



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 1

THE JUDICIARY

[^{F1}The Ombudsman

[^{F1}
F2X1]9I

Confidentiality in relation to judicial appointments and discipline

- (1) A person who obtains confidential information, or to whom confidential information is provided, under or for the purposes of a relevant provision must not disclose it except with lawful authority.
- (2) These are the relevant provisions—
 - (a) section 12, 12A and 12B of the Judicature (Northern Ireland) Act 1978 (appointment and removal of Lord Chief Justice, Lords Justices of Appeal and judges of High Court);
 - (b) sections 3, 5, 7 and 9 to 9H of this Act (appointment and removal of judicial officers, and appointment and removal of lay magistrates);
 - (c) sections 134 and 135 of the Constitutional Reform Act 2005 (removal from judicial offices);
 - (d) section 16 of this Act (complaints about judicial officers);
- (3) Information is confidential if it relates to an identified or identifiable individual (a “subject”).
- (4) Confidential information is disclosed with lawful authority only if and to the extent that any of the following applies—
 - (a) the disclosure is with the consent of each person who is a subject of the information (but this is subject to subsection (5));
 - (b) the disclosure is for (and is necessary for) the exercise by any person of functions under a relevant provision or a decision whether to exercise them;

Status: Point in time view as at 25/09/2006. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2002, Section 9I. (See end of Document for details)

- (c) the disclosure is required, under rules of court or a court order, for the purposes of legal proceedings of any description.
- (5) An opinion or other information given by one identified or identifiable individual (A) about another (B)—
 - (a) is information that relates to both;
 - (b) must not be disclosed to B without A's consent.
- (6) This section does not prevent the disclosure with the agreement of the Lord Chancellor and the Lord Chief Justice of information as to disciplinary action taken in accordance with a relevant provision.
- (7) This section does not prevent the disclosure of information which is already, or has previously been, available to the public from other sources.
- (8) A contravention of this section in respect of any information is actionable, subject to the defences and other incidents applying to actions for breach of statutory duty.
- (9) But it is actionable only at the suit of a person who is a subject of the information.]]

Editorial Information

- X1** The insertion of the new heading "The Ombudsman" 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 the existing provisions which are now brought under that new heading.

Textual Amendments

- F1** S. 9A and preceding cross-heading inserted (25.9.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 124\(2\), 148; S.I. 2006/1537, art. 3\(a\)](#)
- F2** By [Constitutional Reform Act 2005 \(c. 4\), ss. 132, 148; S.I. 2005/1431, art. 2\(b\)](#) it is provided (15.6.2005) that s. 9I and the cross-heading following that provision is inserted after s. 9H

Status:

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