



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 1

#### THE JUDICIARY

##### *Appointment and removal*

#### <sup>x19</sup> Lay magistrates

- (1) The Lord Chancellor must, for each county court division, appoint persons to be lay magistrates for the division.
- (2) A person may not be appointed to be a lay magistrate unless—
  - (a) he has completed a course of training [<sup>F1</sup>approved by the Lord Chief Justice after consultation with the Lord Chancellor, or]
  - (b) he has given an undertaking in writing to attend such a course of training.
- (3) It is a condition of the appointment of a person under subsection (2)(b) that he will complete such a course of training within the period of one year beginning with the date of his appointment or [<sup>F2</sup>such longer period as the Lord Chief Justice may, after consulting the Lord Chancellor, allow.]
- (4) The Lord Chancellor may [<sup>F3</sup>, after consultation with the Lord Chief Justice,] by order make further provision about eligibility for appointment to be a lay magistrate.
- (5) The provision which may be made by an order under subsection (4) includes (in particular) provision that a person may not be appointed to be a lay magistrate—
  - (a) if he does not reside or work in, or within a prescribed distance of, the county court division to which the appointment relates,
  - (b) if he, or a person related to or otherwise connected with him in a prescribed manner, holds an office of a prescribed description, has an occupation of a prescribed description or has been selected as a candidate for election to a prescribed body,

*Status: Point in time view as at 01/03/2010. This version of this provision has been superseded.*

*Changes to legislation: Justice (Northern Ireland) Act 2002, Section 9 is up to date with all changes known to be in force on or before 01 July 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)*

- (c) 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
- (d) if he has been convicted of a prescribed offence,
- unless <sup>F4</sup>, after consultation with the Lord Chief Justice,]the Lord Chancellor otherwise determines in the case of a particular person.
- (6) “Prescribed” means prescribed in the order.
- (7) No act by a person appointed to be a lay magistrate is invalidated by reason only that he is not a lay magistrate because he was not eligible to be appointed.
- (8) A lay magistrate ceases to hold office on the day on which he attains the age of 70.
- (9) No act by a person who has been a lay magistrate is invalidated by reason only that he has ceased to hold office under subsection (8).
- (10) <sup>F5</sup> .....
- (11) The Lord Chancellor must pay to lay magistrates any such allowances as he may determine.
- (12) The Lord Chief Justice, Lords Justices of Appeal, judges of the High Court and county court judges may exercise any function of a lay magistrate (in relation to any matter arising within any county court division).
- <sup>F6</sup>(13) .....
- (14) “County court division” means a division specified under Article 3(1) of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)).

#### Editorial Information

- X1** The omission of the cross-heading before s. 9 on 25.9.2006 gives rise to a change in the structure of this legislation on legislation.gov.uk which breaks the continuity of historical versions of s. 9.

#### Textual Amendments

- F1** Words in s. 9(2)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 117\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12
- F2** Words in s. 9(3) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 117\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12
- F3** Words in s. 9(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 117\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12
- F4** Words in s. 9(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 5 para. 117\(5\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12
- F5** S. 9(10) repealed (3.4.2006) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 86, 87\(1\), Sch. 13](#); S.R. 2006/124, [art. 2](#), Sch.
- F6** S. 9(13) repealed (1.3.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 13](#); S.R. 2010/52, [art. 2\(e\)](#)

#### Commencement Information

- I1** S. 9 wholly in force at 1.4.2005: s. 9 not in force at Royal Assent see s. 87: s. 9(4)(5)(6)(14) in force at 15.10.2002 by S.R. 2002/319, [art. 2](#), Sch.; s. 9(1)-(3)(7)-(11)(13) in force at 1.9.2004 by [S.R. 2004/301, art. 2](#); s. 9(12) in force at 1.4.2005 by [S.R. 2005/109, art. 2](#), Sch.

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