

Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2002, Paragraph 1B. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 3A

THE NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

Textual Amendments

- F1** Sch. 3A inserted (25.9.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 124, 148, [Sch. 15](#); S.I. 2006/1537, [art. 3](#)

[^{F2}Persons whom the Ombudsman must not direct

Textual Amendments

- F2** Sch. 3A paras. 1-1C and cross-headings substituted for Sch. 3A para. 1 (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, [Sch. 6 para. 4](#)

- 1B (1) The Ombudsman must not direct a person under paragraph 1A if either sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies where—
- (a) the person is employed in the civil service of the State;
 - (b) the person is a member of the House of Commons;
 - (c) the person is a member of the Northern Ireland Assembly;
 - (d) the person is engaged in political activity as a member of a political party;
 - (e) the person has ever been any of these—
 - (i) a practising barrister in England and Wales;
 - (ii) a practising solicitor of the Senior Courts of England and Wales;
 - (iii) a practising advocate in Scotland;
 - (iv) a practising solicitor in Scotland;
 - (v) a practising member of the Bar of Northern Ireland;
 - (vi) a practising solicitor of the Court of Judicature of Northern Ireland;
 - (vii) the holder of a listed judicial office.
- (3) This sub-paragraph applies where the Ombudsman considers—
- (a) that the person has exercised functions that appear to be of a judicial nature and such as to make it inappropriate for the person to exercise specified functions; or
 - (b) that past service in a capacity mentioned in sub-paragraph (5) make it inappropriate for the person to exercise specified functions.
- (4) As part of the considerations under sub-paragraph (3), the Ombudsman may consult the Department of Justice.

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- (5) The service referred to in sub-paragraph (3)(b) is service as any of these—
- (a) a Commissioner;
 - (b) a member of staff of the Commission;
 - (c) a person employed in the civil service of the State.]]

Changes to legislation:

There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2002, Paragraph 1B.