This is the original version (as it was originally enacted).

- (4) Where a court deals with an offender's case under sub-paragraph (3), it must send to the Crown Court such particulars of the case as may be desirable.
- (5) Where by virtue of that sub-paragraph an offender is brought or appears before the Crown Court, the Crown Court may do anything which it could do under paragraph 5 if an application were made to it by the responsible officer.

Copies of revoking, amending or extending order

- 7 (1) On the making of an order under this Schedule revoking, amending or extending a relevant order, the clerk to the court must immediately give a copy of the revoking, amending or extending order to the responsible officer.
- (2) The responsible officer must give a copy of the revoking, amending or extending order to—
 - (a) the offender subject to the relevant order; and
 - (b) his parent or guardian or, if he is in the care of an authority (within the meaning of the [Children \(Northern Ireland\) Order 1995 \(N.I. 2\)](#)), a social worker of the authority.
- (3) Where an amending order amends a relevant order by substituting a new petty sessions district for the one specified in the relevant order, the clerk to the court must also send to the clerk of petty sessions for the new district—
 - (a) a copy of the amending order; and
 - (b) such documents and information relating to the case as he considers likely to be of assistance to a youth court acting for that district in exercising its functions in relation to the order.

Presence of offender in court, remands etc.

- 8 (1) Where the responsible officer makes an application to a court under paragraph 2 or 5, he may bring the offender before the court; and, subject to sub-paragraph (8), a court must not make an order under paragraph 3, 4, 5 or 6 unless the offender is present before the court.
- (2) The court to which an application under paragraph 2 or 5 is made, or which is considering exercising its powers under paragraph 6, may issue a summons or warrant for the purpose of securing the attendance of the offender before it.
- (3) Where the offender has failed to appear in answer to a summons, the court must not issue a warrant under sub-paragraph (2) for his arrest unless it is proved that—
 - (a) the summons was duly served on him;
 - (b) he is evading service; or
 - (c) the summons cannot be served on him.
- (4) Where the offender has failed to appear at an adjourned hearing, the court must not issue a warrant under sub-paragraph (2) unless it is satisfied that reasonable steps have been taken to bring to his attention notice of the time and place of the adjourned hearing.
- (5) Where the offender is arrested under a warrant issued under sub-paragraph (2) and cannot be brought immediately before the court by which the warrant was issued, the person in whose custody he is—

Status: This is the original version (as it was originally enacted).

- (a) may make arrangements for his detention in a place of safety for a period of not more than 72 hours from the time of the arrest (and it is lawful for him to be detained under the arrangements); and
 - (b) must within that period bring him before the Crown Court (if the warrant was issued by that court and it is reasonably practicable to bring him before that court within that period) or (otherwise) a youth court.
- (6) Where an offender is brought under sub-paragraph (5)(b) before a youth court which is not the court by which the warrant was issued, that youth court may—
- (a) direct that he be immediately released on bail until he can appear before the court by which the warrant was issued; or
 - (b) remand him to the place to which it would remand him if making an order under Article 13, or (if he is aged 18 or over) to a remand centre, until he can be brought before that court.
- (7) Where an application is made to a court under paragraph 2 or 5, or a court is considering exercising its powers under paragraph 6, the court may remand (or further remand) the offender as specified in sub-paragraph (6)(b) if—
- (a) a warrant has been issued under sub-paragraph (2) for the purpose of securing his attendance before the court; or
 - (b) the court considers that remanding (or further remanding) him will enable information to be obtained which is likely to assist the court in deciding whether and, if so, how to exercise its powers.
- (8) A court may make an order under paragraph 5 in the absence of the offender if the effect of the order is confined to one or more of the following—
- (a) revoking the relevant order;
 - (b) cancelling a requirement of the relevant order;
 - (c) reducing the period of any requirement;
 - (d) substituting a new petty sessions district for the one specified in the relevant order; and
 - (e) substituting a new responsible officer for the one specified in the relevant order.”

SCHEDULE 11

Section 63

EXTENSION OF YOUTH JUSTICE SYSTEM TO 17 YEAR OLDS

Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10 (N.I.))

- 1 In section 2(1A) of the Costs in Criminal Cases Act (Northern Ireland) 1968 (costs ordered by magistrates' court to be paid by person under 17 not to exceed amount of fine imposed on him), for “seventeen” substitute “eighteen”.

Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

- 2 In section 9(1) of the Treatment of Offenders Act (Northern Ireland) 1968 (remand and committal of persons between 17 and 21), for “seventeen” substitute “eighteen”.

Status: This is the original version (as it was originally enacted).

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 3 In Article 6(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for certain orders)—
- (a) in sub-paragraph (a), for “seventeen” substitute “eighteen”, and
 - (b) in the heading of Table A, for “17” substitute “18”.

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 4 In Article 45(4) of the Magistrates' Courts (Northern Ireland) Order 1981 (summary trial of persons 17 or over), for “seventeen” substitute “eighteen”.

Treatment of Offenders (Northern Ireland) Order 1989 (S.I. 1989/1344 (N.I. 15))

- 5 In Article 13(1) of the Treatment of Offenders (Northern Ireland) Order 1989 (removal to young offenders centre of persons between 17 and 21), for “17” substitute “18”.

Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15))

- 6 In Article 14(11) of the Criminal Justice (Northern Ireland) Order 1994 (compensation to be paid under compensation order made against offender under 17 not to exceed £1,000), for “17” substitute “18”.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 7 The Criminal Justice (Northern Ireland) Order 1996 has effect subject to the following amendments.
- 8 In Article 5(9) (conditional discharge in case of offender under 17: exercise of powers once 17 or over), for “17” (in both places) substitute “18”.
- 9 In Article 6(2) (effect of discharge where offender 17 or over), for “17” substitute “18”.
- 10 In Article 7(1)(b) (power to require offender between 14 and 17, or his parent or guardian, to give security for good behaviour of offender), for “17” substitute “18”.
- 11 In Article 9(5) (court not to dispense with need for pre-sentence report before passing community sentence on person under 17 unless it relies on previous report), for “17” substitute “18”.
- 12 In Article 21(3) (court not to dispense with need for pre-sentence report before passing custodial sentence on person under 17 unless it relies on previous report), for “17” substitute “18”.
- 13 In Article 29(4)(c) (fixing of fine where parent or guardian of offender under 17 has failed to comply with financial circumstances order etc.), for “17” substitute “18”.
- 14 In Article 31(3) (false statements as to financial circumstances in cases where persons charged are under 17), for “17” substitute “18”.
- 15 In Article 34(2) (copy of report of probation officer to be given to parent or guardian of offender under 17), for “17” substitute “18”.

Status: This is the original version (as it was originally enacted).

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

- 16 The Criminal Justice (Children) (Northern Ireland) Order 1998 has effect subject to the following amendments.
- 17 In Article 2(2) (interpretation), in the definitions of “adult” and “child”, for “17” substitute “18”.
- 18 In Article 30(2) and (3) (powers of youth court where child becomes an adult), for “17” substitute “18”.
- 19 In Article 45 (punishment of certain grave crimes)—
- (a) in paragraph (1), for “under the age of 18” substitute “a child”,
 - (b) in paragraphs (4) and (5), for “person” substitute “child”, and
 - (c) in paragraph (6), for “person will, in the opinion of the Secretary of State, attain the age of 18” substitute “child will, in the opinion of the Secretary of State, become an adult”.
- 20 In Article 53 (parental responsibility for children in juvenile justice centres), for “person detained by the managers of a juvenile justice centre is under the age of 18” substitute “child is being detained by the managers of a juvenile justice centre”.
- 21 In Article 54 (escapes from juvenile justice centres)—
- (a) in paragraph (1), for “under the age of 18” substitute “still a child”,
 - (b) omit paragraph (3)(b), and
 - (c) in paragraph (4), for “paragraph (3)(b)(ii) or (c)” substitute “paragraph (3)(c)”.

Terrorism Act 2000 (c. 11)

- 22 The Terrorism Act 2000 has effect subject to the following amendments.
- 23 In section 70(5) (young persons charged with scheduled offence and held in custody), for “seventeen” substitute “eighteen”.
- 24 In section 78(3) (punishment of children on conviction on indictment of scheduled offence), for “17” substitute “18”.

SCHEDULE 12

Section 85

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.))

- 1 Section 18(3) of the Criminal Justice Act (Northern Ireland) 1945 (prosecution of offences against a corporation) shall continue to have effect with the substitution (originally made by Article 10 of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))) of “an indictment has been presented” for the words from “a grand jury” to “a true Bill”.

Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

- 2 Section 20(3) of the Interpretation Act (Northern Ireland) 1954 (offences by bodies corporate) shall continue to have effect with the substitution (originally made by

Status: This is the original version (as it was originally enacted).

Article 9(3) of the Prosecution of Offences (Northern Ireland) Order 1972) of “except by or with the consent of the Attorney-General or the Director of Public Prosecutions for Northern Ireland” for “except upon the direction of the Attorney-General”.

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

- 3 The County Courts Act (Northern Ireland) 1959 has effect subject to the following amendments.
- 4 (1) Section 102 (appointment and assignment of judges) is amended as follows.
- (2) In subsection (4) (assignment of one judge to each division), for “one judge” substitute “one or more judges”.
- (3) In subsection (5) (judge assigned to Belfast or Londonderry to be Recorder), after “judge” insert “, or (if more than one) one of the judges,”.
- 5 In section 106(2) (salary payable to judge from date on which he takes the oaths required by section 105(3)), for “oaths required by section 105(3)” substitute “required oath or makes the required affirmation and declaration”.

Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.))

- 6 Sections 73, 96, 97, 106(1) and 120 of, and paragraph 12 of Schedule 8 to, the Electoral Law Act (Northern Ireland) 1962 (prosecution of offences disclosed on election petitions) shall continue to have effect with the substitution (originally made by Article 9(1) of the Prosecution of Offences (Northern Ireland) Order 1972 ([S.I. 1972/538 \(N.I. 1\)](#)) of “The Director of Public Prosecutions for Northern Ireland” for “The Chief Crown Solicitor”.

Law Commissions Act 1965 (c. 22)

- 7 The Law Commissions Act 1965 has effect subject to the following amendments.
- 8 In section 1(1) (purpose of Law Commission), after “of the law” insert “of England and Wales”.
- 9 In section 3(4) (duty of Law Commission and Scottish Law Commission to consult each other), insert at the end “and the Northern Ireland Law Commission”.

Administration of Justice Act 1973 (c. 15)

- 10 The Administration of Justice Act 1973 has effect subject to the following amendments.
- 11 In section 9(5) (judicial salaries), after “Salaries payable” insert “under subsection (1) (d) shall be charged on and paid out of the Consolidated Fund of Northern Ireland and other salaries payable”.
- 12 In section 12(1) (retirement of higher judiciary in event of incapacity), after “Northern Ireland” insert “(other than a judge to whom section 7 of the Justice (Northern Ireland) Act 2002 applies)”.

Judicature (Northern Ireland) Act 1978 (c. 23)

- 13 For section 14(1) of the Judicature (Northern Ireland) Act 1978 (vacation of office) substitute—
- “(1) The Lord Chief Justice or a Lord Justice of Appeal may vacate his office by resignation in writing under his hand addressed to Her Majesty.
- (1A) A judge of the High Court may vacate his office by resignation in writing under his hand addressed to the Office of the First Minister and deputy First Minister.”

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

- 14 In Article 6(6) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for certain orders), after sub-paragraph (b) insert—
- “(ba) a custody care order under Article 44A of that Order of 1998;”.

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

- 15 (1) Section 9 of the Criminal Appeal (Northern Ireland) Act 1980 (appeal to Court of Appeal) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “1996” insert “or a youth conference order”, and
- (b) in paragraph (b), after “community order” insert “or the youth conference order”.
- (3) In subsection (3)(c), for “paragraph 4(1)(a)” substitute “paragraph (a), or against whom an order is made under paragraph (b) or (c), of paragraph 4(1)”.
- (4) After that subsection insert—
- “(3A) A person may appeal to the Court of Appeal against a decision under paragraph 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) not to revoke an order which is in force with respect to him; and on such an appeal the Court of Appeal may do anything which the Crown Court could do under that paragraph.
- (3B) A person may appeal to the Court of Appeal against the dismissal of an application to the Crown Court under paragraph 5 of Schedule 1A to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) to make an order under sub-paragraph (1) of that paragraph.”

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

- 16 The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 has effect subject to the following amendments.
- 17 In Article 1(3) (power to bring into force paragraphs 1(b) and 5 of Part 1 of Schedule 1 to that Order), for “Paragraphs 1(b) and 5” substitute “Paragraph 1(b)”.
- 18 In Article 4(2) (relationship between legal advice and assistance and legal aid), after sub-paragraph (a) insert—
- “(aa) at a time when—

Status: This is the original version (as it was originally enacted).

- (i) the Legal Aid Committee has informed him that legal aid is available to him in connection with those proceedings under a direction given under Article 10A(1)(a); or
- (ii) the Lord Chancellor has informed him that legal aid is available to him in connection with those proceedings under a direction given under Article 10A(1)(b),
- and he has not been informed by the Legal Aid Committee or the Lord Chancellor that such legal aid has ceased to be so available; or”
- 19 In Article 13(3) (remuneration of persons giving legal aid), for “Article 10(6)(b)” substitute “Article 15A(b)”.
- 20 After Article 15 insert—

“Position of providers, parties etc.

Legal aid not to affect normal rules

- 15A Except as expressly provided by this Part or by regulations made under it—
- (a) the fact that the services of counsel or a solicitor are given by way of legal aid does not affect the relationship between or rights of counsel, solicitor and client or any privilege arising out of such a relationship; and
- (b) the rights conferred by or under this Part on a person receiving legal aid are not to affect the rights or liabilities of other parties to the proceedings or the principles on which the discretion of any court or tribunal is normally exercised.”
- 21 In Article 26(3) (indemnity), after “12” insert “or a direction under Article 10A(1)”.
- 22 In Article 27 (interpretation), after the definition of “legal aid” insert—
- ““Legal Aid Committee” means the committee of the Council of the Law Society established under Article 18;”.
- 23 In Article 28(2) (free legal aid in the magistrates' court: representation by counsel), for “proceedings” substitute “defence”.
- 24 In Article 31 (resolution of doubts), after “28,” insert “28A,”.
- 25 In Article 32 (statements for purposes of free legal aid), after “28,” insert “28A,”.
- 26 In Article 36(3) (rules about free legal aid in criminal proceedings), after subparagraph (b) insert—
- “(bb) the form for the purpose of Article 28A(2)(a);”.
- 27 In Article 39 (interpretation of Part 3)—
- (a) after the definition of “the certifying authority” insert—
- ““child” has the meaning given in Article 2(2) of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(N.I. 9\)](#);
- “court-ordered youth conference” has the meaning assigned to that expression by Article 33A(5) of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998](#);”
- (b) in the definition of “criminal aid certificate” after “28(1),” insert “28A(3),” and
- (c) after that definition insert—

Status: This is the original version (as it was originally enacted).

““diversionary youth conference” has the meaning assigned to that expression by Article 10A(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

- 28 In the heading of Schedule 1 (proceedings for which legal aid may be given) for “PART 2 OF THIS ORDER” substitute “ARTICLE 9”.

Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))

- 29 The Magistrates' Courts (Northern Ireland) Order 1981 has effect subject to the following amendments.

- 30 In Article 47(6) (period of remand), after “1998” insert “; and
(ba) a custody care order within the meaning of that Order.”

- 31 (1) Article 140 (appeals to county court) is amended as follows.

- (2) In paragraph (2), for “made on conviction,” substitute “passed on the person for the offence, whether on conviction or in subsequent proceedings;”.

- (3) After that paragraph insert—

“(2A) A person may appeal to a county court against—

- (a) a fine imposed under paragraph (a), or an order made under paragraph (b) or (c), of paragraph 3(1) of Schedule 2 to the [Criminal Justice \(Northern Ireland\) Order 1996 \(N.I. 24\)](#);
- (b) the dismissal of an application under Part 3 or 4 of that Schedule;
- (c) a fine imposed, or an order made, under Article 41(2) or 44F(3) or (4) of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(N.I. 9\)](#);
- (d) an order made under Article 44C(3)(a) or 54(3)(a) of that Order;
- (e) an order made under paragraph 3 of Schedule 1A to that Order; or
- (f) the dismissal of an application under paragraph 5 of that Schedule (otherwise than to the Crown Court) to make an order under sub-paragraph (1) of that paragraph.”

Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17))

- 32 The Child Abduction (Northern Ireland) Order 1985 has effect subject to the following amendments.

- 33 In Article 3(7) (application of offence of abduction of child in care or subject to certain orders) insert at the end “or a custody care order.”

- 34 (1) Paragraph 4 of the Schedule (modifications of Article 3 for children in certain cases) is amended as follows.

- (2) In sub-paragraph (1), after “order” insert “or a custody care order”.

- (3) In sub-paragraph (2)(a)—

- (a) after “consent of” insert “, in the case of a juvenile justice centre order;”, and
- (b) after “juvenile justice centre” insert “or, in the case of a custody care order, the appropriate authority within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998”.

Status: This is the original version (as it was originally enacted).

- (4) In sub-paragraph (3), insert at the end “and “custody care order” has the same meaning as in Article 44A of that Order.”

Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4))

- 35 The Mental Health (Northern Ireland) Order 1986 has effect subject to the following amendments.
- 36 In Article 44(8) (orders which can be made in conjunction with hospital or guardianship orders), for the words from “including” to the end substitute “including juvenile justice centre orders and custody care orders under the Criminal Justice (Children) (Northern Ireland) Order 1998.”
- 37 In Article 50A(7) (remitting persons for trial following detention in hospital)—
- (a) after sub-paragraph (d) insert “; or
 - (e) to secure accommodation;”, and
 - (b) for “or juvenile justice centre” substitute “, juvenile justice centre or secure accommodation”.
- 38 In Article 53(5)(a) (removal to hospital of certain persons serving sentences of imprisonment), for the words from “including” to “juvenile justice centre” substitute “including juvenile justice centre orders and custody care orders under the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(N.I. 9\)](#)”.
- 39 (1) Article 56 (further provision as to prisoners under sentence) is amended as follows.
- (2) In paragraph (1)—
 - (a) for “or juvenile justice centre” substitute “, juvenile justice centre or secure accommodation”, and
 - (b) in sub-paragraph (b), after “juvenile justice centre” insert “or the authority providing the secure accommodation”.
 - (3) In paragraph (3), for “or juvenile justice centre” substitute “, juvenile justice centre or secure accommodation”.
- 40 (1) Article 61 (interpretation) is amended as follows.
- (2) In paragraph (1A)—
 - (a) for “means any juvenile justice centre,” substitute “means any young offenders centre, any juvenile justice centre, any secure accommodation,”, and
 - (b) insert at the end “; and in this paragraph “young offenders centre” has the meaning assigned to it by section 2(a) of the [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29 \(N.I.\)\)](#).”
 - (3) After paragraph (1A) insert—

“(1B) In this Part “secure accommodation” means accommodation provided by an authority (within the meaning of the [Children \(Northern Ireland\) Order 1995 \(N.I. 2\)](#)) for the purpose of restricting liberty.”

Criminal Justice Act 1988 (c. 33)

- 41 In paragraph 12 of Schedule 3 to the Criminal Justice Act 1988 (reviews of sentencing: supplementary), for “Attorney General for Northern Ireland” substitute “Director of Public Prosecutions for Northern Ireland”.

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 42 The Police and Criminal Evidence (Northern Ireland) Order 1989 has effect subject to the following amendments.
- 43 (1) Article 2(2) (interpretation) is amended as follows.
- (2) After the definition of “items subject to legal privilege” insert—
““juvenile justice centre” has the same meaning as in the Criminal Justice (Children) (Northern Ireland) Order 1998;”.
- (3) After the definition of “recordable offence” insert—
““secure accommodation” means accommodation provided by an authority (within the meaning of the Children (Northern Ireland) Order 1995) for the purpose of restricting liberty;”.
- (4) At the end insert—
““young offenders centre” has the meaning assigned to it by section 2(a) of the [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29 \(N.I.\)\)](#);”.
- 44 In Article 2(5) (definition of “custodial establishment”), after “juvenile justice centre” insert “, secure accommodation”.
- 45 In Article 19(1)(ca) (entry for purpose of arrest), after “juvenile justice centre” insert “or secure accommodation”.
- 46 In Article 39(8) (place of safety), for “means any juvenile justice centre,” substitute “means any young offenders centre, any juvenile justice centre, any secure accommodation;”.

Child Support Act 1991 (c. 48)

- 47 In paragraph 8 of Schedule 4 to the Child Support Act 1991 (application to Northern Ireland of provisions about Child Support Commissioners), after sub-paragraph (a) insert—
“(aa) paragraph 1(3) were omitted;”.

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 48 In Schedule 9 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in paragraph 1(1)(b) (exclusion of entitlement to child benefit for children in detention, care, etc.), after “juvenile justice centre” insert “or kept in secure accommodation under a custody care order”.

Criminal Appeal Act 1995 (c. 35)

- 49 (1) Section 22 of the Criminal Appeal Act 1995 (meaning of public body etc.) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (3)(a), for “Office of the Director of Public Prosecutions for Northern Ireland” substitute “Public Prosecution Service for Northern Ireland”.
- (3) In subsection (4)(c), for “Office of the Director of Public Prosecutions for Northern Ireland, that Director” substitute “Public Prosecution Service for Northern Ireland, the Director of Public Prosecutions for Northern Ireland”.

Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

- 50 The Children (Northern Ireland) Order 1995 has effect subject to the following amendments.
- 51 In Article 70(7) (provisions which do not apply to those providing refuges for children at risk), after sub-paragraph (b) insert—
 - “(bb) Article 44C(5) of that Order (escape by child ordered to be kept in secure accommodation under a custody care order);”.
- 52 In paragraph 4(1)(b) of Schedule 4 (directions under education supervision orders where child is subject to other orders), for “or a juvenile justice centre order” substitute “, a juvenile justice centre order or a custody care order.”.

Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6))

- 53 (1) Schedule 2 to the Juries (Northern Ireland) Order 1996 (persons ineligible for jury service) is amended as follows.
 - (2) After “Members of the Northern Ireland Court Service.” insert—
 - “Court security officers.”
 - (3) For “The Director of Public Prosecutions for Northern Ireland and members of his staff.” substitute—
 - “The Director of Public Prosecutions for Northern Ireland, the Deputy Director of Public Prosecutions for Northern Ireland and the members of staff of the Public Prosecution Service for Northern Ireland.
 - The Chief Inspector of Criminal Justice in Northern Ireland and the members of his staff.”

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

- 54 The Criminal Justice (Northern Ireland) Order 1996 has effect subject to the following amendments.
- 55 (1) Article 2(2) (interpretation) is amended as follows.
 - (2) In the definition of “community order”, after paragraph (c) insert—
 - “(ca) a reparation order;
 - (cb) a community responsibility order;”.
 - (3) After that definition insert—
 - ““community responsibility order” means an order under Article 36E of the [Criminal Justice \(Children\) \(Northern Ireland\) Order 1998 \(N.I. 9\)](#);”.
 - (4) In the definition of “custodial sentence”, insert at the end—

Status: This is the original version (as it was originally enacted).

“(iv) an order under Article 44A of that Order sending the offender to secure accommodation;”.

(5) After the definition of “probation period” insert—

““reparation order” means an order under Article 36A of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

(6) After the definition of “young offenders centre” insert—

““youth conference order” means an order under Article 36J of the Criminal Justice (Children) (Northern Ireland) Order 1998;”.

56 In Article 9(3) (procedural requirements for community orders), at the end insert—

“(ca) a reparation order; and
(cb) a community responsibility order.”

57 In Article 18(1) (restriction on imposing sentences of imprisonment or detention on persons not legally represented), after “order” insert “or custody care order”.

58 In Article 19(3) (court not prevented from passing custodial sentence if offender refuses to consent to community sentence), insert at the end “or a youth conference order”.

59 (1) Schedule 2 (enforcement of community orders) is amended as follows.

(2) In paragraph 11(3)—

- (a) after “committed to” insert “secure accommodation or”, and
- (b) after “assistance to” insert “the authority keeping the child in secure accommodation;”.

(3) In paragraph 18(3)—

- (a) after “committed to” insert “secure accommodation or”, and
- (b) after “assistance to” insert “the authority keeping the child in secure accommodation;”.

Sex Offenders Act 1997 (c. 51)

60 In section 4(1) of the Sex Offenders Act 1997 (young sex offenders), for paragraph (c) substitute—

- “(c) a period for which a person is ordered to be detained in a juvenile justice centre under Article 39 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9));
- (ca) a period for which a person is ordered to be kept in secure accommodation under Article 44A of that Order;”.

Police (Northern Ireland) Act 1998 (c. 32)

61 In section 42(3) of the Police (Northern Ireland) Act 1998 (copies of reports of inspectors of constabulary relating to Police Service etc.), insert at the end (but not as part of paragraph (b))—

“and, if the report was received under section 41(2), to the Chief Inspector of Criminal Justice in Northern Ireland.”

Status: This is the original version (as it was originally enacted).

Northern Ireland Act 1998 (c. 47)

- 62 The Northern Ireland Act 1998 has effect subject to the following amendments.
- 63 In section 75(3) (duty on public authorities to have regard to need to promote equality of opportunity and good relations between different groups), after paragraph (cd) (inserted by section 38 of this Act) insert—
- “(ce) the Chief Inspector of Criminal Justice in Northern Ireland;
 (cf) the Northern Ireland Law Commission;”.
- 64 In section 76(7) (discrimination by public authorities), after “Probation Board for Northern Ireland;” insert—
- “(fa) the Chief Inspector of Criminal Justice in Northern Ireland;
 (fb) the Northern Ireland Law Commission;”.
- 65 (1) Schedule 3 (reserved matters) is amended as follows.
- (2) In paragraph 1 (conferral of functions on Ministers of the Crown), insert at the end “apart from the Advocate General for Northern Ireland”.
- (3) In paragraph 9 (criminal law, prosecutions etc.), after the second sentence insert—
- “This paragraph does not include any matter concerning the Advocate General for Northern Ireland.”

Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))

- 66 The Criminal Justice (Children) (Northern Ireland) Order 1998 has effect subject to the following amendments.
- 67 (1) Article 2 (interpretation) is amended as follows.
- (2) In paragraph (2), in the definitions of “community order”, “community sentence” and “custodial sentence”—
- (a) insert at the beginning ““combination order”,”, and
- (b) after ““community sentence”” insert “, “community service order””.
- (3) After those definitions insert—
- ““community responsibility order” means an order under Article 36E;
 “custody care order” means an order under Article 44A;”.
- (4) In that paragraph, after the definition of “custody officer” insert—
- ““Director” means the Director of Public Prosecutions for Northern Ireland;”.
- (5) In that paragraph, after the definition of “notice” insert—
- ““Order Book” means the Order Book required to be kept under rule 19 of the Magistrates' Courts Rules (Northern Ireland) 1984 (SR 1984 No. 225);”.
- (6) In that paragraph, after the definition of “parental responsibility” insert—
- ““place of safety” has the same meaning as in Article 39(8) of the [Police and Criminal Evidence \(Northern Ireland\) Order 1989 \(N.I. 12\)](#);
 “police officer” and “police support staff” have the same meaning as in the [Police \(Northern Ireland\) Act 2000 \(c. 32\)](#);
 “probation order” means an order under Article 10 of the [Criminal Justice \(Northern Ireland\) Order 1996 \(N.I. 24\)](#);”.

- (7) In that paragraph, after the definition of “relative” insert—
- ““remand centre” has the same meaning as in the [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29 \(N.I.\)\)](#);
 - “reparation order” means an order under Article 36A;
 - “responsible officer”—
 - (a) in relation to an offender subject to a reparation order, has the meaning assigned to it by Article 36D(2);
 - (b) in relation to an offender subject to a community responsibility order, has the meaning assigned to it by Article 36E(4); and
 - (c) in relation to an offender subject to a youth conference order, has the meaning assigned to it by Article 36K(3);
- “secure accommodation” means accommodation provided for the purpose of restricting liberty;”.
- (8) At the end of that paragraph insert—
- ““youth conference” has the meaning given by Article 3A, “diversionary youth conference” has the meaning given by Article 10A(2) and “court-ordered youth conference” has the meaning given by Article 33A(5);
 - “youth conference co-ordinator” means a person designated under Article 3A(3);
 - “youth conference order” has the meaning given by Article 36J(2);
 - “youth conference plan” has the meaning given by Article 3C.”
- (9) After paragraph (3) insert—
- “(4) References in this Order to an offence punishable, in the case of an adult, with imprisonment are to be construed without regard to any prohibition or restriction imposed by or under any statutory provision on the imprisonment of adults who are under the age of 21.
 - (5) References in this Order to associated offences are to be construed in accordance with Article 2(7) of the [Criminal Justice \(Northern Ireland\) Order 1996 \(N.I. 24\)](#).”
- 68 In Article 8(3) and (4) (child not released under Article 7), for “a juvenile justice centre” substitute “secure accommodation provided by or on behalf of the appropriate authority”.
- 69 (1) Article 13 (remand in custody) is amended as follows.
- (2) In paragraph (1), for the words after “open court” substitute “and—
- (a) if the child has not attained the age of 14, shall make an order committing him to secure accommodation provided by or on behalf of the appropriate authority;
 - (b) if the child has attained the age of 14 but has not attained the age of 17, shall (subject to paragraph (1A)) make an order committing him to a juvenile justice centre; and
 - (c) if the child has attained the age of 17, shall (subject to paragraph (1B)) make an order committing him to a young offenders centre.”
- (3) After that paragraph insert—

Status: This is the original version (as it was originally enacted).

“(1A) In the case of a child who has attained the age of 15 but has not attained the age of 17 the court shall make an order committing him to a young offenders centre (and not an order committing him to a juvenile justice centre) if it considers that he is likely to injure himself or another person.

(1B) In the case of a child—

- (a) who has attained the age of 17 but who, at the time of the court’s first decision in respect of the offence in question not to release him on bail, has not attained the age of 17 years and six months; and
- (b) who has not had a custodial sentence imposed on him within the last two years,

the court shall make an order committing him to a juvenile justice centre (and not an order committing him to a young offenders centre) if, after considering a report made by a probation officer, it considers that it is in his best interests to make such an order.

(1C) An order under this Article shall commit the child for the period for which he is remanded or until he is brought back before the court.”

70 In Article 30(3) (powers of youth court when child becomes adult)—

- (a) after “a community order” insert “, a youth conference order”, and
- (b) after “the community order” (in both places) insert “or youth conference order”.

71 In Article 37(4) (requirements of attendance centre orders), for the words from “be such” to the end substitute “, so far as practicable, be such as to avoid any conflict with the child’s religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.”

72 In Article 39(1) (juvenile justice centre orders)—

- (a) after “a child” insert “who has attained the age of 14”, and
- (b) for “to which Article 45(1) applies” substitute “the sentence for which is, in the case of an adult, fixed by law as imprisonment for life”.

73 (1) Article 41 (breach of supervision requirements of juvenile justice centre order) is amended as follows.

(2) In paragraph (2)—

- (a) for “in any of” substitute “in either of”,
- (b) for sub-paragraph (a) substitute—
“(a) it may impose on him a fine not exceeding £1,000;”, and
- (c) for paragraphs (i) and (ii) of sub-paragraph (b) substitute—
“(i) in a juvenile justice centre if he has not attained the age of 17 or falls within paragraph (2A); or
(ii) in a young offenders centre in any other case.”

(3) After that paragraph insert—

“(2A) The offender falls within this paragraph if he—

- (a) has attained the age of 17;
- (b) has not attained the age of 18 and will not attain that age within the next 30 days; and

Status: This is the original version (as it was originally enacted).

(c) has not had a custodial sentence (other than the juvenile justice centre order in question) imposed on him within the last two years, and the court, after considering a report made by a probation officer, considers that it is in his best interests to order him to be detained in a juvenile justice centre (and not in a young offenders centre).

(2B) Where the court imposes a fine on the offender under paragraph (2)(a)—

- (a) if he has not attained the age of 16, it shall order that the fine be paid by the parent or guardian of the child instead of by the child, unless it is satisfied that there is good reason for not so doing; and
- (b) if he has attained that age but has not attained the age of 18, it may so order.

(2C) A fine ordered under paragraph (2B) to be paid by a parent or guardian may be recovered from him by distress, or he may be imprisoned in default of payment, in like manner as if the order had been made on the conviction of the parent or guardian of the offence for which the juvenile justice centre order was made.

(2D) A parent or guardian may appeal to a county court against an order under paragraph (2B).”

74 In Article 44(1) (effect of subsequent conviction where juvenile justice centre order in effect), after “an offence” insert “and the court imposes a custodial sentence on the child for the offence”.

75 In Article 56(5)(a) (power to provide for functions of Juvenile Justice Board to include power to make schemes for children subject to attendance centre orders or juvenile justice centre orders), after “subject to” insert “reparation orders, community responsibility orders, a youth conference plan,”.

Northern Ireland Act 2000 (c. 1)

76 The Northern Ireland Act 2000 has effect subject to the following amendments.

77 In section 1(4) (effect on offices of suspension of devolved government), after “junior Minister,” insert “as Attorney General for Northern Ireland”.

78 In section 3 (restoration of devolved government), insert at the end—

“(8) If the period of appointment of the person who held office as Attorney General for Northern Ireland immediately before the date on which section 1 came into force has not expired, he resumes office on the effective date.”

79 In the Schedule (provisions applicable during suspension of devolved government), after paragraph 5 insert—

“5A If the office of Attorney General is vacant at the time when section 1 comes into force, or becomes vacant at any time while that section is in force, no steps are to be taken to fill the vacancy while that section is in force; but if a restoration order is subsequently made, the vacancy is to be filled in accordance with section 22 of the Justice (Northern Ireland) Act 2002.”

Status: This is the original version (as it was originally enacted).

Terrorism Act 2000 (c. 11)

- 80 In paragraph 39(4)(b) and (6)(b) of Schedule 4 to the Terrorism Act 2000 (compensation where restraint order is discharged), for “member of the Office of the Director of Public Prosecutions for Northern Ireland” substitute “member of staff of the Public Prosecution Service for Northern Ireland”.

Regulatory Reform Act 2001 (c. 6)

- 81 In section 5(1)(c) of the Regulatory Reform Act 2001 (consultation with Law Commission or Scottish Law Commission before making of order under section 1), for “or the Scottish Law Commission” substitute “, the Scottish Law Commission or the Northern Ireland Law Commission”.

SCHEDULE 13

Section 86

REPEALS AND REVOCATIONS

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
Promissory Oaths Act 1868 (c. 72)	Section 4. Section 6. In the Schedule, in the Second Part, the entry relating to Ireland.
Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.))	Section 19.
Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))	In section 42(4), in the definition of “committed for trial”, the words “, justice of the peace”.
Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))	Section 2(2).
County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))	Section 105(1), (1A) and (3). In section 107(7), the words “, except a resident magistrate,”. Section 136(a).
Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))	In section 1(3), in the definition of “resident magistrate”, the words “or a temporary resident magistrate appointed under any enactment repealed by this Act”. Section 7. Section 9(2). In section 10(1), the words “, or have previously been,”. Section 11.

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
	In section 12A(1), the words “other than a resident magistrate”.
Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))	In section 2, in subsection (1), the words “Subject to subsections (4) and (4A),” and subsections (4) and (4A).
Law Commissions Act 1965 (c. 22)	Section 1(5).
Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))	Section 178(3).
	In Schedule 2, paragraphs 1, 2, 2A, 3(2), 6 and 8(a).
Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15 (N.I.))	In section 2(2), paragraph (f) and the word “or” before it and the words “or paragraph (f)”.
Prosecution of Offences (Northern Ireland) Order 1972 (S.I. 1972/538 (N.I. 1))	The whole Order.
Northern Ireland Constitution Act 1973 (c. 36)	Section 10(1). Section 34.
Northern Ireland (Modification of Enactments -No. 1) Order 1973 (S.I. 1973/2163)	In Schedule 2, the entry for the Lands Tribunal and Compensation Act (Northern Ireland) 1964. In Schedule 5, paragraph 50(a).
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 1 of Schedule 1, the words “the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 or”.
Energy Act 1976 (c. 76)	In Schedule 2, in paragraph 6(4), the words following paragraph (b).
Internationally Protected Persons Act 1978 (c. 17)	In section 2(1), the words following paragraph (b).
Judicature (Northern Ireland) Act 1978 (c. 23)	In section 2(1), the words “who shall be president thereof”. In section 3(1), the words “who shall be president thereof”. In section 4(1), the words “who shall be president thereof”. Section 13. In section 51(5), the words “or a justice of the peace” and the words “or justices”. In section 51A(6), the words “or (f)”. Section 71(1), (2) and (4). Section 75(3). Section 99(1).

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
	In section 119(5), the words “on the Lord Chancellor”.
	In Schedule 2, the entry relating to the Lord Chief Justice’s Office.
	In Schedule 3, the entries relating to the Principal Secretary to the Lord Chief Justice and the Legal Secretary to the Lord Chief Justice and column 2 of the other entries.
	In Schedule 5, the entries relating to sections 2(1), 2(2) and 3, 2(3) and 6(2) of the Coroners Act (Northern Ireland) 1959, section 105 of the County Courts Act (Northern Ireland) 1959 and sections 7 and 11 of the Magistrates' Courts Act (Northern Ireland) 1964, in the entry relating to section 10(1) of that Act, the words “for the word “Governor” wherever it occurs substitute the words “Lord Chancellor” and” and the entries relating to section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964, section 21(2) of the Treatment of Offenders Act (Northern Ireland) 1968, section 178 of, and paragraphs 1(1) and 3(2) and paragraphs 1(2), (3) and (4), 2(2) and 6 of Schedule 2 to, the Children and Young Persons Act (Northern Ireland) 1968 and the Prosecution of Offences (Northern Ireland) Order 1972.
Suppression of Terrorism Act 1978 (c. 26)	In section 4(4), the words following paragraph (b).
Interpretation Act 1978 (c. 30)	In Schedule 1, in the definition of “committed for trial”, in paragraph (b), the words “, justice of the peace”.
Rehabilitation of Offenders (Northern Ireland) Order 1978 (S. I. 1978/1908 (N.I. 27))	Article 6(6)(c).
County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))	In Article 2(5), the words “on the Lord Chancellor”.
Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6))	In Part 2 of Schedule 1, paragraphs 65 to 68.
Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))	In Article 4(2), the word “or” following subparagraph (a). Article 10(6).

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
	In Article 34, the words “within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998”.
	In Part 1 of Schedule 1, paragraph 5.
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Article 2(3), in the definition of “resident magistrate”, the words “or a temporary resident magistrate appointed under any enactment repealed by that Act of 1964”.
	In Article 18, paragraph (3) and, in paragraph (4)(a), the words “or other justice of the peace” and the words “or, as the case may be, paragraph (3),”.
	In Article 34, in paragraphs (3) and (4), the words “or other justice of the peace” and, in paragraph (5), the words “or justice of the peace”.
	Article 44(5).
	Article 90(4).
	In Article 152, the words “or other justice of the peace having jurisdiction in the same petty sessions district as the court which made the original order”.
	In Article 158A(3), the words “or another justice of the peace (as the case may be)”.
	In Article 168, the words “on the Lord Chancellor”.
	In Schedule 1, in paragraph 4, the words “and section 6(2A)” and Part 2.
Civil Aviation Act 1982 (c. 16)	In section 92, in subsection (2), the words following paragraph (b) and subsection (6).
Administration of Justice Act 1982 (c. 53)	Section 72(2).
	In Schedule 8, paragraph 2.
Probation Board (Northern Ireland) Order 1982 (S.I. 1982/713 (N.I. 10))	Article 14.
	In Article 15(1), sub-paragraph (b) and the word “and” before it.
Criminal Justice Act 1987 (c. 38)	In Schedule 1, paragraph 5(2).
	In Schedule 2, paragraph 6.
Courts and Legal Services Act 1990 (c. 41)	Section 109(4).
Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I. 7))	In Article 8(5), paragraph (b) and the word “and” before it.

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
Criminal Justice (Northern Ireland) Order 1991 (S.I. 1991/1711 (N.I. 16))	Article 7(3).
Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In Schedule 2, paragraph 1(4).
Radioactive Substances Act 1993 (c. 12)	Section 38(3).
Criminal Procedure and Investigations Act 1996 (c. 25)	In section 1 (as it applies to Northern Ireland), in subsection (2)(e), the words “or (f)”.
	In section 39 (as it applies to Northern Ireland), in subsection (2)(a), the words “or (f)”.
	In Schedule 3 (as it applies to Northern Ireland), in paragraph 8(1)(b), the words “or (f)”.
Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))	Article 22(4)(a).
Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6))	In Schedule 2, the entry relating to members of juvenile court panels.
Police (Northern Ireland) Act 1998 (c. 32)	In section 58, in subsection (3), the words “under the Prosecution of Offences (Northern Ireland) Order 1972” and subsection (4).
Northern Ireland Act 1998 (c. 47)	In section 7(1), the word “and” after paragraph (b).
	In Schedule 2, in paragraph 11, the words “lay magistrates, justices of the peace, members of juvenile court panels,”.
	In Schedule 10, in paragraph 6, the words “or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly”, in paragraph 12, in sub-paragraph (1), the words “or defended” and, in sub-paragraph (2), the words “or the First Minister and the deputy First Minister acting jointly”, in paragraph 14, the words “or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly”, in paragraph 22, in sub-paragraph (1), the words “or defended” and, in sub-paragraph (2), the words “or the First Minister and the deputy First Minister acting jointly”, in paragraph 24, the words “or, where such intimation is given to the First Minister and the deputy First Minister, those Ministers acting jointly” and paragraph 36.

Status: This is the original version (as it was originally enacted).

<i>Short title and chapter or title and number</i>	<i>Extent of repeal or revocation</i>
Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))	Article 4. Article 54(3)(b). Article 55. In Schedule 5, paragraphs 14, 25, 26(b), 27, 28(a)(i) and (b) and 46(a).
Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))	Article 7(5). In Schedule 1, paragraph 1(3).
Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))	Article 82(4).
Access to Justice Act 1999 (c. 22)	In section 98(3), paragraph (b) and the word “and” before it.
Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))	In Article 2(2), in the definition of “judge”, the words “or justice of the peace”.
Welfare Reform and Pensions Order 1999 (S.I. 1999/3147 (N.I. 11))	In Article 40(2), the word “or” at the end of sub-paragraph (f).
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 7, the entries relating to the Advisory Committee on Juvenile Court Lay Panel (Northern Ireland) and the Law Reform Advisory Committee for Northern Ireland.
Justice (Northern Ireland) Act 2002 (c. 26)	Section 9(10) and (13). In section 90(4), the words “9(4),”. In Schedule 6, the entries relating to justices of the peace and members of panels formed under Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.)) .
