



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

Appointment and removal

^{x19} Lay magistrates

- (1) The [^{F1}Commission] 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 [^{F2}approved by the Lord Chief Justice after consultation with the [^{F3}Department of Justice], 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 [^{F4}such longer period as the Lord Chief Justice may, after consulting the [^{F5}Department of Justice], allow.]
- (4) The [^{F6}Department of Justice] may [^{F7}, 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Status: Point in time view as at 12/04/2010. This version of this provision has been superseded.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 03 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 ^{F8}, after consultation with the Lord Chief Justice,]the ^{F9}Department of Justice] 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) ^{F10}
- ^{F11}(11) The ^{F12}Department of Justice] must pay to lay magistrates any such allowances as it 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).
- ^{F13}(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** Word in s. 9(1) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 33\(2\)](#) (with [Sch. 5 para. 16](#)); S.I. 2010/812, art. 2
- F2** 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
- F3** Words in s. 9(2)(a) substituted (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 14\(2\)](#); S.R. 2010/147, art. 2(2)
- F4** 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
- F5** Words in s. 9(3) substituted (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 14\(2\)](#); S.R. 2010/147, art. 2(2)
- F6** Words in s. 9(4) substituted (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 14\(2\)](#); S.R. 2010/147, art. 2(2)
- F7** 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
- F8** 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
- F9** Words in s. 9(5) substituted (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 14\(2\)](#); S.R. 2010/147, art. 2(2)

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- F10** 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.**
- F11** S. 9(11) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 33(4)** (with **Sch. 5 para. 16**); S.I. 2010/812, **art. 2**
- F12** Words in s. 9(11) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 14(2)**; S.R. 2010/147, **art. 2(2)**
- F13** 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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