

*Draft Order laid before Parliament under section 90(4) of the [Justice \(Northern Ireland\) Act 2002](#), for approval by resolution of each House of Parliament*

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DRAFT STATUTORY RULES OF NORTHERN IRELAND

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**2004 No.**

**JUSTICE**

**Lay Magistrates (Eligibility) (Northern Ireland) Order 2004**

*Made - - - - 2004  
Coming into operation in accordance with Article 1(1)  
of this Order*

The Lord Chancellor, in exercise of the powers conferred on him by sections 9(4), (5) and (6) of the [Justice \(Northern Ireland\) Act 2002](#)(1) and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been approved by each House of Parliament:

**Title, commencement and interpretation**

1.—(1) This Order may be cited as the Lay Magistrates (Eligibility) (Northern Ireland) Order 2004 and shall come into operation on the same day as section 9(1) of the [Justice \(Northern Ireland\) Act 2002](#) comes into force.

(2) In this Order –

“close relative” means, in relation to a particular person, the father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law or step child of that person and any such relative of a person who is a partner of that person; and

“partner” means, in relation to a particular person, another person (whether of a different sex or the same sex) who is not a close relative, but with whom that person is living in an enduring family relationship.

**Eligibility of persons for appointment as Lay Magistrates**

2. Unless the Lord Chancellor otherwise determines in the case of a particular person, no person shall be appointed to be a Lay Magistrate –

(a) if he does not reside or work in, or within 15 miles of, the county court division to which the appointment relates;

(b) if he is a member of –

- (i) the House of Commons or the House of Lords,
  - (ii) the European Parliament,
  - (iii) the Scottish Parliament,
  - (iv) the National Assembly for Wales,
  - (v) the Northern Ireland Assembly, or
  - (vi) either House of the Irish Parliament;
- (c) if he has been selected (whether formally or informally) as a prospective candidate for election to any such House, Parliament or Assembly;
- (d) if he is employed as a paid agent of a political party seeking representation in any such House, Parliament or Assembly;
- (e) if he is –
- (i) a member of the Police Service of Northern Ireland<sup>(2)</sup>,
  - (ii) a member of the Police Service of Northern Ireland Reserve<sup>(3)</sup>,
  - (iii) a member of the Northern Ireland Policing Board<sup>(4)</sup>,
  - (iv) an employee of the Northern Ireland Policing Board,
  - (v) the Police Ombudsman for Northern Ireland<sup>(5)</sup>,
  - (vi) an employee of the Police Ombudsman for Northern Ireland,
  - (vii) the Director of the Assets Recovery Agency<sup>(6)</sup>,
  - (viii) a member of staff of the Assets Recovery Agency (including its deputy Director and assistant Director),
  - (ix) the Director, or deputy Director of Public Prosecutions for Northern Ireland<sup>(7)</sup>,
  - (x) a member of staff of the Director of Public Prosecutions for Northern Ireland,
  - (xi) a member of Her Majesty’s Regular Armed Forces,
  - (xii) a member of staff of the Northern Ireland Prison Service,
  - (xiii) a member of staff of the Youth Justice Agency,
  - (xiv) a member of the Probation Board for Northern Ireland<sup>(8)</sup>,
  - (xv) a member of staff of the Probation Board for Northern Ireland,
  - (xvi) a practising barrister or solicitor,
  - (xvii) a member of the panel of guardians ad litem appointed under the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996<sup>(9)</sup>;
- (f) if he is the spouse or partner of –
- (i) a member of the Police Service of Northern Ireland,
  - (ii) a member of the Police Service of Northern Ireland Reserve,
  - (iii) a member of the Northern Ireland Policing Board,
  - (iv) an employee of the Northern Ireland Policing Board,

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(2) Section 1(1) of the Police (Northern Ireland) Act 2000 (c. 32)

(3) Section 1(3) of the Police (Northern Ireland) Act 2000 (c. 32)

(4) Section 2 of the Police (Northern Ireland) Act 2000 (c. 32)

(5) Section 51 of the Police (Northern Ireland) Act 1998 (c. 32)

(6) Section 1 of the Proceeds of Crime Act 2002 (c. 29)

(7) Article 4 of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I.1972/538 (N.I. 1))

(8) Article 3 of the Probation Board (Northern Ireland) Order 1982 (S.I. 1982/713 (N.I. 10))

(9) Regulation 4 of the Guardians Ad Litem (Panel) Regulation (Northern Ireland) 1996 (S.R. 1996 No. 128)

- (v) the Police Ombudsman for Northern Ireland,
  - (vi) an employee of the Police Ombudsman for Northern Ireland,
  - (vii) the Director of the Assets Recovery Agency,
  - (viii) a member of staff of the Assets Recovery Agency (including its deputy Director and assistant Director),
  - (ix) the Director, or deputy Director of Public Prosecutions for Northern Ireland,
  - (x) a member of staff of the Director of Public Prosecutions for Northern Ireland,
  - (xi) a member of Her Majesty's Regular Armed Forces,
  - (xii) a member of staff of the Northern Ireland Prison Service,
  - (xiii) a member of staff of the Youth Justice Agency,
  - (xiv) a member of the Probation Board for Northern Ireland,
  - (xv) a member of the panel of guardians ad litem appointed under the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996;
- (g) if he is a close relative of –
- (i) the Police Ombudsman for Northern Ireland,
  - (ii) the Director, deputy Director, or assistant Director of the Assets Recovery Agency,
  - (iii) the Director, or deputy Director of Public Prosecutions for Northern Ireland;
- (h) if he, his spouse or partner is a former –
- (i) member of the Police Service of Northern Ireland,
  - (ii) member of the Police Service of Northern Ireland Reserve,
  - (iii) member of the Northern Ireland Policing Board,
  - (iv) Police Ombudsman for Northern Ireland,
  - (v) Director of the Assets Recovery Agency,
  - (vi) member of staff of the Assets Recovery Agency (including its deputy Director and assistant Director),
  - (vii) Director, or deputy Director of Public Prosecutions for Northern Ireland,
  - (viii) member of staff of the Director of Public Prosecutions for Northern Ireland,
  - (ix) member of staff of the Northern Ireland Prison Service,
  - (x) member of staff of the Youth Justice Agency,
- unless a period of more than two years has elapsed since that person ceased to hold such an office or have such an occupation;
- (i) if a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
  - (j) if he has been convicted of an offence punishable by a term of imprisonment.

Dated 2004.

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order provides that, unless the Lord Chancellor otherwise determines in the case of a particular person, a person will not be eligible for appointment as a Lay Magistrate under section 9(1) of the [Justice \(Northern Ireland\) Act 2002](#) if –

- (1) he does not reside or work in (or within 15 miles of) the county court division to which the appointment relates (Article 2(a));
- (2) he is the holder of a specified office or has a specified occupation (Article 2(b) – (e));
- (3) certain persons related to or connected with him hold a specified office or have a specified occupation (Article 2(f) and (g));
- (4) he or certain persons related to or connected with him have held a specified office or specified occupation in a preceding two year period (Article 2(h));
- (5) a bankruptcy order has been made against him or his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors (Article 2(i)); or
- (6) he has been convicted of an offence punishable by a term of imprisonment (Article 2(j)).