

Status: Point in time view as at 01/09/2005.

Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2002, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 3

JUDICIAL APPOINTMENTS COMMISSION

Members' tenure

1 [F¹(1) Subject as follows, a judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).

(1A) A person may not be appointed as a judicial member for more than five years at a time; and the aggregate period for which a person may be a judicial member by virtue of his holding any one of the judicial offices mentioned in section 3(6) must not exceed ten years.]

(2) The [F²Lord Chancellor], acting jointly, may terminate the membership of a judicial member on the recommendation of the Lord Chief Justice.

(3) A judicial member may resign by notice in writing to the [F³Lord Chancellor].

Textual Amendments

F1 Sch. 2 para. 1(1)(1A) substituted (15.6.2005) for Sch. 2 para. 1(1) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 2\(2\), 19\(1\)](#); [S.R. 2005/282, art. 3](#)

F2 Words in Sch. 2 para. 1(2) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(2\)](#); [S.R. 2005/282, art. 3](#)

F3 Words in Sch. 2 para. 1(3) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(3\)](#); [S.R. 2005/282, art. 3](#)

2 (1) Subject as follows, a non-judicial member of the Commission holds office for the period specified in his appointment (or re-appointment).

(2) A person may not be appointed as a non-judicial member for more than five years at a time; and the aggregate period for which a person may be a non-judicial member must not exceed ten years.

(3) A non-judicial member may resign by notice in writing to the [F⁴Lord Chancellor].

(4) The [F⁵Lord Chancellor] may dismiss a non-judicial member if satisfied that—

- (a) he has without reasonable excuse failed to exercise his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal,
- (b) he has been convicted of a criminal offence,
- (c) 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
- (d) he is otherwise unable or unfit to exercise his functions.

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Textual Amendments

- F4** Words in Sch. 2 para. 2(3) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(4); S.R. 2005/282, art. 3
- F5** Words in Sch. 2 para. 2(4) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(5); S.R. 2005/282, art. 3

Salary etc. of non-judicial members

- 3 The Commission must pay to or in respect of each non-judicial member of the Commission any such salary or allowances as the [^{F6}Lord Chancellor] may determine.

Textual Amendments

- F6** Words in Sch. 2 para. 3 substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(6); S.R. 2005/282, art. 3

Staff

- 4 (1) The Commission may employ staff, but subject to the approval of the [^{F7}Lord Chancellor] as to—
- (a) numbers,
 - (b) salary, and
 - (c) other terms of employment.
- (2) The Commission may make arrangements for securing the provision to it of such assistance by persons employed in—
- (a) the civil service of the United Kingdom,
 - (b) the civil service of Northern Ireland, or
 - (c) the Court Service,
- as it considers appropriate for or in connection with the exercise of its functions.
- [^{F8}(3) Employment as a member of staff of the Commission is among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply: and, accordingly, in Schedule 1 to that Act (employments, etc, to which section 1 can apply), at the appropriate place in the list of “Royal Commissions and other Commissions” insert— Northern Ireland Judicial Appointments Commission.]

Textual Amendments

- F7** Words in Sch. 2 para. 4(1) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(7); S.R. 2005/282, art. 3
- F8** Sch. 2 para. 4(3) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(8); S.R. 2005/282, art. 3

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Annual report

- 5
- (1) The Commission must, as soon as possible after the end of each financial year, prepare a report on how it has exercised its functions during the financial year.
 - (2) Each annual report must include information about the persons who have applied to be, and the persons who have been, selected to be appointed or recommended for appointment by the Commission during the financial year to which it relates.
 - (3) The information to be included about any persons in an annual report must include information about their gender, age, ethnic origins and community background and the part of Northern Ireland (if any) with which they regard themselves as being most closely associated.
 - (4) But an annual report must not identify any person or include information from which the identity of any person could be readily ascertained.
 - (5) The Commission must send a copy of each annual report to the [^{F9}Lord Chancellor].
 - (6) The [^{F10}Lord Chancellor must lay before each House of Parliament] a copy of each annual report received by [^{F11}him] under sub-paragraph (5).
 - (7) After a copy of a report has been laid before [^{F12}each House of Parliament], the Commission must arrange for it to be published.
 - (8) In this paragraph “financial year” means—
 - (a) the period beginning with the day on which section 3 comes into force and ending with the first 31st March which falls at least six months after that day, and
 - (b) each subsequent period of twelve months beginning with 1st April.

Textual Amendments

- F9** Words in Sch. 2 para. 5(5) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(9); S.R. 2005/282, art. 3
- F10** Words in Sch. 2 para. 5(6) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(10); S.R. 2005/282, art. 3
- F11** Words in Sch. 2 para. 5(6) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(10); S.R. 2005/282, art. 3
- F12** Words in Sch. 2 para. 5(7) substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(11); S.R. 2005/282, art. 3

Financial provisions

- 6 The [^{F13}Lord Chancellor] may make grants to the Commission.

Textual Amendments

- F13** Words in Sch. 2 para. 6 substituted (15.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 1, 19(1), Sch. 1 para. 5(12); S.R. 2005/282, art. 3

- 7
- (1) The Commission must—
 - (a) keep proper accounts and proper financial records, and

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- (b) prepare in respect of each financial year a statement of accounts.
- (2) The statement of accounts must—
 - (a) contain such information, and
 - (b) be in such form,
 as the ^{F14}Lord Chancellor directs].
- ^{F15}(3) The Commission must send copies of the statement of accounts relating to a financial year to—
 - (a) the Lord Chancellor, and
 - (b) the Comptroller and Auditor General,
 within such period after the end of the financial year as the Lord Chancellor directs.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the statement of accounts, and
 - (b) lay a copy of the statement of accounts and of his report on it before each House of Parliament.]

Textual Amendments

- F14** Words in [Sch. 2 para. 7\(2\)](#) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(13\); S.R. 2005/282, art. 3](#)
- F15** [Sch. 2 para. 7\(3\)\(4\)](#) substituted (15.6.2005) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 1, 19\(1\), Sch. 1 para. 5\(14\); S.R. 2005/282, art. 3](#)

Committees and sub-committees

- 8 (1) The Commission may establish committees.
- (2) Any committee of the Commission may establish sub-committees.
- (3) A committee or sub-committee may consist of or include persons who are not members of the Commission.
- (4) The Commission may pay to or in respect of any member of a committee or sub-committee who is neither a member of the Commission nor a member of staff of the Commission any such salary or allowances as the Commission may determine.

Proceedings

- 9 The Commission may regulate—
 - (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of its committees and their sub-committees.
- 10 The validity of any proceedings of the Commission, or of any of its committees or their sub-committees, is not affected by—
 - (a) any vacancy amongst the members, or
 - (b) any defect in the appointment of a member.

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Delegation

- 11 (1) The Commission may delegate any of its functions (to such extent as it determines) to any of its committees.
- (2) A committee to which a function has been delegated may further delegate it (to such extent as it determines) to a sub-committee.
- 12 If the function of selecting a person for appointment, or recommendation for appointment, to an office is delegated to a committee or sub-committee, the committee or sub-committee must include a member of the Commission and, unless he is a lay member, a person who is eligible to be a lay member.

Miscellaneous

- 13 (1) The Commission is not to be regarded—
- (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Commission's property is not to be regarded as property of, or held on behalf of, the Crown.
- 14 The Commission may do anything, apart from borrowing money, which it considers is—
- (a) appropriate for facilitating, or
 - (b) incidental or conducive to,
- the exercise of its functions.
- 15 The application of the seal of the Commission is to be authenticated by the signature of any member, or member of staff, of the Commission who has been authorised (whether generally or specially) for the purpose.
- 16 Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Commission by any person who has been authorised (whether generally or specially) for the purpose.
- 17 A document purporting to be—
- (a) duly executed by the Commission under its seal, or
 - (b) signed on its behalf,
- is to be received in evidence and is, unless the contrary is proved, to be taken to be so executed or signed.

Disqualification

- 18 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”
- 19 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified), insert (at the appropriate place in alphabetical order)—
- “The Northern Ireland Judicial Appointments Commission.”

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Freedom of information

20 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities), insert (at the appropriate place in alphabetical order)—

“The Northern Ireland Judicial Appointments Commission.”

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