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SCHEDULES

SCHEDULE 5 U.K.

Section 15

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

PART 1 U.K.

AMENDMENTS

Land Law (Ireland) Act 1896 (c. 47)

- 1 (1) Section 24 of the Land Law (Ireland) Act 1896 (power to nominate judge to act as additional land judge) is amended as follows.
- (2) For “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- (3) At the end of the section insert—

“The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (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).”

Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))

- 2 The Coroners Act (Northern Ireland) 1959 is amended as follows.
- 3 In section 2 (appointment of coroners), after subsection (1) insert—
- “(1A) The Lord Chief Justice must also be consulted before any determination is made under subsection (1) as to numbers of coroners or deputy coroners.
- (1B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1A)—
- (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).”

- 4 (1) Section 3 (power to amalgamate districts) is amended as follows.
- (2) That section becomes subsection (1) of section 3.
- (3) After that subsection insert—
- “(2) The Lord Chief Justice must be consulted before any date is appointed and before any order is made under subsection (1).

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- (3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—
- (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).”
- 5 (1) Section 6 (coroner to hold inquests in district in which he is appointed) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor may” in each place substitute “ Lord Chief Justice may, after consultation with the Lord Chancellor, ”.
- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—
- (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).”
- 6 (1) Section 36 is amended as follows.
- (2) In subsection (1)—
- (a) for “The Lord Chancellor may by rules” substitute “ Rules under this section may ”;
 - (b) in paragraph (a) omit “made after consultation with the Treasury,”;
 - (c) in paragraph (b) omit “made after consultation with the Lord Chief Justice”.
- (3) After subsection (1) insert—
- “(1A) It is for the Lord Chancellor to make rules under subsection (1)(a), after consultation with the Treasury.
- (1B) It is for the Lord Chief Justice to make rules under subsection (1)(b), in accordance with subsections (1C) to (1G).
- (1C) The Lord Chief Justice may make rules under subsection (1)(b) only with the agreement of the Lord Chancellor.
- (1D) If the Lord Chancellor does not agree such rules made by the Lord Chief Justice, the Lord Chancellor must give the Lord Chief Justice written reasons why he does not agree the rules.
- (1E) Subsection (1F) applies if the Lord Chancellor gives the Lord Chief Justice written notice that he thinks it is expedient for rules under subsection (1)(b) to include provision that would achieve a purpose specified in the notice.
- (1F) The Lord Chief Justice must make such rules under subsection (1)(b) as he considers necessary to achieve the specified purpose.
- (1G) Those rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (1E);
 - (b) made in accordance with the relevant provisions of this section.

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(1H) The Lord Chief Justice may nominate any of the following to exercise his functions under subsections (1B), (1C) and (1F)—

- (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).”

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

7 The County Courts Act (Northern Ireland) 1959 is amended as follows.

8 In section 102 (appointment and assignment of judges), in subsections (2) and (4) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

9 In section 105 (tenure and oaths of office and retirement of judges), in subsection (4) omit “Lord Chancellor's”.

10 In section 107 (deputy judges), in subsection (4) omit “Lord Chancellor's”.

11 In section 116 (pensions of judges), after subsection (5) insert—

“(5A) The Lord Chancellor must consult the Lord Chief Justice before—

- (a) making a recommendation in a case that falls within subsection (1) (b), or
- (b) requiring a person to resume the duties of judge in accordance with subsection (4).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (5A)—

- (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).”

Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))

12 The Resident Magistrates' Pensions Act (Northern Ireland) 1960 is amended as follows.

13 In section 1 (retiring age of resident magistrates), omit “Lord Chancellor's”.

14 In section 2 (pensions of resident magistrates), after subsection (6) insert—

“(7) The Lord Chancellor must consult the Lord Chief Justice before—

- (a) satisfying himself as mentioned in subsection (3)(c), or
- (b) requiring a person to resume the duties of resident magistrate in accordance with subsection (4).

(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (7)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

15 Omit section 11 (resident magistrates already serving).

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

- 16 In section 9 of the Magistrates' Courts Act (Northern Ireland) 1964 (appointment and assignment of resident magistrates), in subsections (3) and (5) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

- 17 In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (terms of appointment of members of Lands Tribunal), in subsection (1)(b) omit “Lord Chancellor's”.

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

- 18 (1) Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) is amended as follows.
- (2) In paragraph 8 (regulations), after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.

Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))

- 19 In section 85 of the Land Registration Act (Northern Ireland) 1970, after subsection (2) insert—
- “(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(a)—
- (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).”

Misuse of Drugs Tribunal (Northern Ireland) Rules 1974 (S.R. 1974/256)

- 20 (1) Rule 2 of the Misuse of Drugs Tribunal (Northern Ireland) Rules 1974 (interpretation) is amended as follows.
- (2) In paragraph (1), in the definition of “the chairman” for “by the Lord Chief Justice of Northern Ireland” substitute “ in accordance with paragraph 1(1)(a) of Schedule 3 to the Act ”.

Social Security (Northern Ireland) Act 1975 (c. 15)

- 21 (1) Schedule 10 to the Social Security (Northern Ireland) Act 1975 (supplementary provision as to Local Tribunals, Commissioners etc) is amended as follows.
- (2) In paragraph 6 (Commissioners' pensions), after sub-paragraph (1) insert—
- “(1ZA) The Lord Chancellor must consult the Lord Chief Justice before satisfying himself as mentioned in sub-paragraph (1)(c).
- (1ZB) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (1ZA)—
- (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).”

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(3) In paragraph 7 (Commissioners' pensions: supplementary), after sub-paragraph (5) insert—

“(5A) The Lord Chancellor must consult the Lord Chief Justice before requiring a person to resume the duties of Commissioner in accordance with sub-paragraph (5).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (5A)—

- (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).”

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

22 The Judicature (Northern Ireland) Act 1978 is amended as follows.

23 (1) Section 7 (further assistance for transaction of judicial business) is amended as follows.

(2) In subsections (1) and (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After subsection (4) insert—

“(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (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).”

24 (1) Section 47 (exercise of jurisdiction by Crown Court) is amended as follows.

(2) In subsection (2)—

- (a) for “Lord Chancellor” in the first place substitute “ Lord Chief Justice ”;
- (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 ”.

(4) In subsection (5) after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.

(5) After subsection (6) insert—

“(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (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).”

25 In section 48 (committal for trial on indictment), in subsection (1)(c) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

26 In section 52 (Crown Court rules), in subsection (1) for the words from the beginning to “prescribing—” substitute—

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- “(1) Subject to any statutory provision, Crown Court rules may be made in accordance with section 53A for the purpose of regulating and prescribing—”.
- 27 (1) Section 53 (membership of the Crown Court Rules Committee) is amended as follows.
- (2) In subsection (1)(c) and (d) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) After subsection (1) insert—
- “(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1)(c) or (d)—
- (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).”
- 28 After section 53 insert—

“53A Making of Crown Court rules

- (1) It is for the Crown Court Rules Committee to make Crown Court rules.
- (2) After making Crown Court rules the Committee must submit them to the Lord Chancellor.
- (3) The Lord Chancellor must allow or disallow Crown Court rules submitted to him.
- (4) Crown Court rules have effect only if allowed by the Lord Chancellor.
- (5) If the Lord Chancellor disallows Crown Court rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.
- (6) Subsection (7) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for Crown Court rules to include provision that would achieve a purpose specified in the notice.
- (7) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.
- (8) Those Crown Court rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);
- (b) made in accordance with this section.”
- 29 (1) Section 55 (rules of court) is amended as follows.
- (2) In subsection (1) for the words from the beginning to “with respect to—” substitute—
- “(1) Subject to any statutory provision, rules may be made in accordance with section 55A with respect to—”.
- (3) In subsection (2) for the words from the beginning to “make rules—” substitute—
- “(2) Subject to any statutory provision, rules may be made in accordance with section 55A—”.

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- (4) In subsection (3) for “made by the Rules Committee” substitute “ made under this section ”.
- 30 After section 55 insert—
- “55A Making of rules of Court**
- (1) It is for the Rules Committee to make rules under section 55(1) or (2).
- (2) After making such rules the Rule Committee must submit them to the Lord Chancellor.
- (3) The Lord Chancellor must allow or disallow rules submitted to him.
- (4) Rules submitted to the Lord Chancellor have effect only if allowed by him.
- (5) If the Lord Chancellor disallows rules submitted to him, he must give the Committee written reasons why he has disallowed them.
- (6) Subsection (7) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for rules under section 55(1) or (2) to include provision that would achieve a purpose specified in the notice.
- (7) The Rules Committee must make such rules as it considers necessary to achieve the specified purpose.
- (8) Those rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);
- (b) made in accordance with this section.”
- 31 (1) Section 58 (sittings of High Court and Court of Appeal) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (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).”
- 32 (1) Section 60 (taxation of costs) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (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).”
- 33 (1) Section 68 (departments of the Supreme Court) is amended as follows.

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(2) In subsection (2)(b) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) In subsection (4) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(4) After subsection (6) insert—

“(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

(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).”

34 In section 71 (tenure of office of statutory officers), in subsection (3) omit “Lord Chancellor's”.

35 (1) Section 75 (Official Solicitor) is amended as follows.

(2) In subsection (2)(b) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After subsection (2) insert—

“(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(b)—

(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).”

F136

Textual Amendments
F1 Sch. 5 para. 36 repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 9 Pt. 1; S.R. 2016/387, art. 2(l) (with art. 3)

37 Omit section 104 (under-sheriffs).

38 (1) Section 112 (oaths and affidavits) is amended as follows.

(2) In subsection (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After subsection (7) insert—

“(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—

(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).”

39 In section 119 (making and control of subordinate legislation), in subsection (5) omit “on the Lord Chancellor”.

40 (1) Schedule 6 (transitional provisions) is amended as follows.

(2) Omit paragraph 6(a).

(3) In paragraph 9(b) after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.

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(4) After paragraph 9 insert—

“9A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 9—

- (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).”

(5) Omit paragraphs 11(3), 14 and 17.

Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))

41 (1) Article 48 (the court) is amended as follows.

(2) In paragraph (1)—

- (a) for “by the Lord Chancellor” substitute “ in accordance with paragraph (1A) ”;
- (b) omit the words after sub-paragraph (b).

(3) After paragraph (1) insert—

“(1A) It is for the Lord Chancellor, with the concurrence of the Lord Chief Justice, to make an order such as is mentioned in paragraph (1)(b).”

(1B) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1A)—

- (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).”

Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979 (S.I. 1979/291)

42 (1) Article 7 of the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979 (modifications of section 5 of Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 in application to Northern Ireland) is amended as follows.

(2) After paragraph (1) insert—

“(1A) In subsection (2) for “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005” substitute “ The Lord Chief Justice of Northern Ireland may, with the concurrence of the Lord Chancellor, make rules ”.

(1B) For subsections (5A) and (5B) substitute—

“(5A) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before making rules under subsection (1) that relate to Northern Ireland.””

(3) In paragraph (2), in subsections (6) and (7) substituted for subsection (6) of the 1951 Act, for “this section” substitute “ subsection (1) ”.

(4) After paragraph (2) insert—

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“(3) At the end of that section insert—

“(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

- (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).”

Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

43 The Administration of Estates (Northern Ireland) Order 1979 is amended as follows.

44 (1) Article 20 (inheritance tax accounts) is amended as follows.

(2) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After paragraph (2) insert—

“(2A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (2)—

- (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).”

45 (1) Article 23 (keeping and inspection of wills and other documents) is amended as follows.

(2) In paragraph (1) for “Lord Chancellor” in the second place substitute “ Lord Chief Justice ”.

(3) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(4) After paragraph (4) insert—

“(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (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).”

46 (1) Article 24 (records of grants) is amended as follows.

(2) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After paragraph (2) insert—

“(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (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).”

47 (1) Article 26 (copies of wills etc to be delivered to Inland Revenue Commissioners).

(2) In paragraph (1) for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.

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(3) After paragraph (1) insert—

“(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (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).”

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

48 The County Courts (Northern Ireland) Order 1980 is amended as follows.

49 In Article 2 (interpretation), in paragraph (5) omit “on the Lord Chancellor”.

F250

Textual Amendments

F2 Sch. 5 para. 50 repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 9 Pt. 1](#); [S.R. 2016/387, art. 2\(l\)](#) (with art. 3)

51 In Article 4 (directions as to holding of courts), for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.

52 In Article 5 (directions for courts to sit otherwise in courthouses), for “Lord Chancellor” substitute “ Lord Chief Justice ”.

53 (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 ”.

54 In Article 7 (additional and extraordinary sittings), in paragraphs (1) and (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

55 In Article 22 (power to increase civil jurisdiction of county courts), after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.

56 In Article 46 (as amended by section 73(2) of the Justice (Northern Ireland) Act 2002), in paragraph (1)(a) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

57 In Article 47 (making of county court rules) for paragraphs (2) and (3) substitute—

“(2) County court rules must be certified under the hand of the members of the Rule Committee, or any three or more of them.

(3) After making and certifying county court rules the Rules Committee must submit them to the Lord Chancellor.

(4) The Lord Chancellor must, after consultation with the Lord Chief Justice, allow or disallow county court rules submitted to him.

(5) County court rules have effect only if the Lord Chancellor allows them.

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- (6) If the Lord Chancellor disallows county court rules, the Lord Chancellor must give the Rules Committee written reasons why he has disallowed them.
- (7) County court rules allowed by the Lord Chancellor shall come into operation on such day as the Lord Chancellor shall direct.
- (8) Paragraph (9) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for county court rules to include provision that would achieve a purpose specified in the notice.
- (9) The Rules Committee must make such county court rules as it considers necessary to achieve the specified purpose.
- (10) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (8);
 - (b) made in accordance with this Article.”

58 In Article 56 (swearing of affidavits before designated court officer), in subsection (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

59 In Article 58 (furnishing of information by certain officers), at the end insert “ and furnish to the Lord Chief Justice such information as may be prescribed or required by the Lord Chief Justice. ”

Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5))

60 (1) Article 4 of the Domestic Proceedings (Northern Ireland) Order 1980 (powers of court to make provision for domestic proceedings) is amended as follows.

(2) In paragraph (3) after “may” insert “ , after consultation with the Lord Chief Justice, ”.

(3) After paragraph (3) insert—

“(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

- (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).”

(4) In paragraph (4) for the words from the beginning to “under” substitute “ Any order made under ”.

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

61 The Magistrates' Courts (Northern Ireland) Order 1981 is amended as follows.

62 (1) Article 6A (costs in legal proceedings) is amended as follows.

(2) In paragraph (4) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.

(3) After paragraph (4) insert—

“(4A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4)—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Constitutional Reform Act 2005, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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).”
- 63 (1) Article 11 (petty sessions and petty sessions districts) is amended as follows.
- ^{F3}(2)
- (3) In paragraph (3) for “Lord Chancellor” in each place substitute “Lord Chief Justice”.

Textual Amendments

F3 Sch. 5 para. 63(2) repealed (N.I.) (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 9 Pt. 1; S.R. 2016/387, art. 2(l) (with art. 3)

- 64 In Article 12 (holding of petty sessions in courthouse), in paragraph (a) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 65 (1) Article 13 (magistrates' courts rules) is amended as follows.
- (2) In paragraph (1) omit the words from “or as” to “Article 14”.
 - (3) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
 - (4) For paragraph (3) substitute—
 - “(3) It is for the Rules Committee to make such rules as are referred to in paragraph (1) (which may be known as “magistrates' courts rules”).
 - (3A) The Rules Committee may make magistrates' courts rules only—
 - (a) after consultation with the Lord Chancellor, and
 - (b) with the agreement of the Lord Chief Justice.
 - (3B) Paragraph (3C) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for magistrates' courts rules to include provision that would achieve a purpose specified in the notice.
 - (3C) The Rules Committee must make such magistrates' courts rules as it considers necessary to achieve the specified purpose.
 - (3D) Those rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (3B);
 - (b) made in accordance with this Article.”
 - (5) In paragraph (5), after “member of the committee” insert “ as the Lord Chief Justice shall designate ”.
- 66 Omit Article 14 (recommendations by Rules Committee to Lord Chancellor).
- 67 In Article 15 (rules under or for the purpose of particular enactments), in paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 68 In Article 37 (discharge or committal for trial), in paragraph (5) omit “Without prejudice to Article 14,”.
- 69 In Article 168 (directions), omit “on the Lord Chancellor”.

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Pensions Appeal Tribunals (Northern Ireland) Rules 1981 (S.R. 1981/231)

- 70 The Pensions Tribunals (Northern Ireland) Rules 1981 is amended as follows.
- 71 In rule 2 (interpretation), in paragraph (1)—
- (a) for the definition of “the Chairman” substitute—
- ““the Chairman” means the person who is chairman of a Tribunal in accordance with the Schedule to the Act (including any directions under paragraph 3A of that Schedule)”;
- (b) in the definition of “the Deputy President” omit “by the Lord Chief Justice of Northern Ireland”;
- (c) in the definition of “the President” omit “by the Lord Chief Justice of Northern Ireland”.
- 72 In rule 2A (functions of the President), in paragraph (2) after “Lord Chief Justice of Northern Ireland” insert “ after consultation with the Lord Chancellor ”.

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

- 73 The Mental Health (Northern Ireland) Order 1986 is amended as follows.
- 74 (1) Article 83 (procedure of tribunal) is amended as follows.
- (2) In paragraph (1) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) After paragraph (1) insert—
- “(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (1)—
- (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).”
- 75 (1) Schedule 3 (Mental Health Review Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (a) after “suitable” insert “ after consultation with the Lord Chief Justice ”;
- (b) In sub-paragraph (b) and (c) omit “after consultation with the Head of the Department”.
- (3) After paragraph 1 insert—
- “1A (1) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph 1(a)—
- (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).
- (2) As part of the selection process for an appointment under paragraph 1(b) or (c) the Northern Ireland Judicial Appointments Commission shall consult the Head of the Department.”

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76 In Schedule 6 to the Mental Health (Northern Ireland) Order 1986 (transitional provisions), omit paragraph 19.

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

77 The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

78 In Article 80A (evidence through live links), in paragraph (6) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice,”.

79 In Article 81 (evidence through television links), in paragraph (8) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice,”.

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

80 The Insolvency (Northern Ireland) Order 1989 is amended as follows.

81 In Article 359 (insolvency rules), after paragraph (1) insert—

“(1A) Rules that affect court procedure may be made under paragraph (1) only with the concurrence of the Lord Chief Justice.

(1B) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (1A)—

- (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).”

82 (1) Article 360 (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”.

(4) After paragraph (2) insert—

“(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (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).”

83 (1) Article 364 (insolvent partnerships) is amended as follows.

(2) In paragraph (1) after “concurrence of” insert “the Lord Chief Justice and”.

(3) After paragraph (1) insert—

“(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—

- (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).”

84 (1) Article 365 (insolvent estates of deceased persons) is amended as follows.

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- (2) In paragraph (1) after “concurrence of” insert “ the Lord Chief Justice and ”.
- (3) After paragraph (1) insert—
- “(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—
- (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).”
- Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))*
- 85 The Child Support (Northern Ireland) Order 1991 is amended as follows.
- 86 (1) Article 10 (role of the courts with respect to maintenance for children) is amended as follows.
- (2) In paragraph (5), after “Lord Chancellor may” insert “ , with the concurrence of the Lord Chief Justice, ”.
- (3) After paragraph (5) insert—
- “(5A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (5)—
- (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).”
- 87 (1) Article 42 (jurisdiction of courts in certain proceedings under this Order) is amended as follows.
- (2) In paragraphs (1) and (3) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) In paragraph (4) after “Lord Chancellor considers appropriate” insert “ , after consultation with the Lord Chief Justice, ”.
- (4) After paragraph (4) insert—
- “(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this Article—
- (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).”

PROSPECTIVE

Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))

- 88 (1) In the Registered Homes (Northern Ireland) Order 1992, Article 30 (constitution of panels for chairmen and members of Social Care Tribunals) is amended as follows.
- (2) In paragraph (3) after “suitable” insert “ after consultation with the Lord Chief Justice ”.

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(3) After paragraph (3) insert—

“(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

- (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).”

Family Law (Northern Ireland) Order 1993 (S.I. 1993/1575 (N.I. 6))

89 The Family Law (Northern Ireland) Order 1993 is amended as follows.

90 (1) Article 12 (family proceedings rules) is amended as follows.

(2) In paragraph (1) for the words from “which” to “court” substitute “ which may make rules of court in accordance with Article 12A ”.

(3) In paragraph (3) for “rules of court made under this Article” substitute “ family proceedings rules ”.

(4) In paragraph (4) for “Rules of court made under this Article” substitute “ Family proceedings rules ”.

(5) In paragraph (5)—

- (a) after “this Article” insert “ and Article 12A ”;
- (b) at the end insert—

““family proceedings rules” means rules of court made under this Article.”

91 After Article 12 insert—

Making of family proceedings rules

“12A(1) After making family proceedings rules the Committee must submit them to the Lord Chancellor.

(2) The Lord Chancellor may allow or disallow family proceedings rules submitted to him.

(3) Family proceedings rules have effect only if allowed by the Lord Chancellor.

(4) If the Lord Chancellor disallows family proceedings rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.

(5) Paragraph (6) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for family proceedings rules to include provision that would achieve a purpose specified in the notice.

(6) The Committee must make such family proceedings rules as it considers necessary to achieve the specified purpose.

(7) Those rules must be—

- (a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (5);

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- (b) made in accordance with this Article.”
- 92 (1) In Schedule 2 (Northern Ireland Family Proceedings Rules Committee), paragraph 2 is amended as follows.
- (2) That paragraph becomes sub-paragraph (1) of paragraph 2.
- (3) In that sub-paragraph—
- (a) in sub-paragraph (c) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”;
- (b) in sub-paragraph (f) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (4) After that sub-paragraph insert—
- “(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—
- (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).”

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

- 93 The Children (Northern Ireland) Order 1995 is amended as follows.
- 94 In Article 4 (reports on child's welfare), in paragraph (2) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.
- 95 In Article 60 (representation of child and his interests in certain proceedings), in paragraph (8) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 96 In Article 166 (appeals), in paragraph (14) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.
- 97 In Article 169 (evidence given by, or with respect to, children), in paragraph (5) after “Lord Chancellor may” insert “ , with the concurrence of the Lord Chief Justice, ”.
- 98 In Article 170 (privacy for children involved in certain proceedings), in paragraph (5) after “requires it” insert “ and if the Lord Chief Justice agrees ”.
- 99 After Article 181 insert—

Delegation of functions by Lord Chief Justice

- “181A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise a delegable function—
- (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).
- (2) In paragraph (1) “delegable function” means a function under any of these provisions of this Order—
- (a) Article 4(2);
- (b) Article 166(14);
- (c) Article 169(5);
- (d) Article 170(5);
- (e) in Schedule 1, paragraph 6(2);

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- (f) in Schedule 7—
- (i) paragraph 1(1), (2) and (4);
 - (ii) paragraph 2(1) and (5);
 - (iii) paragraph 3;
 - (iv) paragraph 4(4), (6)(a) and (7).”
- 100 In paragraph 6 of Schedule 1 (financial provision for children: provisions relating to lump sums), in sub-paragraph (2) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- 101 (1) Schedule 7 (commencement of proceedings) is amended as follows.
- (2) In paragraph 1 (commencement of certain proceedings in particular court), in sub-paragraphs (1), (2) and (4) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
 - (3) In paragraph 2 (transfer of proceedings)—
 - (a) in sub-paragraph (1) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”;
 - (b) in sub-paragraph (5) after “Lord Chancellor thinks appropriate” insert “, after consultation with the Lord Chief Justice, ”.
 - (4) In paragraph 3 (emergency protection orders), after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
 - (5) In paragraph 4 (general)—
 - (a) in sub-paragraph (4) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice ”;
 - (b) in sub-paragraph (6)(a) after “Lord Chancellor considers expedient” insert “, after consultation with the Lord Chief Justice ”;
 - (c) in sub-paragraph (7) after “Lord Chancellor by order otherwise provides” insert “, after consultation with the Lord Chief Justice ”.
- Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))*
- 102 (1) In the Education (Northern Ireland) Order 1996, Article 22 (constitution of Special Educational Needs Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph (3)(a) after “suitable” insert “ after consultation with the Lord Chief Justice ”.
 - (3) After paragraph (3) insert—

“(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

 - (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).”
- Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)*
- 103 (1) The Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 is amended as follows.

Status: This version of this schedule contains provisions that are prospective.

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- (2) In the Schedule, in rule 6 (appointment of tribunal)—
- (a) in paragraph (3)(a) omit “but”;
 - (b) omit paragraph (3)(b).

Northern Ireland Act 1998 (c. 47)

- 104 The Northern Ireland Act 1998 is amended as follows.
- 105 In section 90 (effect of certificates), in subsection (2) for “made by the Lord Chancellor” substitute “ made under section 91 ”.
- 106 (1) Section 91 (the National Security Certificates Tribunal) is amended as follows.
- (2) In subsection (2), after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice of Northern Ireland, ”.
 - (3) After subsection (2) insert—

“(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

 - (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).”
- 107 (1) Section 92 (appeals from the Tribunal) is amended as follows.
- (2) In subsection (3) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice of Northern Ireland, ”.
 - (3) After subsection (3) insert—

“(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—

 - (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).”
- 108 (1) In Schedule 11 (tribunal established under section 91 of the Act), paragraph 5 (times and places of sittings in accordance with directions) is amended as follows.
- (2) That paragraph becomes sub-paragraph (1) of paragraph 5.
 - (3) In that sub-paragraph, for “Lord Chancellor” substitute “ Lord Chief Justice ”.
 - (4) After that sub-paragraph insert—

“(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—

 - (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).”

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Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071 (N.I. 6))

109 The Family Homes and Domestic Violence (Northern Ireland) Order 1998 is amended as follows.

110 (1) Article 34 (jurisdiction of courts and procedure) is amended as follows.

(2) In paragraphs (3), (4) and (5) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.

(3) In paragraph (7) after “Lord Chancellor thinks appropriate” insert “, after consultation with the Lord Chief Justice,”.

(4) In paragraph (9) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice,”.

(5) After paragraph (9) insert—

“(9A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

(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).”

111 (1) Article 39 (appeals) is amended as follows.

(2) In paragraph (4) after “Lord Chancellor” in each place insert “, after consultation with the Lord Chief Justice,”.

(3) In paragraph (11) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.

(4) After paragraph (11) insert—

“(11A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4) or (11)—

(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).”

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

112 In Article 27 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (youth courts), in paragraph (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

113 (1) In the Social Security (Northern Ireland) Order 1998, Article 7 (qualifications for membership of appeal panels) is amended as follows.

(2) In paragraph (2) for the words from “such” to the end substitute “ persons appointed by the Lord Chancellor ”.

(3) In paragraph (3) at the end insert “ ; and such concurrence may be given only after consultation with the Lord Chief Justice ”.

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(4) After paragraph (3) insert—

“(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

- (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).”

(3B) As part of the selection process for the appointment of a medical practitioner as a member of the panel, the Northern Ireland Judicial Appointments Commission shall consult the Chief Medical Officer of the Department.”

Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))

114 In Article 12 of the Criminal Evidence (Northern Ireland) Order 1999 (evidence by live link), in paragraph (5) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice, ”.

Justice (Northern Ireland) Act 2002 (c. 26)

115 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.

(2) Where the amendment to section ^{F4}... 24(5) or 43(6) of that Act made by this Schedule comes into force before section 23 of this Act, the reference in that section (as amended by this Schedule) to the President of the Supreme Court has effect, until section 23 comes into force, as a reference to the senior Lord of Appeal in Ordinary.

Textual Amendments

F4 Word in Sch. 5 para. 115(2) omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 5 para. 6(2); S.I. 2010/812, art. 2

Commencement Information

II Sch. 5 para. 115 partly in force; Sch. 5 para. 115 not in force at Royal Assent see s. 148; Sch. 5 para. 115(1) in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(c)

PROSPECTIVE

^{F5}116

Textual Amendments

F5 Sch. 5 para. 116 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 5 para. 6(3); S.I. 2010/812, art. 2

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Status: This version of this schedule contains provisions that are prospective.

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Textual Amendments

F6 Sch. 5 para. 117 repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\)](#), [Sch. 9 Pt. 1](#); [S.R. 2016/387, art. 2\(I\)](#) (with [art. 3](#))

118 In section 10 (transfer of functions of justices of the peace), in subsection (4) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.

119 In section 12 (role of the Lord Chief Justice), omit subsections (2) and (3).

120 (1) In section 24 (removal of Attorney General), in subsection (5) after “Lord Chancellor” insert “after consultation with all of the following—

- (a) the President of the Supreme Court;
- (b) the Lord Chief Justice of England and Wales;
- (c) the Lord President of the Court of Session;
- (d) the Lord Chief Justice of Northern Ireland”.

Commencement Information

I2 Sch. 5 para. 120 in force at 12.4.2010 by [S.I. 2010/883, art. 2\(c\)\(i\)](#)

121 In section 43 (appointment and removal of Director of Public Prosecutions), in subsection (6) after “Lord Chancellor” insert “after consultation with all of the following—

- (a) the President of the Supreme Court;
- (b) the Lord Chief Justice of England and Wales;
- (c) the Lord President of the Court of Session;
- (d) the Lord Chief Justice of Northern Ireland”.

Commencement Information

I3 Sch. 5 para. 121 in force at 12.4.2010 by [S.I. 2010/883, art. 2\(c\)\(i\)](#)

122 (1) Schedule 1 (listed judicial offices) is amended as follows.

(2) After the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” insert—

“Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))”.

(3) For the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” and the entry inserted by subparagraph (2) above substitute—

“Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))”.

(4) Before the entry “Member of the panel of chairmen of the Fair Employment Tribunal” insert—

“Member of the panel of chairmen of the Industrial Tribunals”.

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(5) At the end of the Schedule insert—

- “Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)
- Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland
- Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland
- President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland
- Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland
- Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985)
- Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland
- Member of the panel of chairmen of VAT tribunals for Northern Ireland
- General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970)”.

Commencement Information

I4 Sch. 5 para. 122 partly in force; Sch. 5 para. 122 not in force at Royal Assent see s. 148; Sch. 5 para. 122(4) in force for specified purposes at 31.8.2005 by S.I. 2005/2284, art. 2; Sch. 5 para. 122(1)-(3)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(e); Sch. 5 para. 122(5) in force for specified further purposes at 15.6.2006 by S.I. 2006/1537, art. 2

PROSPECTIVE

^{F7}123

Textual Amendments

F7 Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 5 para. 6(3); S.I. 2010/812, art. 2

- 124 (1) Schedule 4 (functions of justices of the peace) is amended as follows.
- (2) In paragraph 4 (amendment of Schedule by order), after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
 - (3) In paragraph 5 (consequential amendments by order) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
 - (4) After paragraph 5 insert—

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Constitutional Reform Act 2005, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“5A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 4 or 5—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

125 Omit Schedule 5 (transfer of functions to Lord Chief Justice).

126 (1) Schedule 6 (office-holders required to take judicial oath) is amended as follows.

(2) After the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” insert— “ Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)) ”.

(3) For the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” and the entry inserted by subparagraph (2) above substitute— “ Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) ”.

(4) Before the entry “Member of the panel of chairmen of the Fair Employment Tribunal” insert— “ Member of the panel of chairmen of the Industrial Tribunals ”.

(5) At the end of the Schedule insert— “ Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269). Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985) Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland Member of the panel of chairmen of VAT tribunals for Northern Ireland General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970) ”.

Commencement Information

I5 Sch. 5 para. 126 partly in force; Sch. 5 not in force at Royal Assent see s. 148; Sch. 5 para. 126(4) in force at 31.8.2005 by S.I. 2005/2284, art. 2; Sch. 5 para. 126(1)(2)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(g)

127 In Schedule 12 (minor and consequential amendments), after paragraph 81 insert—

Status: This version of this schedule contains provisions that are prospective.

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“Constitutional Reform Act 2005

82 Omit sections 133 to 136 of the Constitutional Reform Act 2005 (judicial removals: Northern Ireland).”

Commencement Information

I6 Sch. 5 para. 127 in force at 12.4.2010 by S.I. 2010/883, art. 2(c)(ii)

128 (1) Schedule 13 (repeals and revocations) is amended as follows.

(2) Omit—

- (a) the entry relating to the County Courts (Northern Ireland) Order 1980 (1980/397 (N.I. 3));
- (b) the entry relating to Article 168 of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) After the entries relating to the Justice (Northern Ireland) Act 2002 insert—

“Constitutional Reform Act 2005

Sections 133 to 136.”

Commencement Information

I7 Sch. 5 para. 128 partly in force; Sch. 5 para. 128 not in force at Royal Assent see s. 148; Sch. 5 para. 128(1)(2) in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(h)

I8 Sch. 5 para. 128(3) in force at 12.4.2010 by S.I. 2010/883, art. 2(c)(iii)

Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

129 (1) In Schedule 2 to the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (the Care Tribunal), paragraph (1) (composition of Care Tribunal) is amended as follows.

(2) For sub-paragraph (2)(a) substitute—

“(a) a chairman nominated from the chairmen's panel by the Lord Chief Justice after consultation with the First Minister and deputy First Minister; and”.

(3) After sub-paragraph (2) insert—

“(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—

- (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).”

(4) In paragraph (3) (tenure of office), omit sub-paragraph (3).

Status: This version of this schedule contains provisions that are prospective.

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PROSPECTIVE

*Industrial Tribunals (Constitution and Rules of Procedure)
Regulations (Northern Ireland) 2004 (S.R. 2004/165)*

- 130 (1) Regulation 5 of the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2004 (panels of chairmen and members of tribunals) is amended as follows.
- (2) In paragraph (1)(a), for “the Department” substitute “ the Lord Chancellor ”.
- (3) In paragraph (2), for “to the Department” substitute “ to the Lord Chancellor, in the case of a member of the panel of chairmen, or to the Department, in any other case, ”.

PART 2 U.K.

AMENDMENTS RELATING TO ENACTMENTS REPEALED
OR AMENDED OTHERWISE THAN BY THIS ACT

Introduction

- 131 (1) This Part of this Schedule contains amendments of or relating to enactments that have already been amended or repealed by provisions of other Acts.
- (2) In each case the amending or repealing provision is specified, in relation to the enactment referred to, as the “original amending provision”.
- (3) An amendment contained in any provision of this Part of this Schedule has effect only until the original amending provision comes fully into force in relation to the enactment referred to in that provision of this Part of this Schedule.

PROSPECTIVE

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

- 132 (1) Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) is amended as follows.
- (2) In paragraph 1 (juvenile court panels)—
- (a) in sub-paragraph (3) for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”;
- (b) after sub-paragraph (3) insert—
- “(3A) The Lord Chief Justice may approve a course of training, or allow a longer period for completion of a course, only after consultation with the Lord Chancellor.”
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is section 86 of, and Schedule 13 to, the Justice (Northern Ireland) Act 2002 (c. 26).

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Constitutional Reform Act 2005, SCHEDULE 5 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

- 133 (1) Article 27 of the Administration of Estates (Northern Ireland) Order 1979 (depositories of wills of living persons) is amended as follows.
- (2) That Article becomes paragraph (1) of Article 27.
- (3) In that paragraph, for “the directions of the Lord Chancellor” substitute “ directions given by the Lord Chief Justice with the concurrence of the Lord Chancellor ”.
- (4) After that paragraph insert—
- “(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—
- (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).”
- (5) In relation to the enactment referred to in this paragraph, the original amending provision is section 75 of, and Part 2 of Schedule 9 to, the Administration of Justice Act 1982 (c. 53).

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 14))

- 134 (1) Article 46 of the County Courts (Northern Ireland) Order 1980 (county court rules committee) is amended as follows.
- (2) In paragraph (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After paragraph (1) insert—
- “(1A) The Lord Chief Justice must consult the Lord Chancellor before making an appointment under paragraph (1)(b), (c), (e) or (f).”
- (4) In relation to the enactment referred to in this paragraph, the original amending provision is section 73(2) of the Justice (Northern Ireland) Act 2002 (c. 26).

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 5 entries repealed by [2007 c. 15 Sch. 23 Pt. 1](#)
- Sch. 5 para. 78 repealed by [2015 c. 9 \(N.I.\) Sch. 9 Pt. 4](#)

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. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)