

SCHEDULES

SCHEDULE 13

Article 11

Amendments of the Justice (Northern Ireland) Act 2002

1. Amend the Justice (Northern Ireland) Act 2002⁽¹⁾ as follows.

Commencement Information

I1 Sch. 13 para. 1 in force at 12.4.2010, see [art. 1\(2\)](#)

2. In section 29 (Public Prosecution Service)—
 - (a) in subsection (3) for “by the Secretary of State” substitute “out of money appropriated for that purpose by Act of the Northern Ireland Assembly”; and
 - (b) in subsection (4) for “Secretary of State” substitute “Department of Finance and Personnel”.

Commencement Information

I2 Sch. 13 para. 2 in force at 12.4.2010, see [art. 1\(2\)](#)

3. For section 30(9) (Director of Public Prosecutions: payment of salary etc.) substitute—

“(9) There is to be paid (out of money appropriated as mentioned in section 29(3)) to or in respect of the Director, the Deputy Director and any person appointed to act as Deputy Director any such—

 - (a) salary,
 - (b) allowances, or
 - (c) sums for the provision of pensions,

as the Department of Finance and Personnel may determine.”

Commencement Information

I3 Sch. 13 para. 3 in force at 12.4.2010, see [art. 1\(2\)](#)

- 4.—(1) Amend section 45 (Chief Inspector of Criminal Justice) as follows.
 - (2) In subsection (2) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I4 Sch. 13 para. 4 in force at 12.4.2010, see [art. 1\(2\)](#)

(1) 2002 c. 26.

- 5.—(1) Amend section 46(2) (functions of Chief Inspector of Criminal Justice) as follows.
- (2) In subsection (1)(h) for “Secretary of State” substitute “Department of Justice”.
- (3) In subsection (6) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I5 Sch. 13 para. 5 in force at 12.4.2010, see [art. 1\(2\)](#)

- 6.—(1) Amend section 47(3) (further provisions about functions of Chief Inspector of Criminal Justice) as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Department of Justice”.
- (3) After subsection (1) insert—
- “(1A) The Chief Inspector must consult the Secretary of State if—
- (a) he proposes to specify an inspection in a programme under subsection (1), and
- (b) it appears to him that the inspection would cover activities relating to national security.”
- (4) In subsection (2) before paragraph (a) insert—
- “(za) the Department of Justice,”.
- (5) In subsections (3), (4), (5) and (7) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I6 Sch. 13 para. 6 in force at 12.4.2010, see [art. 1\(2\)](#)

- 7.—(1) Amend section 49(4) (reports by Chief Inspector of Criminal Justice) as follows.
- (2) For subsections (1) to (4) substitute—
- “(1) The Chief Inspector must report to the Department of Justice on each inspection and review carried out by the Chief Inspector.
- (1A) In this section “protected information” means information the inclusion of which in a report under subsection (1) would be against the public interest on the ground of national security.
- (1B) If it appears to the Secretary of State that—
- (a) the Chief Inspector is required to prepare a report in compliance with subsection (1), and
- (b) the report might contain (or once completed might contain) protected information, the Secretary of State may require the Chief Inspector to refer the report to the Secretary of State or, if the report is not completed when the requirement is imposed, to refer the report once it is completed.
- (1C) The Secretary of State must, within—
- (a) the period of 30 days after the date on which the Chief Inspector refers the report to the Secretary of State under subsection (1B), or

(2) Section 46(1) was amended by [S.R. \(N.I.\) 2003 No. 552](#); section 9(1) and (3) of, and Schedule 4 to, the Justice (Northern Ireland) Act 2004 (c. 4); section 45 of the Justice and Security (Northern Ireland) Act 2007 (c. 6); [S.I. 2008/1216 \(N.I. 11\)](#).

(3) Section 47 was amended by section 45 of the Justice and Security (Northern Ireland) Act 2007 (c. 6).

(4) Section 49 was amended by section 45 of the Justice and Security (Northern Ireland) Act 2007 (c. 6).

- (b) such longer period as may be agreed between the Secretary of State and the Department of Justice,

notify the Chief Inspector whether, in the opinion of the Secretary of State, the report contains any protected information.

(1D) If it appears to the Chief Inspector that a report in compliance with subsection (1) may contain protected information and the Chief Inspector has not been required to refer the report to the Secretary of State under subsection (1B), the Chief Inspector must refer the report to the Secretary of State.

(1E) The Secretary of State must, within—

- (a) the period of 30 days after the date on which the Chief Inspector refers the report to the Secretary of State under subsection (1D), or
- (b) such longer period as may be agreed between the Secretary of State and the Department of Justice,

notify the Chief Inspector whether, in the opinion of the Secretary of State, the report contains any protected information.

(1F) Where the Secretary of State has required a report to be referred to him under subsection (1B), or the Chief Inspector is required to refer a report to the Secretary of State under subsection (1D), the Chief Inspector must not disclose the report to anyone apart from the Secretary of State, except—

- (a) in accordance with subsection (1G),
- (b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any protected information, or
- (c) after the period mentioned in subsection (1C) or (1E) has expired without any notification being given by the Secretary of State.

(1G) Where the Secretary of State informs the Chief Inspector under subsection (1C) or (1E) that, in the opinion of the Secretary of State, a report contains protected information—

- (a) the Secretary of State may direct the Chief Inspector to exclude from the report any information that, in the opinion of the Secretary of State, is protected information;
- (b) the Chief Inspector must exclude that information from the report;
- (c) the Secretary of State must inform the Department of Justice that the Secretary of State has given a direction under paragraph (a);
- (d) the Secretary of State must, either before or as soon as practicable after the report is laid before the Northern Ireland Assembly under subsection (1I), lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).

(1H) When the Chief Inspector sends a report to the Department of Justice under subsection (1) from which information has been excluded under subsection (1G), the Chief Inspector must at the same time send a copy of the report to the Secretary of State.

(1I) Where a report is received by the Department of Justice under subsection (1), the Department must—

- (a) lay a copy of it before the Northern Ireland Assembly, and
- (b) arrange for it to be published.

(1J) But the Department of Justice may exclude a part of a report from the copy so laid or published if, in the opinion of the Department, the laying or publication of the part—

- (a) would be against the public interest, or

Changes to legislation: There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, SCHEDULE 13. (See end of Document for details)

(b) might jeopardise the safety of any person.

(1K) If the Department of Justice excludes a part of a report from laying or publication, the Department must lay or publish with the report a statement that it has been excluded.

(1L) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽⁵⁾ applies for the purposes of subsections (1I) and (1K) in relation to the laying of a copy of a report or a statement as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

I7 Sch. 13 para. 7 in force at 12.4.2010, see [art. 1\(2\)](#)

8.—(1) Amend section 50 (Northern Ireland Law Commission) as follows.

(2) In subsections (2), (4)(a), (b) and (c), (5) and (6) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I8 Sch. 13 para. 8 in force at 12.4.2010, see [art. 1\(2\)](#)

9.—(1) Amend section 51 (duties of Northern Ireland Law Commission) as follows.

(2) In subsection (2)—

(a) in paragraphs (b) to (d) for “Secretary of State” (wherever occurring) substitute “Department of Justice”; and

(b) for paragraph (e) substitute—

“(e) provide advice and information—

(i) to Northern Ireland departments, and

(ii) with the consent of the Department of Justice, to departments of the Government of the United Kingdom and other authorities or bodies concerned with proposals for the reform or amendment of any branch of the law of Northern Ireland, and”.

(3) In subsection (3)—

(a) for “Secretary of State” substitute “Department of Justice”;

(b) omit paragraphs (a) and (b).

(4) After subsection (3) insert—

“(3A) Before approving any programme prepared by the Commission that includes—

(a) the examination of any branch of law relating (in whole or in part) to a reserved matter or an excepted matter, or

(b) the consolidation or repeal of legislation relating (in whole or in part) to a reserved matter or an excepted matter,

the Department of Justice must consult the Secretary of State.

(3B) For the purposes of subsection (3A) “reserved matter” and “excepted matter” have the meanings given by section 4 of the Northern Ireland Act 1998⁽⁶⁾.”

⁽⁵⁾ 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

⁽⁶⁾ 1998 c. 47.

Commencement Information

I9 Sch. 13 para. 9 in force at 12.4.2010, see [art. 1\(2\)](#)

10. For section 52 (reports etc. by Northern Ireland Law Commission) substitute—

“52 Reports etc.

- (1) The Commission must send to the Department of Justice a copy of—
 - (a) each programme prepared by the Commission and approved by the Department of Justice,
 - (b) each set of proposals for reform formulated by the Commission pursuant to such a programme, and
 - (c) each annual report of the Commission.
- (2) The Department of Justice must lay before the Northern Ireland Assembly a copy of each document received by it under subsection (1).
- (3) The Commission must send to the Secretary of State a copy of—
 - (a) any programme prepared by the Commission and approved by the Department of Justice which includes—
 - (i) the examination of any branch of law relating (in whole or in part) to a reserved matter or an excepted matter, or
 - (ii) the consolidation or repeal of legislation relating (in whole or in part) to a reserved matter or an excepted matter,
 - (b) any set of proposals for reform formulated by the Commission pursuant to an approved programme which relate (in whole or in part) to a reserved matter or an excepted matter, and
 - (c) any annual report of the Commission which contains anything relevant to a reserved matter or an excepted matter.
- (4) The Secretary of State must lay before each House of Parliament a copy of each document received by the Secretary of State under subsection (3).
- (5) After a copy of a document has been—
 - (a) laid before the Assembly in accordance with subsection (2), and
 - (b) if so required by subsection (4), laid before Parliament in accordance with that subsection,

the Commission must arrange for the document to be published.

(6) In this section “reserved matter” and “excepted matter” have the meanings given by section 4 of the Northern Ireland Act 1998.

(7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽⁷⁾ applies for the purposes of subsection (2) in relation to the laying of a copy of a document as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

I10 Sch. 13 para. 10 in force at 12.4.2010, see [art. 1\(2\)](#)

(7) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

Changes to legislation: There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, SCHEDULE 13. (See end of Document for details)

11.—(1) Amend section 56 (custody care orders) as follows.

(2) In the inserted Articles 44A to 44G for “Secretary of State” (wherever occurring) substitute “Department of Justice”.

(3) In the inserted Article 44E(5) for the words from “annulment” to “such rules” substitute “negative resolution”.

Commencement Information

I11 Sch. 13 para. 11 in force at 12.4.2010, see [art. 1\(2\)](#)

12.—(1) Amend section 63 (extension of youth justice system to 17 year olds) as follows.

(2) In subsection (2) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I12 Sch. 13 para. 12 in force at 12.4.2010, see [art. 1\(2\)](#)

13.—(1) Amend section 68 (information about discharge and temporary release of prisoners) as follows.

(2) In subsections (1), (2), (4), (5) and (6) for “Secretary of State” substitute “Department of Justice”.

(3) In subsection (8)—

- (a) for “Secretary of State” substitute “Department of Justice”;
- (b) in paragraph (a) for “he” substitute “the Department of Justice”;
- (c) in paragraph (b) for “he” substitute “the Department of Justice”.

Commencement Information

I13 Sch. 13 para. 13 in force at 12.4.2010, see [art. 1\(2\)](#)

14.—(1) Amend section 69 (views on temporary release) as follows.

(2) In subsection (1) for “Secretary of State” (in both places) substitute “Department of Justice”.

(3) In subsection (3) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I14 Sch. 13 para. 14 in force at 12.4.2010, see [art. 1\(2\)](#)

15.—(1) Amend section 69A(8) (information about discharge and leave of absence of mentally disordered persons) as follows.

(2) In subsections (1), (4) and (6) for “Secretary of State” (in all places) substitute “Department of Justice”.

(3) In subsection (7)—

(8) Section 69A was inserted by section 46 of the Domestic Violence, Crime and Victims Act 2003 (c. 28).

- (a) for “Secretary of State” substitute “Department of Justice”;
 - (b) for “him” substitute “it”.
- (4) In subsection (11) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I15 Sch. 13 para. 15 in force at 12.4.2010, see [art. 1\(2\)](#)

- 16.**—(1) Amend section 69B(9) (views on leave of absence) as follows.
- (2) In subsection (1) for “Secretary of State” (in both places) substitute “Department of Justice”.
 - (3) In subsection (3)—
 - (a) for “Secretary of State” substitute “Department of Justice”;
 - (b) for “he should give his” substitute “the Department should give its”.

Commencement Information

I16 Sch. 13 para. 16 in force at 12.4.2010, see [art. 1\(2\)](#)

- 17.** In section 70(1)(a) (victims of crime: supplementary) omit “of the Secretary of State”.

Commencement Information

I17 Sch. 13 para. 17 in force at 12.4.2010, see [art. 1\(2\)](#)

- 18.**—(1) Amend section 71 (community safety strategy) as follows.
- (2) In subsections (1), (3) and (4) for “Secretary of State” substitute “Department of Justice”.
 - (3) In subsection (5)—
 - (a) for “Secretary of State” substitute “Department of Justice”;
 - (b) for “him” substitute “the Department”;
 - (c) for “he” substitute “the Department”.

Commencement Information

I18 Sch. 13 para. 18 in force at 12.4.2010, see [art. 1\(2\)](#)

- 19.**—(1) Amend section 72 (local community safety partnerships) as follows.
- (2) In subsections (1), (2) and (3) for “Secretary of State” substitute “Department of Justice”.
 - (3) In subsection (4)—
 - (a) in paragraph (e) for “Secretary of State” substitute “Department of Justice”;
 - (b) in paragraph (f)—
 - (i) for “Secretary of State” substitute “Department of Justice”;
 - (ii) for “him” substitute “the Department”.

(9) Section 69B was inserted by section 46 of the Domestic Violence, Crime and Victims Act 2003 (c. 28).

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(4) In subsections (6), (7), (8), (9) and (10) for “Secretary of State” substitute “Department of Justice”.

Commencement Information

I19 Sch. 13 para. 19 in force at 12.4.2010, see [art. 1\(2\)](#)

20.—(1) Amend section 85 (youth justice: minor and consequential amendments) as follows.

(2) In subsection (2)—

- (a) for “Secretary of State” substitute “Department of Justice”;
- (b) for “him” substitute “the Department of Justice”.

Commencement Information

I20 Sch. 13 para. 20 in force at 12.4.2010, see [art. 1\(2\)](#)

21.—(1) Amend section 87 (commencement) as follows.

(2) In subsection (1) after “Secretary of State” insert “or the Department of Justice”.

Commencement Information

I21 Sch. 13 para. 21 in force at 12.4.2010, see [art. 1\(2\)](#)

22.—(1) Amend section 89 (transitionals and savings) as follows.

(2) In subsection (1) after “Secretary of State” insert “or the Department of Justice”.

Commencement Information

I22 Sch. 13 para. 22 in force at 12.4.2010, see [art. 1\(2\)](#)

23. In section 90(10) (statutory rules) (as amended by the Northern Ireland Act 2009(11) and the Department of Justice Act (Northern Ireland) 2010(12))—

(a) for subsection (1A) substitute—

“(1A) No order containing (whether or not together with other provision) provision made by virtue of section 2(2)(b), 9(4), 19(4)(b), 46(6)(a) or (b) or 72(1), (3), (7) or (8) shall be made unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(1B) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(13) applies for the purposes of subsection (1A) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.”;

(10) Section 90 was amended by the Justice (Northern Ireland) Order 2004 (c. 4), Schedule 1, paragraph 4; section 46 of the Domestic Violence, Crime and Victims Act 2004 (c. 28); section 61 of the Tribunals, Courts and Enforcement Act 2007 (c. 15); the Northern Ireland Act 2009 (c. 3), Schedule 4, paragraph 34 and the Department of Justice Act (Northern Ireland) 2010 (c. 3) (N.I.), Schedule, paragraph 14(4).

(11) 2009 c. 3.

(12) 2010 c. 3 (N.I.)

(13) 1954 c. 33 (N.I.). Section 41(3) was amended by S.I. 1999/663.

- (b) in subsection (4) for the words from “section” to “78” substitute “section 78”;
- (c) in subsection (5)—
 - (i) in paragraph (a) omit “28(2),”;
 - (ii) for the words from “each House of Parliament” to “accordingly” substitute “the Northern Ireland Assembly, be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(14))”;
- (d) after subsection (5) insert—

“(6) An order under section 28(2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946(15) applies accordingly.”

Commencement Information

I23 Sch. 13 para. 23 in force at 12.4.2010, see [art. 1\(2\)](#)

- 24.**—(1) Amend Schedule 8 (Chief Inspector of Criminal Justice) as follows.
- (2) In paragraph 1(3) and (4) (resignation and dismissal of Chief Inspector) for “Secretary of State” substitute “Department of Justice”.
 - (3) In paragraph 2 (salary etc. of Chief Inspector)—
 - (a) in sub-paragraph (1) for “Secretary of State” (in both places) substitute “Department of Justice”;
 - (b) after sub-paragraph (1) insert—

“(1A) If a person who, by reference to any office or employment, is a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972(16) becomes the Chief Inspector, the Department of Finance and Personnel 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.”; and
 - (c) omit sub-paragraph (2).
 - (4) In paragraph 3 (staff)—
 - (a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;
 - (b) after sub-paragraph (2) insert—

“(2A) Employment as a member of staff of the Chief Inspector is among the kinds of employment to which a superannuation scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—
“Employment by the Chief Inspector of Criminal Justice in Northern Ireland”.

(2B) The Chief Inspector must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (2A).”; and

(14) Section 41(6) was amended by [S.I. 1999/663](#).

(15) 1946 c. 36.

(16) [S.I. 1972/1073 \(N.I. 10\)](#).

- (c) omit sub-paragraphs (3) and (4) (and the Superannuation Act 1972⁽¹⁷⁾ has effect accordingly).
- (5) In paragraph 4 (annual report)—
- (a) after sub-paragraph (1) insert—
- “(1A) The Chief Inspector must send a copy of each annual report to the Department of Justice.
- (1B) In this paragraph “protected information” means information the inclusion of which in a report under sub-paragraph (1) would be against the public interest on the ground of national security.
- (1C) If it appears to the Secretary of State that a report in compliance with sub-paragraph (1) may contain protected information (or once completed may contain protected information), the Secretary of State may require the Chief Inspector to refer the report to the Secretary of State (or, if the report is not completed when the requirement is imposed, to refer the report once it is completed).
- (1D) If it appears to the Chief Inspector that a report in compliance with sub-paragraph (1) may contain protected information and the Chief Inspector has not been required to refer the report to the Secretary of State under sub-paragraph (1C), the Chief Inspector must refer the report to the Secretary of State.
- (1E) The Secretary of State must, within the period of 30 days after the date of a referral under sub-paragraph (1C) or (1D), or within such longer period as may be agreed between the Secretary of State and the Department of Justice, notify the Chief Inspector whether, in the Secretary of State’s opinion, the report contains any protected information.
- (1F) Where the Secretary of State has required that a report be referred to the Secretary of State under sub-paragraph (1C) or the Chief Inspector is required to refer a report to the Secretary of State under sub-paragraph (1D), the Chief Inspector must not disclose the report to anyone apart from the Secretary of State, except—
- (a) in accordance with sub-paragraph (1G), or
- (b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any protected information, or
- (c) after the period mentioned in sub-paragraph (1E) has expired without any notification being given by the Secretary of State.
- (1G) Where the Secretary of State informs the Chief Inspector under sub-paragraph (1E) that, in the Secretary of State’s opinion, a report contains protected information—
- (a) the Secretary of State may direct the Chief Inspector to exclude from the report any information that, in the opinion of the Secretary of State, is protected information;
- (b) the Chief Inspector must exclude that information from the report;
- (c) the Secretary of State must inform the Department of Justice that the Secretary of State has given a direction under paragraph (a);
- (d) the Secretary of State must lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).
- (1H) When the Chief Inspector sends a report to the Department of Justice under sub-paragraph (1A) from which information has been excluded under sub-paragraph (1G), the Chief Inspector must at the same time send a copy of the report to the Secretary of State.

⁽¹⁷⁾ 1972 c. 11.

(1I) Where a report is received by the Department of Justice under sub-paragraph (1A), it must—

- (a) lay a copy of it before the Northern Ireland Assembly, and
- (b) arrange for it to be published.

(1J) But the Department of Justice may exclude a part of a report from the copy so laid or published if, in its opinion, the laying or publication of the part—

- (a) would be against the public interest, or
- (b) might jeopardise the safety of any person.

(1K) If the Department of Justice excludes a part of a report from laying or publication, it must lay or publish with the report a statement that it has been excluded.

(1L) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽¹⁸⁾ applies for the purposes of sub-paragraphs (1I) and (1K) in relation to the laying of a copy of a report or a statement as it applies in relation to the laying of a statutory document under an enactment.”; and

- (b) omit sub-paragraphs (2) to (4).

(6) In paragraph 5 (power of Secretary of State to make grants to Chief Inspector) for “Secretary of State” substitute “Department of Justice”.

(7) In paragraph 6 (financial provisions: accounts and statements)—

- (a) in sub-paragraphs (2) and (3) for “Secretary of State” (in all places) substitute “Department of Justice”;
- (b) in sub-paragraph (3)(b) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
- (c) in sub-paragraph (4)—
 - (i) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”; and
 - (ii) in paragraph (b) for “each House of Parliament” substitute “the Northern Ireland Assembly”;

(d) after sub-paragraph (4) insert—

“(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.”

(8) In paragraph 7(3) (delegation of functions) for “Secretary of State” substitute “Department of Justice”.

(9) In paragraph 8(3) (inspections of PSNI)—

- (a) for “Secretary of State” substitute “Department of Justice”;
- (b) for “his” substitute “the Department’s”.

Commencement Information

I24 Sch. 13 para. 24 in force at 12.4.2010, see [art. 1\(2\)](#)

25.—(1) Amend Schedule 9 (Northern Ireland Law Commission) as follows.

⁽¹⁸⁾ 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

- (2) In paragraph 1(3) and (4) (resignation and dismissal of Commissioners) for “Secretary of State” substitute “Department of Justice”.
- (3) In paragraph 3 (salary etc. of Commissioners not holding full-time judicial office)—
- (a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;
 - (b) after sub-paragraph (1) insert—

“(1A) If a person who, by reference to any office or employment, is a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972⁽¹⁹⁾ becomes a Commissioner, the Department of Finance and Personnel 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.

(1B) The Commission must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (1A).”; and
 - (c) omit sub-paragraphs (2) and (3).
- (4) In paragraph 4 (staff)—
- (a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;
 - (b) after sub-paragraph (2) insert—

“(2A) Employment as a member of staff of the Commission is among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—

“Employment by the Northern Ireland Law Commission.”

(2B) The Commission must pay to the Department of Justice, at such times as the Department may direct, such sums as the Department may determine in respect of expenditure under the Superannuation (Northern Ireland) Order 1972 attributable to sub-paragraph (2A).”; and
 - (c) omit sub-paragraphs (3) and (4) (and the Superannuation Act 1972⁽²⁰⁾ has effect accordingly).
- (5) In paragraph 5 (power of Secretary of State to make grants to Commission) for “Secretary of State” substitute “Department of Justice”.
- (6) In paragraph 6 (financial provisions: accounts and statements)—
- (a) in sub-paragraphs (2) and (3) for “Secretary of State” (in all places) substitute “Department of Justice”;
 - (b) in sub-paragraph (3)(b) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
 - (c) in sub-paragraph (4)—
 - (i) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”; and
 - (ii) in paragraph (b) for “each House of Parliament” substitute “the Northern Ireland Assembly”; and
 - (d) after sub-paragraph (4) insert—

⁽¹⁹⁾ S.I. 1972/1073 (N.I. 10).

⁽²⁰⁾ 1972 c. 11.

“(4A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽²¹⁾ applies for the purposes of sub-paragraph (4)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

I25 Sch. 13 para. 25 in force at 12.4.2010, see [art. 1\(2\)](#)

26.—(1) Paragraphs 24(3)(c) and (4)(c) and 25(3)(c) and (4)(c) above do not affect the position of any person under the Superannuation Act 1972 in relation to the person’s employment by the Chief Inspector or the Commission, or the person’s service as the Chief Inspector or a Commissioner, before the coming into force of this Order.

(2) The Chief Inspector and the Commission must, accordingly, continue to make payments to the Minister for the Civil Service under the following provisions despite their repeal by the provisions mentioned in sub-paragraph (1) above—

- (a) paragraph 3(4) of Schedule 8 to the Justice (Northern Ireland) Act 2002⁽²²⁾;
- (b) paragraphs 3(3) and 4(4) of Schedule 9 to that Act.

(3) Sub-paragraph (5) below applies in relation to a person who immediately before the coming into force of this Order is, by virtue of a provision mentioned in sub-paragraph (4) below, a participant in the principal civil service pension scheme as defined in section 2(10) of the Superannuation Act 1972.

(4) The provisions are—

- (a) paragraph 2(2) or 3(3) of Schedule 8 to the Justice (Northern Ireland) Act 2002;
- (b) paragraph 3(2) or 4(3) of Schedule 9 to that Act.

(5) In relation to the person’s employment by the Chief Inspector or the Commission, or (as the case may be) service as the Chief Inspector or a Commissioner, after the coming into force of this Order, the person is entitled to be a participant in the principal civil service pension scheme as defined in Article 4(10) of the Superannuation (Northern Ireland) Order 1972⁽²³⁾; and the person’s terms and conditions of service have effect accordingly.

(6) The expenditure covered by—

- (a) paragraph 3(2B) of Schedule 8 to the Justice (Northern Ireland) Act 2002 (as inserted by paragraph 24(4)(b) above), and
- (b) paragraphs 3(1B) and 4(2B) of Schedule 9 to that Act (as inserted by paragraph 25(3)(b) and (4)(b) above),

includes, in particular, expenditure attributable to sub-paragraph (5) above.

Commencement Information

I26 Sch. 13 para. 26 in force at 12.4.2010, see [art. 1\(2\)](#)

27. Neither paragraph 24(7) nor paragraph 25(6) above applies in relation to a financial year ending before the coming into force of this Order.

⁽²¹⁾ 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

⁽²²⁾ 2002 c. 26

⁽²³⁾ S.I. 1972/1073 (N.I. 10).

Changes to legislation: There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, SCHEDULE 13. (See end of Document for details)

Commencement Information

I27 Sch. 13 para. 27 in force at 12.4.2010, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, SCHEDULE 13.