

Status: Point in time view as at 12/04/2010. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Justice (Northern Ireland) Act 2002 (c. 26) is up to date with all changes known to be in force on or before 13 May 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)

SCHEDULES

SCHEDULE 5

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

PART 1

AMENDMENTS

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 ^{F1}... 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

- F1** 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

- I1** 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

^{F2}116

Textual Amendments

- F2** 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

- 117 (1) Section 9 (appointment of lay magistrates) is amended as follows.
- (2) In paragraph (a) of subsection (2) for the words from “approved by” to the end of the paragraph substitute “ approved by the Lord Chief Justice after consultation with the Lord Chancellor, or ”.

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- (3) In subsection (3) for the words from “such longer period” to the end substitute “ such longer period as the Lord Chief Justice may, after consulting the Lord Chancellor, allow.”
- (4) In subsection (4) after “may” insert “ , after consultation with the Lord Chief Justice, ”.
- (5) In subsection (5) after “unless” insert “ , after consultation with the Lord Chief Justice, ”.
- 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))”.

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- (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

- 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

F³123

Textual Amendments

- F3** 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,”.

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- (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—
- “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)

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