

Draft Order laid before the Assembly under section 4(7) and section 102(6) of the Justice Act (Northern Ireland) Act 2015 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2024 No. 0000

JUSTICE

The Lay Magistrates (Eligibility) Order (Northern Ireland) 2024

Made - - - - *xxxx 2024*
Coming into operation *xxxx 2024*

The Department of Justice makes the following Order in exercise of the powers conferred on it by section 4(7) of the Justice Act (Northern Ireland) 2015⁽¹⁾ (the 2015 Act) read with section 121 of and paragraph 45 of Schedule 1 to the Public Service Pensions and Judicial Offices Act 2022⁽²⁾.

In accordance with section 4(7) of the 2015 Act, the Department of Justice has consulted with the Lady Chief Justice of Northern Ireland.

Title and Commencement

1. This Order may be cited as the Lay Magistrates (Eligibility) Order (Northern Ireland) 2024 and shall come into operation on the day after the day it is made.

Eligibility of persons for reappointment as Lay Magistrates

2. A person may be reappointed as a lay magistrate if—
- (a) he or she ceased to hold the office of lay magistrate before 10th March 2022 by virtue of section 4(11) of the Justice Act (Northern Ireland) 2015;
 - (b) he or she has not attained the age of 75;
 - (c) he or she continues to meet the criteria for appointment as a lay magistrate that are contained in the Lay Magistrates (Eligibility) (Northern Ireland) Order 2004⁽³⁾;
 - (d) he or she was not removed as a lay magistrate as a result of disciplinary proceedings and no disciplinary proceedings were pending at the start of his or her retirement; and
 - (e) he or she is prepared to undertake any training or continuing professional development which is identified as being necessary or desirable.

(1) 2015 c.9 (N.I.).
(2) 2022 c.7.
(3) S.R. 2004 No. 246.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: *The Lay Magistrates (Eligibility) Order (Northern Ireland) 2024 No. 102*

Sealed with the Official Seal of the Department of Justice on xxxx 2024

Minister's signature
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for criteria for the reappointment of lay magistrates who ceased to hold office before 10th March 2022 by virtue of section 4(11) of the Justice Act (Northern Ireland) 2015 (2015 c.9 (N.I.)), which required lay magistrates to retire at the age of 70.