

Status: Point in time view as at 03/04/2006.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) is up to date with all changes known to be in force on or before 23 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)

SCHEDULES

SCHEDULE 5

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

PART 1

AMENDMENTS

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)—
- (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.
- (2) In paragraph (2) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- (3) In paragraph (3) for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- 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.

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(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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