



# Courts Act 2003

## 2003 CHAPTER 39

### PART 8

#### MISCELLANEOUS

##### *Provisions relating to Northern Ireland*

#### **102 Power to alter judicial titles: Northern Ireland**

- (1) The Lord Chancellor may by order—
- (a) alter the name of any of the offices of the [<sup>F1</sup>Court of Judicature] of Northern Ireland or of the county courts [<sup>F2</sup>or magistrates' courts] in Northern Ireland which are listed in subsection (2);
  - (b) provide for or alter the way in which the holders of any of those offices are to be styled.
- (2) The offices are—
- County court judge
  - Deputy judge of the county court
  - [<sup>F3</sup>Deputy resident magistrate]
  - District Judge
  - Judge of the Court of Appeal
  - Lord Chief Justice
  - Master (Bankruptcy)
  - Master (Care and Protection)
  - Master (Chancery)
  - Master (Enforcement of Judgments)
  - Master (High Court)
  - Master (Probate and Matrimonial)
  - Master (Queen's Bench and Appeals)
  - Master (Taxing Office)

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Presiding judge for the county courts

[<sup>F4</sup>Presiding resident magistrate]

Puisne judge of the High Court.

[<sup>F5</sup>Resident magistrate]

- (3) The Lord Chancellor may also by order provide for or alter the way in which deputies or temporary additional officers appointed under section 74(1) of the 1978 Act are to be styled.
- (4) <sup>F6</sup> . . . . .
- (5) An order under this section may make such provision as the Lord Chancellor considers necessary in consequence of any provision made under subsection (1) or (3).
- (6) The provision that may be made under subsection (5) includes provision amending, repealing or revoking any enactment.
- [<sup>F7</sup>(6A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.
- (6B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (6A)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(7) The power to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(8) An order under this section is subject to [<sup>F8</sup>negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954)].

(9) “The 1978 Act” means the Judicature (Northern Ireland) Act 1978 (c. 23).

#### Textual Amendments

- F1** Words in s. 102(1)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), **Sch. 11 para. 6**; S.I. 2009/1604, **art. 2(d)**
- F2** Words in s. 102(1)(a) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 47(2), 53(4)**; S.I. 2007/2045, **art. 2(2)(3)(o)** (with art. 3)
- F3** Words in s. 102(2) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 47(3)(a), 53(4)**; S.I. 2007/2045, **art. 2(2)(3)(o)** (with art. 3)
- F4** Words in s. 102(2) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 47(3)(b), 53(4)**; S.I. 2007/2045, **art. 2(2)(3)(o)** (with art. 3)
- F5** Words in s. 102(2) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 47(3)(c), 53(4)**; S.I. 2007/2045, **art. 2(2)(3)(o)** (with art. 3)
- F6** S. 102(4) omitted (3.4.2006) by virtue of Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 346(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)
- F7** S. 102(6A)(6B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 346(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(bb)
- F8** Words in s. 102(8) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 18 para. 69(2)** (with arts. 28-31)

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**Modifications etc. (not altering text)**

**C1** S. 102 transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 17 para. 19\(a\)](#) (with arts. 28-31)

**103 Official Solicitor of Northern Ireland**

- (1) In Schedule 3 to the 1978 Act (statutory offices) the entry relating to the Official Solicitor ceases to have effect.
- (2) Amend section 75 of the 1978 Act (Official Solicitor) as follows.
- (3) For subsection (1) substitute—
  - “(1) The Lord Chancellor, after consultation with the Lord Chief Justice, may appoint as Official Solicitor to the Supreme Court a person who is—
    - (a) a solicitor of the Supreme Court of at least 7 years' standing, or
    - (b) a member of the Bar of Northern Ireland of at least 7 years' standing.”
- (4) After subsection (5) insert—
  - “(6) The Official Solicitor shall hold and vacate office in accordance with the terms of his appointment (which may include provision about retirement, dismissal or resignation).
  - (7) The Lord Chancellor may pay to the Official Solicitor such remuneration and allowances as the Lord Chancellor may determine with the consent of the Treasury.
  - (8) Service as the Official Solicitor is employment in the civil service of the State for the purposes of section 1 of the Superannuation Act 1972 (Principal Civil Service Pension Scheme).
  - (9) While the office of Official Solicitor is vacant or the Official Solicitor is unable or unwilling to act, the Lord Chancellor may, after consultation with the Lord Chief Justice, appoint a person as temporary Official Solicitor; and the temporary Official Solicitor—
    - (a) may be appointed only if qualified for appointment as Official Solicitor,
    - (b) shall have all the powers and duties of the Official Solicitor, and
    - (c) may be paid remuneration and allowances by the Lord Chancellor with the consent of the Treasury.”
- (5) In section 68 of the 1978 Act ([<sup>F9</sup>Senior Courts]: departments)—
  - (a) in subsection (2)(b) for “statutory officer” substitute “ officer ”, and
  - (b) for subsection (4) substitute—
    - “(4) The officer supervising a department shall discharge his functions in accordance with directions given by the Lord Chancellor.”
- (6) In section 73 of the 1978 Act (restrictions on practice) subsection (2) (and the words “Subject to subsection (2),”) cease to have effect.

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- (7) In section 76 of the 1978 Act (property) paragraph (c) (which referred to the Official Solicitor and which ceased to have effect by virtue of the Supreme Court (Departments and Officers) (Northern Ireland) Order 1982 (S.R. 1982/ 300)) shall again have effect.
- (8) Nothing in this section has any effect in relation to the person who on the commencement of this section holds the office in Northern Ireland of Official Solicitor to the <sup>F10</sup>Court of Judicature].

#### Textual Amendments

- F9** Words in s. 103(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 4](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F10** Words in s. 103(8) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148(1), [Sch. 11 para. 6](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

### 104 Alteration of place fixed for Crown Court trial: Northern Ireland

An application under section 48(3) of the 1978 Act (application for variation of place fixed for Crown Court trial) is no longer required to be heard in open court; and accordingly section 48(4) of the 1978 Act ceases to have effect.

### 105 Extension of time for criminal appeals to House of Lords: Northern Ireland

- (1) Amend paragraph 1 of Schedule 1 to the 1978 Act (applications for leave to appeal to House of Lords in certain criminal matters) as follows.
- (2) In sub-paragraph (1)—
- (a) for “fourteen” (in both places) substitute “ 28 ”, and
  - (b) for “date of the decision of that court” substitute “ relevant date ”.
- (3) After sub-paragraph (1) insert—
- “(1A) In sub-paragraph (1), “the relevant date” means—
- (a) the date of the decision of the court below, or
  - (b) if later, the date on which that court gives reasons for its decision.”
- (4) Amend section 32 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) (applications for leave to appeal to the House of Lords) as follows.
- (5) In subsection (1)—
- (a) for “fourteen” (in both places) substitute “ 28 ”, and
  - (b) for “date of the decision of the Court” substitute “ relevant date ”.
- (6) After subsection (1) insert—
- “(1A) In subsection (1), “the relevant date” means—
- (a) the date of the Court of Appeal’s decision, or
  - (b) if later, the date on which the Court gives reasons for its decision.”

### 106 Fees: Northern Ireland

In section 116 of the 1978 Act (fees) after subsection (1) insert—

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“(1A) Without prejudice to the generality of subsection (1), an order under that subsection may make provision for exemptions from fees and remission of fees (in whole or in part).”

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

**Commencement Orders yet to be applied to the Courts Act 2003**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences (2003 c. 39)