

Status: Point in time view as at 01/09/2018.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) is up to date with all changes known to be in force on or before 13 June 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

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);
 - (f) in Schedule 7—
 - (i) paragraph 1(1), (2) and (4);

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- (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 ”.

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