

*Status: Point in time view as at 13/06/2005. This version of this schedule contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2002, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

VALID FROM 12/04/2010

### SCHEDULE 3

Section 5

#### APPOINTMENT TO LISTED JUDICIAL OFFICES

##### *Temporary High Court judges*

- 1 In section 7(3) of the Judicature (Northern Ireland) Act 1978 (c. 23) (appointment of temporary High Court judges)—
- (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”, and
  - (b) for “he may” substitute “ they may, acting jointly, ”.

##### *County court judges and deputy county court judges*

- 2 The County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)) has effect subject to the following amendments.
- 3 In section 102(1) (appointment of county court judges), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.
- 4 (1) Section 107 (deputy county court judges) is amended as follows.
- (2) In subsection (1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (3) In subsection (3)—
- (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”, and
  - (b) for “he thinks” substitute “ they think ”.
- 5 In section 134 (evidence of health of person recommended for appointment as county court judge), for “Lord Chancellor shall take steps to satisfy himself” substitute “ First Minister and deputy First Minister shall take steps to satisfy themselves ”.
- 6 After section 136 insert—

#### **“136A Charges on Northern Ireland Consolidated Fund**

There shall be charged on and paid out of the Consolidated Fund of Northern Ireland the salaries payable to judges under section one hundred and six.”

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PROSPECTIVE

*Resident magistrates and deputy resident magistrates*

- 7 The Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.)) has effect subject to the following amendments.

PROSPECTIVE

- 8 In section 9(1) (appointment of resident magistrates), for "Lord Chancellor" substitute "First Minister and deputy First Minister, acting jointly".

PROSPECTIVE

- 9 In section 10(1) (appointment of deputy resident magistrates)—
- (a) for "The Lord Chancellor" substitute "The First Minister and deputy First Minister, acting jointly,"
  - (b) for "the Lord Chancellor", in the first place, substitute "they", and
  - (c) for the words from "such conditions" to the end substitute—
    - "(a) such terms and conditions relating to removal from office as the First Minister and deputy First Minister, acting jointly, may determine; and
    - (b) such other terms and conditions, including as to remuneration and superannuation, as the Lord Chancellor may determine."

PROSPECTIVE

- 10 In section 168(2) (payment of salaries), for "the United Kingdom" substitute "Northern Ireland".

PROSPECTIVE

*Coroners and deputy coroners*

- 11 The Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) has effect subject to the following amendments.

PROSPECTIVE

- 12 In section 1 (administration of matters relating to coroners), for "The Lord Chancellor" substitute "Subject to the provisions of this Act, the First Minister and deputy First Minister, acting jointly,".

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PROSPECTIVE

13 For section 2(1) substitute—

“(1) The First Minister and deputy First Minister, acting jointly, may appoint one, or more than one, coroner and deputy coroner—

- (a) for such district or districts and on such conditions as to their removal as the First Minister and deputy First Minister may jointly determine; and
- (b) on such other conditions, including as to remuneration and superannuation, as the Lord Chancellor, after consultation with the Treasury, may determine;

and the Lord Chancellor may, in exercise of his powers under section 69 of the Judicature (Northern Ireland) Act 1978 (c. 23), appoint coroner’s officers and other officers to assist such coroners.”

PROSPECTIVE

14 In section 3 (power to amalgamate coroners’ districts), for “Lord Chancellor, as from such date as he” substitute “ First Minister and deputy First Minister, acting jointly, as from such date as they ”.

PROSPECTIVE

15 In section 6(2) (inability or failure of coroner to discharge duties)—

- (a) for “Lord Chancellor may in writing” substitute “ First Minister and deputy First Minister, acting jointly, may in writing ”, and
- (b) for “the Lord Chancellor may specify” substitute “ they may specify ”.

PROSPECTIVE

*Statutory officers and deputies and temporary appointments*

16 The Judicature (Northern Ireland) Act 1978 has effect subject to the following amendments.

PROSPECTIVE

17 (1) Section 70 (appointment of statutory officers) is amended as follows.

(2) For subsection (1) substitute—

“(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the First Minister and deputy First Minister, acting jointly, after consultation with the Lord Chief Justice—

- (a) on such conditions as to their removal as the First Minister and deputy First Minister may jointly determine; and

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(b) on such other conditions, including as to remuneration and superannuation, as the Lord Chancellor may determine with the concurrence of the Treasury;

and persons holding such offices are in this Act referred to as “statutory officers”.

(3) In subsection (3)—

(a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”,

(b) for “he may” substitute “ they may jointly ”, and

(c) for “he considers” substitute “ they consider ”.

(4) In subsection (5), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

(5) In subsection (6), for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.

PROSPECTIVE

18 (1) Section 74 (deputies and temporary appointments) is amended as follows.

(2) In subsection (1)—

(a) for “to the Lord Chancellor” substitute “ to the First Minister and deputy First Minister ”,

(b) for “he” substitute “ they, acting jointly, ”,

(c) for “as the Lord Chancellor” substitute “ as they ”, and

(d) for “thinks” substitute “ think ”.

(3) In subsection (3), for “Lord Chancellor otherwise directs” substitute “ First Minister and deputy First Minister, acting jointly, otherwise direct ”.

PROSPECTIVE

*Chief Social Security Commissioner, Social Security Commissioners and deputy Social Security Commissioners for Northern Ireland*

19 (1) Section 50 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (appointment of Social Security Commissioners for Northern Ireland) is amended as follows.

(2) In subsection (1)—

(a) after “time to time” insert “ , on the recommendation of the First Minister and deputy First Minister, acting jointly, ”, and

(b) for the words from “such number” to the end substitute “ other Social Security Commissioners. ”

(3) In subsection (2)—

(a) for “Lord Chancellor considers” substitute “ First Minister and deputy First Minister consider ”,

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- (b) for “he should” substitute “ they should ”,
- (c) for “he may” substitute “ they may jointly ”, and
- (d) for “Lord Chancellor thinks” substitute “ First Minister and deputy First Minister think ”.

PROSPECTIVE

*Chief Child Support Commissioner, Child Support Commissioners and deputy Child Support Commissioners for Northern Ireland*

- 20 The Child Support Act 1991 (c. 48) has effect subject to the following amendments.

PROSPECTIVE

- 21 In section 23(1) (appointment of Child Support Commissioners for Northern Ireland)—
- (a) after “time to time” insert “ , on the recommendation of the First Minister and deputy First Minister, acting jointly, ”, and
  - (b) for the words from “such number” to the end substitute “ other Child Support Commissioners. ”

- 22 In paragraph 8(d) of Schedule 4 (application of provisions relating to Child Support Commissioners to Northern Ireland)—
- (a) before paragraph (i) insert—
    - “(ai) in sub-paragraph (1), for “Lord Chancellor” there were substituted “First Minister and deputy First Minister, acting jointly,”;”
- and
- (b) after paragraph (i) insert—
    - “(ia) in paragraph (b) of sub-paragraph (2), for “Lord Chancellor thinks” there were substituted “First Minister and deputy First Minister think”;

PROSPECTIVE

*President and members of appeal tribunals*

- 23 The Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) has effect subject to the following amendments.

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PROSPECTIVE

24 In Article 6(1) (appointment of the President of appeal tribunals), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

PROSPECTIVE

- 25 (1) Article 7 (appointment of panel of persons to act as members of appeal tribunals) is amended as follows.
- (2) In paragraph (1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (3) In paragraph (2), for “Lord Chancellor thinks” substitute “ First Minister and deputy First Minister think ”.
- (4) In paragraph (3), for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.
- (5) In paragraph (4), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

PROSPECTIVE

*Chairmen of Social Care Tribunals in Northern Ireland*

26 <sup>F1</sup> .....

**Textual Amendments**

**F1** Sch. 3 para. 26 repealed (1.4.2005) by [The Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(2), [Sch. 5](#); S.R. 2005/44, [art. 3](#), Sch. 1

PROSPECTIVE

27 <sup>F2</sup> .....

**Textual Amendments**

**F2** Sch. 3 para. 27 repealed (1.4.2005) by [The Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(2), [Sch. 5](#); S.R. 2005/44, [art. 3](#), Sch. 1

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PROSPECTIVE

28 F3 .....

**Textual Amendments**

**F3** Sch. 3 para. 28 repealed (1.4.2005) by [The Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431 \(N.I. 9\)\)](#), arts. 1(3), 50(2), [Sch. 5](#); [S.R. 2005/44](#), [art. 3](#), Sch. 1

PROSPECTIVE

*President and Vice President of the Industrial Tribunals and the Fair Employment Tribunal and chairmen of the Fair Employment Tribunal*

- 29 (1) Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21)) (appointment of President and Vice-President of the Industrial Tribunals and the Fair Employment Tribunal and of chairmen of the Fair Employment Tribunal) is amended as follows.
- (2) In paragraph (1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (3) In paragraph (3), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (4) In paragraph (6), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.

PROSPECTIVE

30 The Fair Employment Tribunal Regulations (Northern Ireland) 1989 (S.R. 1989 No. 444) have effect subject to the following amendments.

PROSPECTIVE

31 In regulation 2(2), in the definitions of “the President” and “the Vice-President”, for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.

PROSPECTIVE

32 In regulation 4(1) (resignation of chairmen of the Fair Employment Tribunal for Northern Ireland), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.

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PROSPECTIVE

- 33 In regulation 2(2) of the Fair Employment Tribunal (Rules of Procedure) Regulations 1989 (S.R. 1989 No. 445), in the definitions of “the President” and “Vice-President”, for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.

PROSPECTIVE

*President and other members of the Lands Tribunal for Northern Ireland*

- 34 The Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.)) has effect subject to the following amendments.

PROSPECTIVE

- 35 In section 1(2) (appointment of President and other members), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly ”.

PROSPECTIVE

- 36 In section 3(1) and (2) (appointment of deputy President and temporary members), for “Governor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

PROSPECTIVE

*President and chairmen of Special Educational Needs Tribunal for Northern Ireland*

- 37 (1) Article 22 of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1)) (appointment of President and chairmen of Special Educational Needs Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph (2)—
- (a) for “Lord Chancellor;” substitute “ First Minister and deputy First Minister, acting jointly; ”, and
- (b) for “Lord Chancellor of” substitute “ First Minister and deputy First Minister, acting jointly, of ”.
- (3) In paragraph (3)(a), for “Lord Chancellor considers” substitute “ First Minister and deputy First Minister consider ”.
- (4) In paragraph (4)(b), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.



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PROSPECTIVE

*Members of tribunal established under section 91 of the Northern Ireland Act 1998*

- 38 (1) Schedule 11 to the Northern Ireland Act 1998 (c. 47) (tribunal established under section 91 of that Act) is amended as follows.
- (2) In paragraph 2(1), for “Lord Chancellor as he” substitute “ First Minister and deputy First Minister, acting jointly, as they ”.
- (3) In paragraph 2(3), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (4) In paragraph 3(1), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (5) In paragraph 3(4), for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (6) In paragraph 4—
- (a) for “Lord Chancellor” (in each place) substitute “ First Minister and deputy First Minister ”,
  - (b) for “he may determine” (in each place) substitute “ they may determine ”,
  - (c) in sub-paragraph (2), for “he thinks fit” substitute “ they think fit ”, and
  - (d) in sub-paragraph (3), for “he may pay” substitute “ they may pay ”.

PROSPECTIVE

*Members of the Mental Health Review Tribunal for Northern Ireland*

- 39 (1) Schedule 3 to the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/ 595 (N.I. 4)) (Mental Health Review Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph 1—
- (a) for “appointed by the Lord Chancellor” (in each place) substitute “ appointed by the First Minister and deputy First Minister, acting jointly, ”, and
  - (b) for “Lord Chancellor considers” (in both places) substitute “ First Minister and deputy First Minister consider ”.
- (3) In paragraph 2, for “Lord Chancellor” substitute “ Office of the First Minister and deputy First Minister ”.
- (4) In paragraph 3, for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.

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PROSPECTIVE

*Lay magistrates*

40 This Act has effect subject to the following amendments.

PROSPECTIVE

- 41 (1) Section 9 is amended as follows.
- (2) In subsections (1), (3) and (4), for “Lord Chancellor” substitute “ First Minister and deputy First Minister, acting jointly, ”.
- (3) In subsection (2), for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”.
- (4) In subsection (5), for “Lord Chancellor otherwise determines” substitute “ First Minister and deputy First Minister, acting jointly, otherwise determine ”.
- (5) In subsection (11)—
- (a) for “Lord Chancellor” substitute “ First Minister and deputy First Minister ”, and
- (b) for “he may” substitute “ they may jointly ”.

PROSPECTIVE

- 42 (1) Section 90 is amended as follows.
- (2) In subsection (2), after “2(2)(b)” insert “ or 9(4) ”.
- (3) In subsection (4), omit “9(4),”.

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