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SCHEDULES

VALID FROM 03/04/2006

SCHEDULE 1

Section 12

POWERS TO MAKE RULES

.....

VALID FROM 03/04/2006

SCHEDULE 2

Section 13

POWERS TO GIVE DIRECTIONS

PART 1

THE PROCESS

Interpretation

- 1 In this Part “designated directions” means directions under another Act which are, by virtue of provision in that Act, to be made or given in accordance with this Part.

The process

- 2 (1) It is for the Lord Chief Justice, or a judicial office holder nominated by the Lord Chief Justice with the agreement of the Lord Chancellor, to make or give designated directions.
- (2) The Lord Chief Justice may nominate a judicial office holder in accordance with sub-paragraph (1)—
- (a) to make or give designated directions generally, or
 - (b) to make or give designated directions under a particular enactment.
- (3) In this Part—
- (a) “judicial office holder” has the same meaning as in section 109(4);
 - (b) references to the Lord Chief Justice's nominee, in relation to designated directions, mean a judicial office holder nominated by the Lord Chief Justice under sub-paragraph (1) to make or give those directions.

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- 3
- (1) The Lord Chief Justice, or his nominee, may make or give designated directions only with the agreement of the Lord Chancellor.
 - (2) Sub-paragraph (1) does not apply to designated directions to the extent that they consist of guidance about any of the following—
 - (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
 - (3) Sub-paragraph (1) does not apply to designated directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be made or given only after consulting the Lord Chancellor.
 - (4) If sub-paragraph (1) applies but the Lord Chancellor does not agree designated directions made or given by the Lord Chief Justice, or by his nominee, the Lord Chancellor must give that person written reasons why he does not agree the directions.

PART 2

POWERS OF DIRECTION SUBJECT TO THE PROCESS IN PART 1

Courts-Martial (Appeals) Act 1968 (c. 20)

- 4
- (1) Section 4 of the Courts-Martial (Appeals) Act 1968 is amended as follows.
 - (2) In subsection (1) for “by the Lord Chief Justice with the consent of the Lord Chancellor” substitute “ in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ”.
 - (3) In subsection (2) for “If the Lord Chief Justice so directs” substitute “ If such directions so provide ”.
 - (4) In subsection (3) for “the Lord Chief Justice shall direct” substitute “ such directions may provide ”.

Supreme Court Act 1981 (c. 54)

- 5
- In section 124 of the Supreme Court Act 1981 (place for deposit of original wills and other documents), for “as the Lord Chancellor may direct” substitute “ as may be provided for in directions given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ”.

Civil Procedure Act 1997 (c. 12)

- 6
- For section 5 of the Civil Procedure Act 1997 substitute—

“5 Practice directions

- (1) Practice directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.
- (2) Practice directions given otherwise than under subsection (1) may not be given without the approval of—

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- (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.
- (3) Practice directions (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1, may be provided for by Civil Procedure Rules.
- (4) The power to give practice directions under subsection (1) includes power—
- (a) to vary or revoke directions given by any person;
 - (b) to give directions containing different provision for different cases (including different areas);
 - (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
- (6) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.”

Courts Act 2003 (c. 39)

7 The Courts Act 2003 is amended as follows.

- 8 (1) Section 74 (practice directions as to practice and procedure of criminal courts) is amended as follows.
- (2) In subsection (1) for “The Lord Chief Justice may, with the concurrence of the Lord Chancellor, give directions” substitute “ Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ”.
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than under subsection (1) may not be given without the approval of—
- (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.”
- (4) In subsection (3)(a) for “by the Lord Chief Justice or any other person” substitute “ under subsection (1) or otherwise ”.
- (5) For subsection (4) substitute—
- “(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.

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- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.”
- 9 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.
- (2) In subsection (1) for “The President of the Family Division may, with the concurrence of the Lord Chancellor, give directions” substitute “ Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005 ”.
- (3) In subsection (2) for the words from “may not be given” to the end substitute “given otherwise than under subsection (1) may not be given without the approval of—
- (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.”
- (4) In subsection (3)(a) for “by the President of the Family Division or any other person” substitute “ under subsection (1) or otherwise ”.
- (5) After subsection (3) insert—
- “(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—
- (a) the application or interpretation of the law;
 - (b) the making of judicial decisions.
- (5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—
- (a) after consulting the Lord Chancellor, and
 - (b) with the approval of the Lord Chief Justice.”

VALID FROM 03/04/2006

SCHEDULE 3

Section 14

TRANSFER OF APPOINTMENT FUNCTIONS TO HER MAJESTY

District Judges

- 1 (1) For section 6 of the County Courts Act 1984 (c. 28) substitute—

“6 District judges

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint district judges.

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- (2) The Lord Chief Justice, after consulting the Lord Chancellor—
 - (a) must assign each district judge to one or more districts;
 - (b) may change an assignment so as to assign the district judge to a different district or districts.
 - (3) A reference in any enactment or other instrument to the district judge for a district or of a county court is a reference to any district judge assigned to the district concerned.
 - (4) Every district judge is, by virtue of his office, capable of acting in any district whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.
 - (5) A district judge is to be paid such salary as may be determined by the Lord Chancellor with the concurrence of the Treasury.
 - (6) A salary payable under this section may be increased but not reduced by a determination or further determination under this section.”
- (2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district or districts for which he was appointed.
- 2 (1) For sections 100 and 101 of the Supreme Court Act 1981 (c. 54) substitute—
- “100 District judges**
- (1) The Lord Chief Justice, after consulting the Lord Chancellor—
 - (a) may assign a district judge to one or more district registries;
 - (b) may change an assignment so as to assign the district judge to a different district registry or registries (or to no district registry).
 - (2) A reference in any enactment or other instrument to the district judge of a district registry is a reference to any district judge assigned to the registry concerned.
 - (3) Every district judge is, by virtue of his office, capable of acting in any district registry whether or not assigned to it, but may do so only in accordance with arrangements made by or on behalf of the Lord Chief Justice.
 - (4) Whilst a district judge is assigned to one or more district registries in accordance with subsection (1) he is a district judge of the High Court.”
- (2) That section as substituted applies to a district judge holding office by virtue of an appointment made before the commencement of sub-paragraph (1) as if he had been assigned to the district registry or registries for which he was appointed.
- (3) In section 102 of that Act (deputy district judges) for subsection (4) substitute—
- “(4) A person appointed to be a deputy district judge in a district registry has, while acting under this section, the same jurisdiction as a district judge assigned to that registry.”

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High Court Masters and Registrars

3 (1) Section 89 of the Supreme Court Act 1981 (c. 54) (masters and registrars) is amended as follows.

(2) In subsection (1), for the words from “the Lord Chancellor” to the end substitute “ Her Majesty. ”

(3) After that subsection insert—

“(1A) The maximum number of appointments under subsection (1) is such as may be determined from time to time by the Lord Chancellor with the concurrence of the Treasury.”

(4) For subsection (3) substitute—

“(3) Her Majesty shall, on the recommendation of the Lord Chancellor, appoint a person to each office listed in the first column of the table in subsection (3C) (“a senior office”).

(3A) A person may be appointed to a senior office only if—

- (a) he holds the office in the corresponding entry in the second column of that table (“the qualifying office”), or
- (b) he does not hold the qualifying office but could be appointed to it in compliance with section 88.

(3B) Where a person who is to be appointed to a senior office meets the condition in subsection (3A)(b) he shall, when appointed to the senior office, also be appointed to the qualifying office.

(3C) This is the table referred to in subsections (3) and (3A)—

<i>Senior office</i>	<i>Qualifying office</i>
Senior Master of the Queen's Bench Division	Master of the Queen's Bench Division
Chief Chancery Master	Master of the Chancery Division
Chief Taxing Master	Taxing master of the Senior Courts
Chief Bankruptcy Registrar	Registrar in bankruptcy of the High Court
Senior District Judge of the Family Division	Registrar of the Principal Registry of the Family Division”.

(5) Before subsection (8) insert—

“(7A) A person appointed under subsection (1) is to be paid such salary, and a person appointed to a senior office is to be paid such additional salary, as may be determined by the Lord Chancellor with the concurrence of the Treasury.

(7B) A salary payable under or by virtue of this section—

- (a) may in any case be increased, but
- (b) may not, in the case of a salary payable in respect of an office listed in column 1 of Part 2 of Schedule 2 or of a senior office, be reduced,

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by a determination or further determination under this section.”

Commencement Information

II Sch. 3 para. 3 partly in force; Sch. 3 para. 3 not in force at Royal Assent see s. 148; Sch. 3 para. 3(1)(4) in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 9; Sch. 3 para. 3(2)(3)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 9

4 In section 93(2) of the Mental Health Act 1983 (c. 20) (Court of Protection) for “the Lord Chancellor” substitute “ Her Majesty ”.

Senior District Judge (Chief Magistrate)

5 In section 23 of the Courts Act 2003 (c. 39) (Senior District Judge (Chief Magistrate))—

- (a) for “The Lord Chancellor” substitute “ Her Majesty ”;
- (b) for “he” substitute “ she ”.

6 In section 10A(2) of the Justices of the Peace Act 1997 (c. 25) (until the coming into force of the repeal of that Act by the Courts Act 2003) for “The Lord Chancellor” substitute “ Her Majesty ”.

VALID FROM 01/10/2005

SCHEDULE 4

Section 15

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS
.....

SCHEDULE 5

Section 15

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

VALID FROM 03/04/2006

PART 1

AMENDMENTS

Land Law (Ireland) Act 1896 (c. 47)

1 (1) Section 24 of the Land Law (Ireland) Act 1896 (power to nominate judge to act as additional land judge) is amended as follows.

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- (2) For “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- (3) At the end of the section insert—
- “The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))*
- 2 The Coroners Act (Northern Ireland) 1959 is amended as follows.
- 3 In section 2 (appointment of coroners), after subsection (1) insert—
- “(1A) The Lord Chief Justice must also be consulted before any determination is made under subsection (1) as to numbers of coroners or deputy coroners.
- (1B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1A)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 4 (1) Section 3 (power to amalgamate districts) is amended as follows.
- (2) That section becomes subsection (1) of section 3.
- (3) After that subsection insert—
- “(2) The Lord Chief Justice must be consulted before any date is appointed and before any order is made under subsection (1).
- (3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 5 (1) Section 6 (coroner to hold inquests in district in which he is appointed) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor may” in each place substitute “ Lord Chief Justice may, after consultation with the Lord Chancellor, ”.
- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 6 (1) Section 36 is amended as follows.

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(2) In subsection (1)—

- (a) for “The Lord Chancellor may by rules” substitute “ Rules under this section may ”;
- (b) in paragraph (a) omit “made after consultation with the Treasury,”;
- (c) in paragraph (b) omit “made after consultation with the Lord Chief Justice”.

(3) After subsection (1) insert—

“(1A) It is for the Lord Chancellor to make rules under subsection (1)(a), after consultation with the Treasury.

(1B) It is for the Lord Chief Justice to make rules under subsection (1)(b), in accordance with subsections (1C) to (1G).

(1C) The Lord Chief Justice may make rules under subsection (1)(b) only with the agreement of the Lord Chancellor.

(1D) If the Lord Chancellor does not agree such rules made by the Lord Chief Justice, the Lord Chancellor must give the Lord Chief Justice written reasons why he does not agree the rules.

(1E) Subsection (1F) applies if the Lord Chancellor gives the Lord Chief Justice written notice that he thinks it is expedient for rules under subsection (1)(b) to include provision that would achieve a purpose specified in the notice.

(1F) The Lord Chief Justice must make such rules under subsection (1)(b) as he considers necessary to achieve the specified purpose.

(1G) Those rules must be—

- (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (1E);
- (b) made in accordance with the relevant provisions of this section.

(1H) The Lord Chief Justice may nominate any of the following to exercise his functions under subsections (1B), (1C) and (1F)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

7 The County Courts Act (Northern Ireland) 1959 is amended as follows.

8 In section 102 (appointment and assignment of judges), in subsections (2) and (4) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

9 In section 105 (tenure and oaths of office and retirement of judges), in subsection (4) omit “Lord Chancellor's”.

10 In section 107 (deputy judges), in subsection (4) omit “Lord Chancellor's”.

11 In section 116 (pensions of judges), after subsection (5) insert—

“(5A) The Lord Chancellor must consult the Lord Chief Justice before—

- (a) making a recommendation in a case that falls within subsection (1)(b), or

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(b) requiring a person to resume the duties of judge in accordance with subsection (4).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (5A)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))

12 The Resident Magistrates' Pensions Act (Northern Ireland) 1960 is amended as follows.

13 In section 1 (retiring age of resident magistrates), omit “Lord Chancellor's”.

14 In section 2 (pensions of resident magistrates), after subsection (6) insert—

- “(7) The Lord Chancellor must consult the Lord Chief Justice before—
- (a) satisfying himself as mentioned in subsection (3)(c), or
 - (b) requiring a person to resume the duties of resident magistrate in accordance with subsection (4).

(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (7)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

15 Omit section 11 (resident magistrates already serving).

Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

16 In section 9 of the Magistrates' Courts Act (Northern Ireland) 1964 (appointment and assignment of resident magistrates), in subsections (3) and (5) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

17 In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (terms of appointment of members of Lands Tribunal), in subsection (1) (b) omit “Lord Chancellor's”.

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

18 (1) Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) is amended as follows.

(2) In paragraph 8 (regulations), after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.

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Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))

19 In section 85 of the Land Registration Act (Northern Ireland) 1970, after subsection (2) insert—

“(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(a)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Misuse of Drugs Tribunal (Northern Ireland) Rules 1974 (S.R. 1974/256)

20 (1) Rule 2 of the Misuse of Drugs Tribunal (Northern Ireland) Rules 1974 (interpretation) is amended as follows.

(2) In paragraph (1), in the definition of “the chairman” for “by the Lord Chief Justice of Northern Ireland” substitute “in accordance with paragraph 1(1)(a) of Schedule 3 to the Act”.

Social Security (Northern Ireland) Act 1975 (c. 15)

21 (1) Schedule 10 to the Social Security (Northern Ireland) Act 1975 (supplementary provision as to Local Tribunals, Commissioners etc) is amended as follows.

(2) In paragraph 6 (Commissioners' pensions), after sub-paragraph (1) insert—

“(1ZA) The Lord Chancellor must consult the Lord Chief Justice before satisfying himself as mentioned in sub-paragraph (1)(c).

(1ZB) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (1ZA)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

(3) In paragraph 7 (Commissioners' pensions: supplementary), after sub-paragraph (5) insert—

“(5A) The Lord Chancellor must consult the Lord Chief Justice before requiring a person to resume the duties of Commissioner in accordance with sub-paragraph (5).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (5A)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Judicature (Northern Ireland) Act 1978 (c. 23)

22 The Judicature (Northern Ireland) Act 1978 is amended as follows.

23 (1) Section 7 (further assistance for transaction of judicial business) is amended as follows.

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- (2) In subsections (1) and (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (4) insert—
- “(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 24 (1) Section 47 (exercise of jurisdiction by Crown Court) is amended as follows.
- (2) In subsection (2)—
- (a) for “Lord Chancellor” in the first place substitute “ Lord Chief Justice ”;
- (b) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) In subsection (3) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (4) In subsection (5) after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.
- (5) After subsection (6) insert—
- “(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 25 In section 48 (committal for trial on indictment), in subsection (1)(c) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 26 In section 52 (Crown Court rules), in subsection (1) for the words from the beginning to “prescribing—” substitute—
- “(1) Subject to any statutory provision, Crown Court rules may be made in accordance with section 53A for the purpose of regulating and prescribing—”.
- 27 (1) Section 53 (membership of the Crown Court Rules Committee) is amended as follows.
- (2) In subsection (1)(c) and (d) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) After subsection (1) insert—
- “(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (1)(c) or (d)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 28 After section 53 insert—

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“53A Making of Crown Court rules

- (1) It is for the Crown Court Rules Committee to make Crown Court rules.
- (2) After making Crown Court rules the Committee must submit them to the Lord Chancellor.
- (3) The Lord Chancellor must allow or disallow Crown Court rules submitted to him.
- (4) Crown Court rules have effect only if allowed by the Lord Chancellor.
- (5) If the Lord Chancellor disallows Crown Court rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.
- (6) Subsection (7) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for Crown Court rules to include provision that would achieve a purpose specified in the notice.
- (7) The Committee must make such Crown Court rules as it considers necessary to achieve the specified purpose.
- (8) Those Crown Court rules must be—
 - (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);
 - (b) made in accordance with this section.”

- 29 (1) Section 55 (rules of court) is amended as follows.
- (2) In subsection (1) for the words from the beginning to “with respect to—” substitute—
- “ (1) Subject to any statutory provision, rules may be made in accordance with section 55A with respect to—”.
- (3) In subsection (2) for the words from the beginning to “make rules—” substitute—
- “ (2) Subject to any statutory provision, rules may be made in accordance with section 55A—”.
- (4) In subsection (3) for “made by the Rules Committee” substitute “ made under this section ”.
- 30 After section 55 insert—

“55A Making of rules of Court

- (1) It is for the Rules Committee to make rules under section 55(1) or (2).
- (2) After making such rules the Rule Committee must submit them to the Lord Chancellor.
- (3) The Lord Chancellor must allow or disallow rules submitted to him.
- (4) Rules submitted to the Lord Chancellor have effect only if allowed by him.

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- (5) If the Lord Chancellor disallows rules submitted to him, he must give the Committee written reasons why he has disallowed them.
- (6) Subsection (7) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for rules under section 55(1) or (2) to include provision that would achieve a purpose specified in the notice.
- (7) The Rules Committee must make such rules as it considers necessary to achieve the specified purpose.
- (8) Those rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice under subsection (6);
 - (b) made in accordance with this section.”
- 31 (1) Section 58 (sittings of High Court and Court of Appeal) is amended as follows.
- (2) In subsection (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (3) insert—
- “(4) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 32 (1) Section 60 (taxation of costs) is amended as follows.
- (2) In subsection (1) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”.
- (3) After subsection (2) insert—
- “(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 33 (1) Section 68 (departments of the Supreme Court) is amended as follows.
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) In subsection (4) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (4) After subsection (6) insert—
- “(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 34 In section 71 (tenure of office of statutory officers), in subsection (3) omit “Lord Chancellor's”.

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- 35 (1) Section 75 (Official Solicitor) is amended as follows.
- (2) In subsection (2)(b) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (2) insert—
- “(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)(b)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 36 (1) Section 103 (appointment of justices of the peace) is amended as follows.
- (2) In subsection (6) after “Lord Chancellor” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) In subsection (7) after “Lord Chancellor may direct” insert “ , after consultation with the Lord Chief Justice, ”.
- 37 Omit section 104 (under-sheriffs).
- 38 (1) Section 112 (oaths and affidavits) is amended as follows.
- (2) In subsection (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After subsection (7) insert—
- “(8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 39 In section 119 (making and control of subordinate legislation), in subsection (5) omit “on the Lord Chancellor”.
- 40 (1) Schedule 6 (transitional provisions) is amended as follows.
- (2) Omit paragraph 6(a).
- (3) In paragraph 9(b) after “Lord Chancellor” insert “ after consultation with the Lord Chief Justice ”.
- (4) After paragraph 9 insert—
- “9A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 9—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (5) Omit paragraphs 11(3), 14 and 17.
- Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))*
- 41 (1) Article 48 (the court) is amended as follows.
- (2) In paragraph (1)—

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(a) for “by the Lord Chancellor” substitute “ in accordance with paragraph (1A) ”;

(b) omit the words after sub-paragraph (b).

(3) After paragraph (1) insert—

“(1A) It is for the Lord Chancellor, with the concurrence of the Lord Chief Justice, to make an order such as is mentioned in paragraph (1)(b).”

(1B) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1A)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979 (S.I. 1979/291)

42 (1) Article 7 of the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979 (modifications of section 5 of Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 in application to Northern Ireland) is amended as follows.

(2) After paragraph (1) insert—

“(1A) In subsection (2) for “Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005” substitute “ The Lord Chief Justice of Northern Ireland may, with the concurrence of the Lord Chancellor, make rules ”.

(1B) For subsections (5A) and (5B) substitute—

“(5A) The Lord Chancellor must consult the Lord Chief Justice of Northern Ireland before making rules under subsection (1) that relate to Northern Ireland.”.

(3) In paragraph (2), in subsections (6) and (7) substituted for subsection (6) of the 1951 Act, for “this section” substitute “ subsection (1) ”.

(4) After paragraph (2) insert—

“(3) At the end of that section insert—

“(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”.

Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

43 The Administration of Estates (Northern Ireland) Order 1979 is amended as follows.

44 (1) Article 20 (inheritance tax accounts) is amended as follows.

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- (2) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After paragraph (2) insert—
- “(2A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (2)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 45 (1) Article 23 (keeping and inspection of wills and other documents) is amended as follows.
- (2) In paragraph (1) for “Lord Chancellor” in the second place substitute “ Lord Chief Justice ”.
- (3) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (4) After paragraph (4) insert—
- “(5) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 46 (1) Article 24 (records of grants) is amended as follows.
- (2) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) After paragraph (2) insert—
- “(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 47 (1) Article 26 (copies of wills etc to be delivered to Inland Revenue Commissioners).
- (2) In paragraph (1) for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- (3) After paragraph (1) insert—
- “(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))*
- 48 The County Courts (Northern Ireland) Order 1980 is amended as follows.
- 49 In Article 2 (interpretation), in paragraph (5) omit “on the Lord Chancellor”.

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- 50 In Article 3 (county courts to be held for divisions), in paragraph (1) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
- 51 In Article 4 (directions as to holding of courts), for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- 52 In Article 5 (directions for courts to sit otherwise in courthouses), for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 53 (1) Article 6 (appointment of days for holding of ordinary sittings) is amended as follows.
- (2) In paragraph (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (3) In paragraph (2) for “Lord Chancellor shall consult the Lord Chief Justice and” substitute “ Lord Chief Justice shall consult ”.
- 54 In Article 7 (additional and extraordinary sittings), in paragraphs (1) and (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 55 In Article 22 (power to increase civil jurisdiction of county courts), after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
- 56 In Article 46 (as amended by section 73(2) of the Justice (Northern Ireland) Act 2002), in paragraph (1)(a) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 57 In Article 47 (making of county court rules) for paragraphs (2) and (3) substitute—
- “(2) County court rules must be certified under the hand of the members of the Rule Committee, or any three or more of them.
- (3) After making and certifying county court rules the Rules Committee must submit them to the Lord Chancellor.
- (4) The Lord Chancellor must, after consultation with the Lord Chief Justice, allow or disallow county court rules submitted to him.
- (5) County court rules have effect only if the Lord Chancellor allows them.
- (6) If the Lord Chancellor disallows county court rules, the Lord Chancellor must give the Rules Committee written reasons why he has disallowed them.
- (7) County court rules allowed by the Lord Chancellor shall come into operation on such day as the Lord Chancellor shall direct.
- (8) Paragraph (9) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for county court rules to include provision that would achieve a purpose specified in the notice.
- (9) The Rules Committee must make such county court rules as it considers necessary to achieve the specified purpose.
- (10) Those rules must be—
- (a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (8);
- (b) made in accordance with this Article.”

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- 58 In Article 56 (swearing of affidavits before designated court officer), in subsection (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 59 In Article 58 (furnishing of information by certain officers), at the end insert “ and furnish to the Lord Chief Justice such information as may be prescribed or required by the Lord Chief Justice. ”
- Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5))*
- 60 (1) Article 4 of the Domestic Proceedings (Northern Ireland) Order 1980 (powers of court to make provision for domestic proceedings) is amended as follows.
- (2) In paragraph (3) after “may” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) After paragraph (3) insert—
- “(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (4) In paragraph (4) for the words from the beginning to “under” substitute “ Any order made under ”.
- Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*
- 61 The Magistrates' Courts (Northern Ireland) Order 1981 is amended as follows.
- 62 (1) Article 6A (costs in legal proceedings) is amended as follows.
- (2) In paragraph (4) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) After paragraph (4) insert—
- “(4A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 63 (1) Article 11 (petty sessions and petty sessions districts) is amended as follows.
- (2) In paragraph (2) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.
- (3) In paragraph (3) for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”.
- 64 In Article 12 (holding of petty sessions in courthouse), in paragraph (a) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 65 (1) Article 13 (magistrates' courts rules) is amended as follows.
- (2) In paragraph (1) omit the words from “or as” to “Article 14”.

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	(3) In paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
	(4) For paragraph (3) substitute—
	“(3) It is for the Rules Committee to make such rules as are referred to in paragraph (1) (which may be known as “magistrates' courts rules”).
	(3A) The Rules Committee may make magistrates' courts rules only—
	(a) after consultation with the Lord Chancellor, and
	(b) with the agreement of the Lord Chief Justice.
	(3B) Paragraph (3C) applies if the Lord Chancellor gives the Rules Committee written notice that he thinks it is expedient for magistrates' courts rules to include provision that would achieve a purpose specified in the notice.
	(3C) The Rules Committee must make such magistrates' courts rules as it considers necessary to achieve the specified purpose.
	(3D) Those rules must be—
	(a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (3B);
	(b) made in accordance with this Article.”
	(5) In paragraph (5), after “member of the committee” insert “ as the Lord Chief Justice shall designate ”.
66	Omit Article 14 (recommendations by Rules Committee to Lord Chancellor).
67	In Article 15 (rules under or for the purpose of particular enactments), in paragraph (2) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
68	In Article 37 (discharge or committal for trial), in paragraph (5) omit “Without prejudice to Article 14,”.
69	In Article 168 (directions), omit “on the Lord Chancellor”.
	<i>Pensions Appeal Tribunals (Northern Ireland) Rules 1981 (S.R. 1981/231)</i>
70	The Pensions Tribunals (Northern Ireland) Rules 1981 is amended as follows.
71	In rule 2 (interpretation), in paragraph (1)—
	(a) for the definition of “the Chairman” substitute—
	““the Chairman” means the person who is chairman of a Tribunal in accordance with the Schedule to the Act (including any directions under paragraph 3A of that Schedule)”;
	(b) in the definition of “the Deputy President” omit “by the Lord Chief Justice of Northern Ireland”;
	(c) in the definition of “the President” omit “by the Lord Chief Justice of Northern Ireland”.
72	In rule 2A (functions of the President), in paragraph (2) after “Lord Chief Justice of Northern Ireland” insert “ after consultation with the Lord Chancellor ”.
	<i>Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))</i>
73	The Mental Health (Northern Ireland) Order 1986 is amended as follows.

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- 74 (1) Article 83 (procedure of tribunal) is amended as follows.
- (2) In paragraph (1) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
- (3) After paragraph (1) insert—
- “(1A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (1)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 75 (1) Schedule 3 (Mental Health Review Tribunal for Northern Ireland) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (a) after “suitable” insert “ after consultation with the Lord Chief Justice ”;
- (b) In sub-paragraph (b) and (c) omit “after consultation with the Head of the Department”.
- (3) After paragraph 1 insert—
- “1A (1) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph 1(a)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).
- (2) As part of the selection process for an appointment under paragraph 1(b) or (c) the Northern Ireland Judicial Appointments Commission shall consult the Head of the Department.”
- 76 In Schedule 6 to the Mental Health (Northern Ireland) Order 1986 (transitional provisions), omit paragraph 19.
- Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*
- 77 The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.
- 78 In Article 80A (evidence through live links), in paragraph (6) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice,”.
- 79 In Article 81 (evidence through television links), in paragraph (8) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice,”.
- Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*
- 80 The Insolvency (Northern Ireland) Order 1989 is amended as follows.
- 81 In Article 359 (insolvency rules), after paragraph (1) insert—
- “(1A) Rules that affect court procedure may be made under paragraph (1) only with the concurrence of the Lord Chief Justice.

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- (1B) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (1A)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 82 (1) Article 360 (committee to review insolvency rules) is amended as follows.
- (2) In paragraph (1) for “continue to be a committee appointed by the Lord Chancellor” substitute “be a committee appointed by the Lord Chief Justice”.
 - (3) In paragraph (2)(f) for “Lord Chancellor” substitute “Lord Chief Justice”.
 - (4) After paragraph (2) insert—
 - “(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 83 (1) Article 364 (insolvent partnerships) is amended as follows.
- (2) In paragraph (1) after “concurrence of” insert “the Lord Chief Justice and”.
 - (3) After paragraph (1) insert—
 - “(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 84 (1) Article 365 (insolvent estates of deceased persons) is amended as follows.
- (2) In paragraph (1) after “concurrence of” insert “the Lord Chief Justice and”.
 - (3) After paragraph (1) insert—
 - “(1ZA) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (1)—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))*
- 85 The Child Support (Northern Ireland) Order 1991 is amended as follows.
- 86 (1) Article 10 (role of the courts with respect to maintenance for children) is amended as follows.
- (2) In paragraph (5), after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice,”.
 - (3) After paragraph (5) insert—

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- “(5A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (5)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 87 (1) Article 42 (jurisdiction of courts in certain proceedings under this Order) is amended as follows.
- (2) In paragraphs (1) and (3) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
- (3) In paragraph (4) after “Lord Chancellor considers appropriate” insert “, after consultation with the Lord Chief Justice,”.
- (4) After paragraph (4) insert—
- “(5) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this Article—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- PROSPECTIVE**
- Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))*
- 88 (1) In the Registered Homes (Northern Ireland) Order 1992, Article 30 (constitution of panels for chairmen and members of Social Care Tribunals) is amended as follows.
- (2) In paragraph (3) after “suitable” insert “ after consultation with the Lord Chief Justice ”.
- (3) After paragraph (3) insert—
- “(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- Family Law (Northern Ireland) Order 1993 (S.I. 1993/1575 (N.I. 6))*
- 89 The Family Law (Northern Ireland) Order 1993 is amended as follows.
- 90 (1) Article 12 (family proceedings rules) is amended as follows.
- (2) In paragraph (1) for the words from “which” to “court” substitute “ which may make rules of court in accordance with Article 12A ”.
- (3) In paragraph (3) for “rules of court made under this Article” substitute “ family proceedings rules ”.

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(4) In paragraph (4) for “Rules of court made under this Article” substitute “ Family proceedings rules ”.

(5) In paragraph (5)—

(a) after “this Article” insert “ and Article 12A ”;

(b) at the end insert—

““family proceedings rules” means rules of court made under this Article.”

91 After Article 12 insert—

Making of family proceedings rules

“12A(1) After making family proceedings rules the Committee must submit them to the Lord Chancellor.

(2) The Lord Chancellor may allow or disallow family proceedings rules submitted to him.

(3) Family proceedings rules have effect only if allowed by the Lord Chancellor.

(4) If the Lord Chancellor disallows family proceedings rules, the Lord Chancellor must give the Committee written reasons why he has disallowed them.

(5) Paragraph (6) applies if the Lord Chancellor gives the Committee written notice that he thinks it is expedient for family proceedings rules to include provision that would achieve a purpose specified in the notice.

(6) The Committee must make such family proceedings rules as it considers necessary to achieve the specified purpose.

(7) Those rules must be—

(a) made within a reasonable period after the Lord Chancellor gives notice under paragraph (5);

(b) made in accordance with this Article.”

92 (1) In Schedule 2 (Northern Ireland Family Proceedings Rules Committee), paragraph 2 is amended as follows.

(2) That paragraph becomes sub-paragraph (1) of paragraph 2.

(3) In that sub-paragraph—

(a) in sub-paragraph (c) for “Lord Chancellor after consultation with the Lord Chief Justice” substitute “ Lord Chief Justice ”;

(b) in sub-paragraph (f) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(4) After that sub-paragraph insert—

“(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

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Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))

- 93 The Children (Northern Ireland) Order 1995 is amended as follows.
- 94 In Article 4 (reports on child's welfare), in paragraph (2) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- 95 In Article 60 (representation of child and his interests in certain proceedings), in paragraph (8) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- 96 In Article 166 (appeals), in paragraph (14) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- 97 In Article 169 (evidence given by, or with respect to, children), in paragraph (5) after “Lord Chancellor may” insert “, with the concurrence of the Lord Chief Justice, ”.
- 98 In Article 170 (privacy for children involved in certain proceedings), in paragraph (5) after “requires it” insert “ and if the Lord Chief Justice agrees ”.
- 99 After Article 181 insert—

Delegation of functions by Lord Chief Justice

“181A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise a delegable function—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).

(2) In paragraph (1) “delegable function” means a function under any of these provisions of this Order—

- (a) Article 4(2);
- (b) Article 166(14);
- (c) Article 169(5);
- (d) Article 170(5);
- (e) in Schedule 1, paragraph 6(2);
- (f) in Schedule 7—
 - (i) paragraph 1(1), (2) and (4);
 - (ii) paragraph 2(1) and (5);
 - (iii) paragraph 3;
 - (iv) paragraph 4(4), (6)(a) and (7).”

- 100 In paragraph 6 of Schedule 1 (financial provision for children: provisions relating to lump sums), in sub-paragraph (2) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.

- 101 (1) Schedule 7 (commencement of proceedings) is amended as follows.
- (2) In paragraph 1 (commencement of certain proceedings in particular court), in sub-paragraphs (1), (2) and (4) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- (3) In paragraph 2 (transfer of proceedings)—
- (a) in sub-paragraph (1) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”;

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

(b) in sub-paragraph (5) after “Lord Chancellor thinks appropriate” insert “ , after consultation with the Lord Chief Justice, ”.

(4) In paragraph 3 (emergency protection orders), after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.

(5) In paragraph 4 (general)—

(a) in sub-paragraph (4) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice ”;

(b) in sub-paragraph (6)(a) after “Lord Chancellor considers expedient” insert “ , after consultation with the Lord Chief Justice ”;

(c) in sub-paragraph (7) after “Lord Chancellor by order otherwise provides” insert “ , after consultation with the Lord Chief Justice ”.

Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

102 (1) In the Education (Northern Ireland) Order 1996, Article 22 (constitution of Special Educational Needs Tribunal for Northern Ireland) is amended as follows.

(2) In paragraph (3)(a) after “suitable” insert “ after consultation with the Lord Chief Justice ”.

(3) After paragraph (3) insert—

“(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)

103 (1) The Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 is amended as follows.

(2) In the Schedule, in rule 6 (appointment of tribunal)—

(a) in paragraph (3)(a) omit “but”;

(b) omit paragraph (3)(b).

Northern Ireland Act 1998 (c. 47)

104 The Northern Ireland Act 1998 is amended as follows.

105 In section 90 (effect of certificates), in subsection (2) for “made by the Lord Chancellor” substitute “ made under section 91 ”.

106 (1) Section 91 (the National Security Certificates Tribunal) is amended as follows.

(2) In subsection (2), after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice of Northern Ireland, ”.

(3) After subsection (2) insert—

“(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (2)—

Status: Point in time view as at 25/09/2005.

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- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 107 (1) Section 92 (appeals from the Tribunal) is amended as follows.
- (2) In subsection (3) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice of Northern Ireland, ”.
- (3) After subsection (3) insert—
- “(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (3)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 108 (1) In Schedule 11 (tribunal established under section 91 of the Act), paragraph 5 (times and places of sittings in accordance with directions) is amended as follows.
- (2) That paragraph becomes sub-paragraph (1) of paragraph 5.
- (3) In that sub-paragraph, for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- (4) After that sub-paragraph insert—
- “(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071 (N.I. 6))*
- 109 The Family Homes and Domestic Violence (Northern Ireland) Order 1998 is amended as follows.
- 110 (1) Article 34 (jurisdiction of courts and procedure) is amended as follows.
- (2) In paragraphs (3), (4) and (5) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- (3) In paragraph (7) after “Lord Chancellor thinks appropriate” insert “, after consultation with the Lord Chief Justice, ”.
- (4) In paragraph (9) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice, ”.
- (5) After paragraph (9) insert—
- “(9A) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- 111 (1) Article 39 (appeals) is amended as follows.
- (2) In paragraph (4) after “Lord Chancellor” in each place insert “, after consultation with the Lord Chief Justice, ”.
- (3) In paragraph (11) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice, ”.
- (4) After paragraph (11) insert—
- “(11A) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under paragraph (4) or (11)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9))*
- 112 In Article 27 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (youth courts), in paragraph (3) for “Lord Chancellor” substitute “ Lord Chief Justice ”.
- Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))*
- 113 (1) In the Social Security (Northern Ireland) Order 1998, Article 7 (qualifications for membership of appeal panels) is amended as follows.
- (2) In paragraph (2) for the words from “such” to the end substitute “ persons appointed by the Lord Chancellor ”.
- (3) In paragraph (3) at the end insert “ ; and such concurrence may be given only after consultation with the Lord Chief Justice ”.
- (4) After paragraph (3) insert—
- “(3A) The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph (3)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (3B) As part of the selection process for the appointment of a medical practitioner as a member of the panel, the Northern Ireland Judicial Appointments Commission shall consult the Chief Medical Officer of the Department.”
- Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8))*
- 114 In Article 12 of the Criminal Evidence (Northern Ireland) Order 1999 (evidence by live link), in paragraph (5) after “Lord Chancellor” insert “, after consultation with the Lord Chief Justice, ”.
- Justice (Northern Ireland) Act 2002 (c. 26)*
- 115 (1) The Justice (Northern Ireland) Act 2002 is amended as follows.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- (2) Where the amendment to section 8(7), 24(5) or 43(6) of that Act made by this Schedule comes into force before section 23 of this Act, the reference in that section (as amended by this Schedule) to the President of the Supreme Court has effect, until section 23 comes into force, as a reference to the senior Lord of Appeal in Ordinary.

Commencement Information

- I11** Sch. 5 para. 115 partly in force; Sch. 5 para. 115 not in force at Royal Assent see s. 148; Sch. 5 para. 115(1) in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(c)

PROSPECTIVE

F²116

Textual Amendments

- F2** Sch. 5 para. 116 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 5 para. 6(3); S.I. 2010/812, art. 2

- 117 (1) Section 9 (appointment of lay magistrates) is amended as follows.
- (2) In paragraph (a) of subsection (2) for the words from “approved by” to the end of the paragraph substitute “ approved by the Lord Chief Justice after consultation with the Lord Chancellor, or ”.
- (3) In subsection (3) for the words from “such longer period” to the end substitute “ such longer period as the Lord Chief Justice may, after consulting the Lord Chancellor, allow. ”
- (4) In subsection (4) after “may” insert “ , after consultation with the Lord Chief Justice, ”.
- (5) In subsection (5) after “unless” insert “ , after consultation with the Lord Chief Justice, ”.

118 In section 10 (transfer of functions of justices of the peace), in subsection (4) after “Lord Chancellor may” insert “ , after consultation with the Lord Chief Justice, ”.

119 In section 12 (role of the Lord Chief Justice), omit subsections (2) and (3).

VALID FROM 12/04/2010

- 120 (1) In section 24 (removal of Attorney General), in subsection (5) after “Lord Chancellor” insert “after consultation with all of the following—
- (a) the President of the Supreme Court;
 - (b) the Lord Chief Justice of England and Wales;
 - (c) the Lord President of the Court of Session;
 - (d) the Lord Chief Justice of Northern Ireland”.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

VALID FROM 12/04/2010

- 121 In section 43 (appointment and removal of Director of Public Prosecutions), in subsection (6) after “Lord Chancellor” insert “after consultation with all of the following—
- (a) the President of the Supreme Court;
 - (b) the Lord Chief Justice of England and Wales;
 - (c) the Lord President of the Court of Session;
 - (d) the Lord Chief Justice of Northern Ireland”.
- 122 (1) Schedule 1 (listed judicial offices) is amended as follows.
- (2) After the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” insert—
 “Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))”.
- (3) For the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” and the entry inserted by subparagraph (2) above substitute—
 “Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))”.
- (4) Before the entry “Member of the panel of chairmen of the Fair Employment Tribunal” insert—
 “Member of the panel of chairmen of the Industrial Tribunals”.
- (5) At the end of the Schedule insert—
 “Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)
 Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland
 Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland
 President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland
 Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland
 Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985)
 Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland
 Member of the panel of chairmen of VAT tribunals for Northern Ireland

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970”.

Commencement Information

I12 Sch. 5 para. 122 partly in force; Sch. 5 para. 122 not in force at Royal Assent see s. 148; Sch. 5 para. 122(4) in force for specified purposes at 31.8.2005 by S.I. 2005/2284, art. 2; Sch. 5 para. 122(1)-(3)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(e); Sch. 5 para. 122(5) in force for specified further purposes at 15.6.2006 by S.I. 2006/1537, art. 2

PROSPECTIVE

F³123

Textual Amendments

F3 Sch. 5 para. 123 omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), s. 5(7), Sch. 5 para. 6(3); S.I. 2010/812, art. 2

- 124 (1) Schedule 4 (functions of justices of the peace) is amended as follows.
- (2) In paragraph 4 (amendment of Schedule by order), after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
 - (3) In paragraph 5 (consequential amendments by order) after “Lord Chancellor may” insert “, after consultation with the Lord Chief Justice,”.
 - (4) After paragraph 5 insert—
 - “5A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 4 or 5—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- 125 Omit Schedule 5 (transfer of functions to Lord Chief Justice).
- 126 (1) Schedule 6 (office-holders required to take judicial oath) is amended as follows.
- (2) After the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” insert— “ Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)) ”.
 - (3) For the entry “Member of the legal panel of persons available to act as chairmen of Social Care Tribunals in Northern Ireland” and the entry inserted by subparagraph (2) above substitute— “ Member of the panel of persons who may serve as chairmen of the Care Tribunal established by Article 44 of the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)) ”.
 - (4) Before the entry “Member of the panel of chairmen of the Fair Employment Tribunal” insert— “ Member of the panel of chairmen of the Industrial Tribunals ”.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

(5) At the end of the Schedule insert— “ Member of the panel of persons who may serve as chairmen of a tribunal established for the purposes of the Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269). Chairman of a Tribunal appointed under paragraph 1(1)(a) of Schedule 3 to the Misuse of Drugs Act 1971 in its application to Northern Ireland Member of a Tribunal appointed under paragraph 2(1) of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland President or Deputy President of Pensions Appeal Tribunals appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943 in its application to Northern Ireland Chairman of the Plant Varieties and Seeds Tribunal for the purpose of proceedings brought before it in Northern Ireland Member of the panel of persons to act as chairmen of Reinstatement Committees sitting in Northern Ireland (appointed under paragraph 2(1)(a) of Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985) Member of the panel of persons appointed under section 6(1) of the Tribunals and Inquiries Act 1992 to act as chairmen of tribunals that sit in Northern Ireland Member of the panel of chairmen of VAT tribunals for Northern Ireland General Commissioner for a division in Northern Ireland (appointed under section 2 of the Taxes Management Act 1970) ”.

Commencement Information

I13 Sch. 5 para. 126 partly in force; Sch. 5 not in force at Royal Assent see s. 148; Sch. 5 para. 126(4) in force at 31.8.2005 by S.I. 2005/2284, art. 2; Sch. 5 para. 126(1)(2)(5) in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(g)

VALID FROM 12/04/2010

127 In Schedule 12 (minor and consequential amendments), after paragraph 81 insert—

“Constitutional Reform Act 2005

82 Omit sections 133 to 136 of the Constitutional Reform Act 2005 (judicial removals: Northern Ireland).”

128 (1) Schedule 13 (repeals and revocations) is amended as follows.

(2) Omit—

- (a) the entry relating to the County Courts (Northern Ireland) Order 1980 (1980/397 (N.I. 3));
- (b) the entry relating to Article 168 of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) After the entries relating to the Justice (Northern Ireland) Act 2002 insert—

“Constitutional Reform Act 2005

Sections 133 to 136.”

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Commencement Information

- II4** Sch. 5 para. 128 partly in force; Sch. 5 para. 128 not in force at Royal Assent see s. 148; Sch. 5 para. 128(1)(2) in force at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(h)

Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

- 129 (1) In Schedule 2 to the Health and Personal Social Services (Quality, Improvements and Regulation) (Northern Ireland) Order 2003 (the Care Tribunal), paragraph (1) (composition of Care Tribunal) is amended as follows.
- (2) For sub-paragraph (2)(a) substitute—
- “(a) a chairman nominated from the chairmen's panel by the Lord Chief Justice after consultation with the First Minister and deputy First Minister; and”.
- (3) After sub-paragraph (2) insert—
- “(2A) The Lord Chief Justice may nominate any of the following to exercise his functions under this paragraph—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”
- (4) In paragraph (3) (tenure of office), omit sub-paragraph (3).

PROSPECTIVE

Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2004 (S.R. 2004/165)

- 130 (1) Regulation 5 of the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2004 (panels of chairmen and members of tribunals) is amended as follows.
- (2) In paragraph (1)(a), for “the Department” substitute “ the Lord Chancellor ”.
- (3) In paragraph (2), for “to the Department” substitute “ to the Lord Chancellor, in the case of a member of the panel of chairmen, or to the Department, in any other case, ”.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

VALID FROM 03/04/2006

PART 2

AMENDMENTS RELATING TO ENACTMENTS REPEALED OR AMENDED OTHERWISE THAN BY THIS ACT

Introduction

- 131 (1) This Part of this Schedule contains amendments of or relating to enactments that have already been amended or repealed by provisions of other Acts.
- (2) In each case the amending or repealing provision is specified, in relation to the enactment referred to, as the “original amending provision”.
- (3) An amendment contained in any provision of this Part of this Schedule has effect only until the original amending provision comes fully into force in relation to the enactment referred to in that provision of this Part of this Schedule.

PROSPECTIVE

Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

- 132 (1) Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 (constitution of juvenile courts) is amended as follows.
- (2) In paragraph 1 (juvenile court panels)—
- (a) in sub-paragraph (3) for “Lord Chancellor” in each place substitute “ Lord Chief Justice ”;
- (b) after sub-paragraph (3) insert—
- “(3A) The Lord Chief Justice may approve a course of training, or allow a longer period for completion of a course, only after consultation with the Lord Chancellor.”
- (3) In relation to the enactment referred to in this paragraph, the original amending provision is section 86 of, and Schedule 13 to, the Justice (Northern Ireland) Act 2002 (c. 26).

Administration of Estates (Northern Ireland) Order 1979 (S.I. 1979/1575 (N.I. 14))

- 133 (1) Article 27 of the Administration of Estates (Northern Ireland) Order 1979 (depositories of wills of living persons) is amended as follows.
- (2) That Article becomes paragraph (1) of Article 27.
- (3) In that paragraph, for “the directions of the Lord Chancellor” substitute “ directions given by the Lord Chief Justice with the concurrence of the Lord Chancellor ”.
- (4) After that paragraph insert—

Status: Point in time view as at 25/09/2005.

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“(2) The Lord Chief Justice may nominate any of the following to exercise his functions under this Article—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).”

(5) In relation to the enactment referred to in this paragraph, the original amending provision is section 75 of, and Part 2 of Schedule 9 to, the Administration of Justice Act 1982 (c. 53).

County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 14))

134 (1) Article 46 of the County Courts (Northern Ireland) Order 1980 (county court rules committee) is amended as follows.

(2) In paragraph (1) for “Lord Chancellor” substitute “ Lord Chief Justice ”.

(3) After paragraph (1) insert—

“(1A) The Lord Chief Justice must consult the Lord Chancellor before making an appointment under paragraph (1)(b), (c), (e) or (f).”

(4) In relation to the enactment referred to in this paragraph, the original amending provision is section 73(2) of the Justice (Northern Ireland) Act 2002 (c. 26).

SCHEDULE 6

Section 18

SPEAKERSHIP OF THE HOUSE OF LORDS

Clerk of the Parliaments Act 1824 (c. 82)

1 (1) For the title to section 3 of the Clerk of the Parliaments Act 1824 substitute “ Appointment of other clerks officiating at the table ”.

(2) In section 3 for “the lord chancellor or speaker of the House of Lords for the time being” substitute “ the Speaker of the House of Lords ”.

Parliamentary Papers Act 1840 (c. 9)

2 In section 1 of the Parliamentary Papers Act 1840 (proceedings against persons for publication of Parliamentary papers) for the words from “the lord high chancellor” to “the time being” substitute “ the Speaker of the House of Lords ”.

Church of England Assembly (Powers) Act 1919 (c. 76)

3 In section 2(2) of the Church of England Assembly (Powers) Act 1919 (members of Ecclesiastical Committee of both Houses of Parliament), for “the Lord Chancellor” in both places substitute “ the Speaker of the House of Lords ”.

Status: Point in time view as at 25/09/2005.

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Statutory Instruments Act 1946 (c. 36)

- 4 (1) The Statutory Instruments Act is amended as follows.
- (2) In section 4(1) (statutory instruments required to be laid before Parliament) for “to the Lord Chancellor and to the Speaker of the House of Commons” substitute “to the Speaker of the House of Commons and the Speaker of the House of Lords”.
- (3) In section 8(1) (regulations for the purposes of the Act) for “the Lord Chancellor and the Speaker of the House of Commons” in each place substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.

Laying of Documents Before Parliament (Interpretation) Act 1948 (c. 59)

- 5 (1) For the title to section 2 of the Laying of Documents Before Parliament (Interpretation) Act 1948 substitute “Statutory Instruments Act 1946, s.4: notification during vacancy of office of Speaker of either House”.
- (2) In section 2—
- (a) for “to the Lord Chancellor and to the Speaker of the House of Commons” substitute “to the Speaker of the House of Commons and the Speaker of the House of Lords”;
- (b) for “of the Lord Chancellor or of the Speaker” substitute “of the Speaker of the House of Commons or the Speaker of the House of Lords”.

Consolidation of Enactments (Procedure) Act 1949 (c. 33)

- 6 (1) Section 1 of the Consolidation of Enactments (Procedure) Act 1949 (procedure for making corrections and minor improvements) is amended as follows.
- (2) In subsection (3) for “the Lord Chancellor and the Speaker of the House of Commons” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.
- (3) In subsection (4)—
- (a) for “the Lord Chancellor and the Speaker” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”;
- (b) for “of the Lord Chancellor and of the Speaker” substitute “of the Speaker of the House of Commons and the Speaker of the House of Lords”.
- (4) In subsection (5) for “the Lord Chancellor nor the Speaker” substitute “the Speaker of the House of Commons nor the Speaker of the House of Lords”.
- (5) In subsections (6) and (7) for “of the Lord Chancellor and of the Speaker” substitute “of the Speaker of the House of Commons and the Speaker of the House of Lords”.

Exchequer and Audit Departments Act 1957 (c. 45)

- 7 In section 2 of the Exchequer and Audit Departments Act 1957 (performance of Comptroller's functions by authorised officer), for subsection (3)(a) substitute—
- “(a) shall extend only to accounts in respect of which (as the case may be)—
- (i) the Speaker of the House of Commons has certified to the House of Commons, or

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(ii) the Speaker of the House of Commons has certified to the House of Commons and the Speaker of the House of Lords has certified to the House of Lords, that the Comptroller is unable to do so himself; and”.

Ministerial and other Salaries Act 1975 (c. 27)

8 In section 2(3) of the Ministerial and other Salaries Act 1975 (question as to who is Leader of the Opposition in the House of Lords) for “the Lord Chancellor” substitute “ the Speaker of the House of Lords ”.

SCHEDULE 7

Section 19

PROTECTED FUNCTIONS OF THE LORD CHANCELLOR

- 1 Any function of the Lord Chancellor that relates to the custody or use of the Great Seal of the United Kingdom.
- 2 Any function of the Lord Chancellor under this Act.
- 3 Any function of the Lord Chancellor under another enactment, if the function is conferred or modified by an amendment made by this Act.

VALID FROM 07/03/2008

[^{F4}3A Any function of the Lord Chancellor under the Legal Services Act 2007.]

Textual Amendments

F4 Sch. 7 para. 3A inserted (7.3.2008) by [Legal Services Act 2007 \(c. 29\)](#), **ss. 199(2)**, 211; S.I. 2008/222, **art. 2(g)**

4 Any function of the Lord Chancellor under these provisions—

A: GENERAL

Sheriffs Act 1887 (c. 55)

Section 20

Law of Distress Amendment Act 1888 (c. 21)

Section 8

Stamp Act 1891 (c. 39)

Section 13A

War Pensions (Administrative Provisions) Act 1919 (c. 53)

The Schedule, paragraphs 1, 2, 3, 8 and 9

Administration of Justice Act 1925 (c. 28)

Section 22(4)

Children and Young Persons Act 1933 (c. 12)

Schedule 2, paragraphs 4, 5, 11, 12 and 20

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Compensation (Defence) Act 1939 (c. 75)

Section 8

London Building Acts (Amendment) Act 1939 (c. xcvi)

Section 109(2)

Pensions Appeal Tribunals Act 1943 (c. 39)

The Schedule, paragraphs 2(1), 2A, 2B, 3C and 5

Coal Industry Nationalisation Act 1946 (c. 59)

Section 61(1)

Section 64(10)

Agriculture Act 1947 (c. 48)

Schedule 9

Commonwealth Telegraphs Act 1949 (c. 39)

Section 6(4)

Lands Tribunal Act 1949 (c. 42)

Section 2

Section 3

National Health Service (Amendment) Act 1949 (c. 93)

Section 7(6)

Section 9(4)(a)

National Parks and Access to the Countryside Act 1949 (c. 97)

Section 18(3)

Foreign Compensation Act 1950 (c. 12)

Section 1(1)

Section 4

Courts-Martial (Appeals) Act 1951 (c. 46)

Section 28

Section 30

Section 31(4)

Section 32

Section 33

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)

Section 5

Agriculture (Miscellaneous Provisions) Act 1954 (c. 39)

Section 6(6)

Landlord and Tenant Act 1954 (c. 56)

Section 63(6)(c)

Land Powers (Defence) Act 1958 (c. 30)

Schedule 2, paragraphs 4(3) and (4)

Land Compensation Act 1961 (c. 33)

Section 3

Transport Act 1962 (c. 46)

Schedule 6, paragraph 3(4)

Betting, Gaming and Lotteries Act 1963 (c. 2)

Section 29

Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1)

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Section 2(1A)
Section 3
Industrial and Provident Societies Act 1965 (c. 12)
Section 69
Commons Registration Act 1965 (c. 64)
Section 17(1) and (3)
Superannuation Act 1965 (c. 74)
Section 39A
Courts-Martial (Appeals) Act 1968 (c. 20)
Section 2
Section 5
Section 7(2)
Section 30
Countryside Act 1968 (c. 41)
Section 15A(3)
Hearing Aid Council Act 1968 (c. 50)
Section 5(3)
Section 6(4)
Section 10(6)
Section 13
Transport Act 1968 (c. 73)
Schedule 4, paragraph 13(3)
Taxes Management Act 1970 (c. 9)
Section 2
Section 2A
Section 3
Section 3A
Section 4(1), (3) and (6)
Section 4A(1) and (6)
Section 28ZC
Section 46A
Section 56B
Administration of Justice Act 1970 (c. 31)
Section 10(3)
Courts Act 1971 (c. 23)
Section 16(1)
Section 18
Section 21(2), (4) and (7)
Section 24
Schedule 2, paragraphs 4(3) and 9(2)
Misuse of Drugs Act 1971 (c. 38)
Schedule 3, paragraphs 1(1), 3 and 4 and, in the table in paragraph 21, the entry for paragraph 1
Immigration Act 1971 (c. 77)
Section 22

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Administration of Justice Act 1973 (c. 15)

Sections 9 and 12

Juries Act 1974 (c. 23)

Section 2

Section 3(1)

Section 5(1)

Section 8

Section 19

Section 21

Section 23(2)

Industry Act 1975 (c. 68)

Schedule 3, paragraphs 4(1)(a) and 17

Armed Forces Act 1976 (c. 52)

Section 6(3), (4), (8) and (11)

Aircraft and Shipbuilding Industries Act 1977 (c. 3)

Section 42

Schedule 7, paragraph 5(1)

National Health Service Act 1977 (c. 49)

Schedule 9A, paragraphs 1, 2, 4, 6, 15, 16 and 21

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

Section 2(3)

Customs and Excise Management Act 1979 (c. 2)

Schedule 3, paragraph 17(4)

Magistrates' Courts Act 1980 (c. 43)

Section 137

Section 144(2) and (3)

Judicial Pensions Act 1981 (c. 20)

Section 3

Section 5

Section 7

Section 10

Section 11

Section 13

Section 13A

Section 14A

Section 23

Section 29B

Section 32A

Section 33A

Schedule 1, paragraph 3(3)

Schedule 1A, paragraphs 2 and 11

Schedule 2, paragraph 2(2)

British Telecommunications Act 1981 (c. 38)

Schedule 2, paragraph 12(3)

Supreme Court Act 1981 (c. 54)

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Section 9(8)
Section 11(7) and (8)
Section 12
Section 54(3)
Section 57(4)(a)
Section 71(4)(a)
Section 74
Section 75
Section 91(6)
Section 92(1) and (3A)
Section 98
Section 102(1)
Section 126
Section 133
Section 140(4)
Wildlife and Countryside Act 1981 (c. 69)
Section 28N(3)
Transport Act 1982 (c. 49)
Section 66(4)(a)
Administration of Justice Act 1982 (c. 53)
Section 25(3)(a) and (c)
Mental Health Act 1983 (c. 20)
Section 78
Section 143(1)
Schedule 2, paragraphs 1, 2 and 3
Car Tax Act 1983 (c. 53)
Section 3(5)
County Courts Act 1984 (c. 28)
Section 8(1) and (3)
Section 12(1)
Section 128
Section 130
Matrimonial and Family Proceedings Act 1984 (c. 42)
Section 37
Ordnance Factories and Military Services Act 1984 (c. 59)
Schedule 1, paragraph 2(5)
Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)
Schedule 2, paragraph 2(1)(a)
Transport Act 1985 (c. 67)
Schedule 4, paragraphs 2(1)(a), 3(4) and (5), 6, 7, 15 and 16
Landlord and Tenant Act 1985 (c. 70)
Section 29(4)
Agricultural Holdings Act 1986 (c. 5)
Schedule 11, paragraph 1(5)
Insolvency Act 1986 (c. 45)

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Section 117
Section 413
Section 414
Section 415
Section 420(1)
Section 421(1)
Schedule 7, paragraph 1(1)(a)
Ecclesiastical Fees Measure 1986 (1986 No. 2)
Section 4(1)(a)
Income and Corporation Taxes Act 1988 (c. 1)
Section 706(1)
Coroners Act 1988 (c. 13)
Section 17A
Criminal Justice Act 1988 (c. 33)
Schedule 12
Education Reform Act 1988 (c. 40)
Schedule 10, paragraph 9(4)
Copyright, Designs and Patents Act 1988 (c. 48)
Section 145(2)
Section 146(6)
Section 150
Section 291(5)
Section 292
Electricity Act 1989 (c. 29)
Schedule 10, paragraph 9(2)(a)
Children Act 1989 (c. 41)
Section 104(1)
Broadcasting Act 1990 (c. 42)
Schedule 9, paragraph 5(5)(a)
Town and Country Planning Act 1990 (c. 8)
Section 20(5)
Courts and Legal Services Act 1990 (c. 41)
Section 1
Section 72
Child Support Act 1991 (c. 48)
Section 8
Section 22
Section 24
Section 25
Section 52(1)
Schedule 4, paragraphs 1(3), 2(1) and (2), 2A(1), 4(1), 4A(1) and 7
Ports Act 1991 (c. 52)
Schedule 2, paragraph 11(5)
Land Drainage Act 1991 (c. 59)
Section 31(1)

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Armed Forces Act 1991 (c. 62)
Schedule 1
Care of Churches and Ecclesiastical Jurisdiction Measure 1991 (1991 No. 1)
Section 25(2)(a)
Social Security Administration Act 1992 (c. 5)
Section 24
Section 41(4)(c)
Section 43(5)(c)
Section 50(4)(c)
Section 51(1)
Section 52(2)
Section 58
Schedule 2, paragraph 6
Further and Higher Education Act 1992 (c. 13)
Schedule 5, paragraph 7(4)
Finance (No. 2) Act 1992 (c. 48)
Section 75
Tribunals and Inquiries Act 1992 (c. 53)
Section 6(2), (8) and (9)
Section 9
Section 13
Section 15
Section 16(2)
Schedule 5, paragraph 7(4)
Judicial Pensions and Retirement Act 1993 (c. 8)
Section 1
Section 2
Section 3
Section 9
Section 10
Section 11
Section 12
Section 13
Section 19
Section 20
Section 21
Section 26(5), (6) and (9)
Section 31
Schedule 2, paragraphs 2, 11, 12 and 13
Schedule 2A, paragraphs 1 and 2
Schedule 5, as it applies in relation to the office of chairman or other member of Rent Assessment Committees
Schedule 7, paragraph 2
Coal Industry Act 1994 (c. 21)
Schedule 2, paragraph 8(6)(a)

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Value Added Tax Act 1994 (c. 23)

Schedule 12, paragraphs 2(2) and (3), 3(2), (4), (5), (6) and (8), 4(2), 7(8) and (10), and 9

Trade Marks Act 1994 (c. 26)

Section 77

Merchant Shipping Act 1995 (c. 21)

Section 297(1)

Atomic Energy Authority Act 1995 (c. 37)

Schedule 1, paragraph 10(6)(a)

Employment Tribunals Act 1996 (c. 17)

Section 3

Section 22(1)(c) and (2)

Section 27

Section 30

Reserve Forces Act 1996 (c. 14)

Section 90

Section 91

Police Act 1996 (c. 16)

Schedule 6, paragraph 1(a)

Arbitration Act 1996 (c. 23)

Section 91(3)(c)

Section 105

Defamation Act 1996 (c. 31)

Section 9(1)(c)

Housing Act 1996 (c. 52)

Section 119(3)

Broadcasting Act 1996 (c. 55)

Schedule 5, paragraph 8(6)(a)

Education Act 1996 (c. 56)

Section 333(3)

School Inspections Act 1996 (c. 57)

Schedule 2, paragraph 1(1)(a)

Civil Procedure Act 1997 (c. 12)

Section 3

Section 6

Justices of the Peace Act 1997 (c. 25)

Section 10

Section 10A(1)

Section 10B(1)

Section 27B

Section 29

Section 30

Section 30B

Section 30C

Section 31

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Section 32A
Section 34
Finance (No. 2) Act 1997 (c. 58)
Schedule 2, paragraph 11(2)
Plant Varieties Act 1997 (c. 66)
Schedule 3, paragraphs 2(1), 13 and 16
Special Immigration Appeals Commission Act 1997 (c. 68)
Section 5
Section 8
Schedule 1, paragraphs 1, 2, 3 and 4
Social Security Act 1998 (c. 14)
Section 5(1)
Section 6(1) to (4)
Section 79
Schedule 4, paragraphs 1(2), 2, 3, 6 and 8
Data Protection Act 1998 (c. 29)
Section 6(4)
Crime and Disorder Act 1998 (c. 37)
Section 51
Section 51D
Section 81
Human Rights Act 1998 (c. 42)
Schedule 4
Social Security Contributions (Transfer of Functions, Etc.) Act 1999 (c. 2)
Section 13
Protection of Children Act 1999 (c. 14)
The Schedule, paragraphs 2(1) and (3), and 3
Finance Act 1999 (c. 16)
Schedule 17, paragraph 11
Greater London Authority Act 1999 (c. 29)
Section 189(6)
Welfare Reform and Pensions Act 1999 (c. 30)
Section 43
Immigration and Asylum Act 1999 (c. 33)
Section 53(6)
Schedule 7, paragraphs 1 and 2
Financial Services and Markets Act 2000 (c. 8)
Schedule 13, paragraphs 2, 3(1) and (4), 4, 5, 6 and 9
Terrorism Act 2000 (c. 11)
Schedule 3, paragraphs 1, 2, 3 and 5
Child Support, Pensions and Social Security Act 2000 (c. 19)
Schedule 7, paragraph 20
Local Government Act 2000 (c. 22)
Section 75
Section 76(11)

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

International Criminal Court Act 2001 (c. 17)

Schedule 1, paragraph 7

Anti-terrorism, Crime and Security Act 2001 (c. 24)

Schedule 6, paragraphs 1, 2, 3 and 5

Land Registration Act 2002 (c. 9)

Section 107(1)

Schedule 9, paragraphs 2, 5, 6 and 7

Commonhold and Leasehold Reform Act 2002 (c. 15)

Schedule 12, paragraph 5(3)

Tax Credits Act 2002 (c. 21)

Section 65

Proceeds of Crime Act 2002 (c. 29)

Section 320(3)(b)

Enterprise Act 2002 (c. 40)

Section 12(2)(a) and (b)

Section 16

Schedule 2, paragraphs 1 and 3

Nationality, Immigration and Asylum Act 2002 (c. 41)

Section 16

Section 81

Section 106

Schedule 4, paragraphs 1, 2, 6 and 7

Schedule 5, paragraphs 1, 2, 3, 4, 5, 9, 10 and 11

Finance Act 2003 (c. 14)

Schedule 17, paragraphs 6 to 10

Communications Act 2003 (c. 21)

Schedule 2, paragraph 4(7)(a)

Courts Act 2003 (c. 39)

Section 1

Section 22(1)

Section 27

Section 35

Section 36

Section 37

Section 51

Section 61

Schedule 1, paragraphs 2 and 6

Schedule 5, paragraph 43

Schedule 6, paragraph 1

Schedule 7, paragraphs 2 and 12

Criminal Justice Act 2003 (c. 44)

Section 168(4)

Section 169

Section 170

Section 171

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Section 173

B: LEGISLATION RELATING TO NORTHERN IRELAND

Judicial Pensions Act (Northern Ireland) 1951 (c. 20 (N.I.))

Section 11A

Section 16

Schedule 4, paragraph 3

Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))

Section 1

Section 5A

Section 11(3)

Section 36(1) and (2)

County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))

Section 102(1)

Section 106 (1) and (3)

Section 107(1), (3) and (7)

Section 116(1)

Section 116A(3)(b), (4)(a) and (b), (5) and (6)

Section 127A(1)

Section 132

Section 132A(1), (2) and (4)

Section 134

Schedule 2A, paragraphs 2(1)(a), 11(1), 12(1) and 13(a)

Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))

Section 2(1)

Section 2A(3)(b), (4)(a) and (b), (5) and (6)

Section 9A(1)

Section 16(1), (3) and (4)

Section 21A(1), (2) and (4)

Schedule 2, paragraph 3(3)(a)

Schedule 3, paragraphs 2(a), 11(1), 12(1) and 13

Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.))

Section 9(1)

Section 10(1)

Section 12(1)

Section 12A(2)

Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))

Section 1(2)

Section 2A(3)(b), (4)(a) and (b), (5) and (6)

Section 3(1) and (2)

Registration of Deeds Act (Northern Ireland) 1970 (c. 25 (N.I.))

Section 19(3)

Social Security (Northern Ireland) Act 1975 (c. 15)

Schedule 10, paragraphs 6(1), 7(2), (3) and (4), 7A(3)(b), (4)(a) and (b), (5) and (6)

Judicature (Northern Ireland) Act 1978 (c. 23)

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Section 7(4)
 Section 12
 Section 12B
 Section 53(1)(f) and (2)
 Section 54(1), (5) and (6)
 Section 56(4)
 Section 68(3), (5) and (6)
 Section 70(1), (3), (5) and (6)
 Section 71(4)
 Section 72(3)
 Section 74(1), (3) and (5)
 Section 75(1), (7) and (9)
 Section 82(1)
 Section 103(3)
 Section 116(1) and (2)
 Section 117A
 Section 123(2) and (3)
Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))
 Article 33(4C)
Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12))
 Schedule 1, Part 1
County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))
 Article 2(2)
 In Article 46(1) as amended by section 73(2) of the Justice (Northern Ireland) Act 2002, paragraphs (d), (e), (f) and (g)
 Article 46(4) and (5)
 Article 59
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))
 Article 6A(3)
 Article 10(1)
 Article 13(5)
 Article 24(7)
Forfeiture (Northern Ireland) Order 1982 (S.I. 1982/1082 (N.I. 14))
 Article 6(2)
Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))
 Article 104(5)
 Schedule 3, paragraphs 1, 2 and 3
Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23))
 Article 25(6)(a) and (7)
 Article 26(2)(a), (3)(c) and (5)
 Article 48(1)
 Article 51(1)
 Schedule 4, paragraphs 1, 1A, 3A(1) and 4
Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2631 (N.I. 24))
 Article 1(2)

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

Social Security Administration (Northern Ireland) Act 1992 (c. 8)
Section 22(6)
Section 56(6)
Section 165(2)
Section 167(1)
Schedule 2, paragraph 7
Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20))
Article 30(1)(a)
Article 31(2)
Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))
Schedule 2, paragraphs 2(1)(g), 6 and 9
Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))
Article 164(5)
Article 181
Article 183(3)
Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))
Article 22(2)(a) and (b) and (4)(b)
Northern Ireland Act 1998 (c. 47)
Section 91(6)
Schedule 11, paragraphs 2(1) and (3), 3(1) and (4), and 4
Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071 (N.I. 6))
Article 36(1)
Article 40(1) and (2)
Road Traffic (New Drivers) (Northern Ireland) Order 1998 (S.I. 1998/1074 (N.I. 7))
Article 7(8)
Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
Article 6(1)
Article 7(1) and (4)
Article 15(12) and (13)
Article 74(2)
Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))
Article 40(7)(b)
Article 82(1), (3) and (6)
Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
Article 40
Article 73(10) and (11)
Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))
Schedule 7, paragraph 20(1) and (6)
Justice (Northern Ireland) Act 2002 (c. 26)
Section 2(2)
Section 3(2)(b)

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- Section 5(3), (4), (5), (6) and (7)
- Section 9(1) and (11)
- Section 12(3)
- Section 19(4)
- Section 50(5)
- Section 51(3)
- Schedule 2, paragraphs 1(2) and (3), 2(3) and (4), 3, 4(1), 5(5) and (6), 6 and 7(2) and (3)
- Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))*
- Schedule 2, paragraph 3(2)
- Justice (Northern Ireland) Act 2004 (c. 4)*
- Schedule 3, paragraph 1(3)(a)

VALID FROM 01/10/2009
<p>SCHEDULE 8 Section 26</p> <p>SUPREME COURT SELECTION COMMISSIONS</p> <p>.....</p>

VALID FROM 01/10/2009
<p>SCHEDULE 9 Section 40</p> <p>AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT</p> <p>.....</p>

VALID FROM 01/10/2009
<p>SCHEDULE 10 Section 57</p> <p>PROCEEDINGS UNDER JURISDICTION TRANSFERRED TO SUPREME COURT</p> <p style="text-align: center;"><i>Interpretation</i></p> <p>1 (1) In this Schedule “transferred jurisdiction” means any jurisdiction of—</p> <ul style="list-style-type: none"> (a) the House of Lords, or (b) the Judicial Committee of the Privy Council, <p>that is transferred to the Supreme Court by virtue of this Act.</p>

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- (2) In relation to transferred jurisdiction—
“original court” means (as appropriate)—
(a) the House of Lords, or
(b) the Judicial Committee of the Privy Council;
“transfer day” means the day when the jurisdiction is transferred to the Supreme Court.

2 In this Schedule “transferred proceedings” means proceedings which were begun before the transfer day in the original court under transferred jurisdiction.

Proceedings

3 (1) As from the transfer day, transferred proceedings may be continued in the Supreme Court as if they had been begun in that court.

(2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).

4 (1) Anything done in accordance with the rules of the original court in relation to transferred proceedings is, after the transfer day, to be treated as if it had been done in accordance with any Supreme Court Rules applicable to corresponding proceedings in the Supreme Court.

(2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).

5 (1) Any act, judgment or order of the original court in the transferred proceedings is to have the same effect after the transfer day as if it had been an act, judgment or order of the Supreme Court in corresponding proceedings in that Court.

(2) Accordingly, after the transfer day, further proceedings may be taken in the Supreme Court in respect of such an act, judgment or order.

Fees

6 (1) This paragraph applies to any fee due under the rules of the original court in relation to transferred proceedings which was unpaid on the transfer day.

(2) As from the transfer day, the fee is payable as if it were due under the corresponding Supreme Court Rules.

Funds

7 (1) This paragraph applies to the investments and money which constitute the funds in court of—

- (a) the House of Lords, or
(b) the Judicial Committee of the Privy Council,

that are held in relation to transferred proceedings.

(2) On the transfer day the investments and money are, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer as funds in the Supreme Court.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- (3) In dealing with any investments and money vested in him by virtue of this paragraph, the accounting officer must comply with any directions which the Lord Chancellor may give with a view to securing the transition of the administration of the funds in court referred to in sub-paragraph (1).
- 8 (1) The transfer of any investments and money under paragraph 7 does not affect the right of any person in or to any thing so transferred.
- (2) Any such right may be enforced from the transfer day as if it had always been a right in respect of funds in the Supreme Court.
- 9 (1) This paragraph applies to a liability of the House of Lords or the Judicial Committee of the Privy Council if the following conditions are met—
- (a) the liability is in respect of sums which at one time formed part of funds in court held in relation to proceedings under transferred jurisdiction but which ceased to do so before the transfer day;
- (b) the liability is outstanding immediately before the transfer day.
- (2) On the transfer day the liability is, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer.
- (3) Any amounts required to meet any such liability are to be paid out of the Consolidated Fund to the accounting officer.
- 10 In paragraphs 7 and 9 “accounting officer” means the person who, in the view of the President of the Supreme Court, carries out duties in relation to that court that correspond as nearly as possible to the duties carried out in relation to the Senior Courts of England and Wales by the Accountant-General of those courts.

VALID FROM 01/10/2009

SCHEDULE 11

Section 59

RENAMING OF THE SUPREME COURTS OF
 ENGLAND AND WALES AND NORTHERN IRELAND

.....

VALID FROM 01/10/2005

SCHEDULE 12

Section 61

THE JUDICIAL APPOINTMENTS COMMISSION

.....

Status: Point in time view as at 25/09/2005.

Changes to legislation: *Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)*

VALID FROM 03/04/2006

SCHEDULE 13

Section 62

THE JUDICIAL APPOINTMENTS AND CONDUCT OMBUDSMAN

VALID FROM 03/04/2006

SCHEDULE 14

Section 85

THE JUDICIAL APPOINTMENTS COMMISSION: RELEVANT OFFICES AND ENACTMENTS

Commencement Information

116 Sch. 14 partly in force at 3.4.2006; Sch. 14 not in force at Royal Assent see s. 148; Sch. 14 in force for specified purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 20 (subject to Sch. 1 para. 20(2)-(4)); Sch. 14 in force for specified purposes at 21.3.2007 by S.I. 2007/967, art. 2

VALID FROM 25/09/2006

SCHEDULE 15

Section 124

NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

After Schedule 3 to the Justice (Northern Ireland) Act 2002 (c. 26) insert—

“SCHEDULE 3A

THE NORTHERN IRELAND JUDICIAL APPOINTMENTS OMBUDSMAN

The Ombudsman

- 1 (1) A person must not be appointed as the Ombudsman if any of these sub-paragraphs applies—
- (a) he is employed in the civil service of the State;
 - (b) he is a member of the House of Commons;
 - (c) he is a member of the Northern Ireland Assembly;
 - (d) he is engaged in political activity as a member of a political party;
 - (e) he has ever been any of these—

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- (i) a practising barrister in England and Wales;
 - (ii) a practising solicitor of the Supreme Court 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 Supreme Court of Judicature of Northern Ireland;
 - (vii) the holder of a listed judicial office.
- (2) Before recommending a person for appointment as the Ombudsman the Lord Chancellor must consider—
- (a) whether the person has exercised functions that appear to the Lord Chancellor to be of a judicial nature and such as to make the person inappropriate for the appointment;
 - (b) whether any past service in a capacity mentioned in sub-paragraph (3) appears to the Lord Chancellor to make the person inappropriate for the appointment.
- (3) The service referred to in subsection (2)(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.
- 2 (1) In this Schedule “practising” is to be read in accordance with sub-paragraphs (2) and (3).
- (2) A barrister in England and Wales, an advocate in Scotland or a member of the Bar of Northern Ireland is practising if he is—
- (a) practising as such,
 - (b) employed to give legal advice, or
 - (c) providing legal advice under a contract for services.
- (3) A solicitor of the Supreme Court, a solicitor in Scotland or a solicitor of the Supreme Court of Judicature of Northern Ireland is practising if he is—
- (a) acting as such,
 - (b) employed to give legal advice, or
 - (c) providing legal advice under a contract for services.
- Term of office etc. of Ombudsman*
- 3 (1) The Ombudsman must be appointed for a fixed period.
- (2) But an appointment is subject to paragraphs 4 and 5.
- 4 A person—
- (a) may not be appointed as the Ombudsman for more than 5 years at a time, and
 - (b) may not hold office as the Ombudsman for periods (whether or not consecutive) totalling more than 10 years.
- 5 (1) The Ombudsman may at any time—
- (a) resign his office by notice in writing addressed to Her Majesty;
 - (b) be removed from office by the Lord Chancellor.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- (2) The Lord Chancellor may not remove the Ombudsman from office unless he is satisfied that the Ombudsman—
- (a) has become disqualified for appointment under paragraph 1(1),
 - (b) has ceased to be appropriate for the appointment because of considerations listed in paragraph 1(2),
 - (c) has, within the preceding nine months, failed to discharge the functions of his office for a continuous period of at least six months,
 - (d) has been convicted of an offence,
 - (e) is an undischarged bankrupt, or
 - (f) is otherwise unfit to hold his office or unable to discharge its functions.

Salary, allowances and expenses

- 6 (1) The Lord Chancellor may—
- (a) pay to the Ombudsman such remuneration, fees or expenses as the Lord Chancellor may determine;
 - (b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been the Ombudsman.
- (2) If—
- (a) the Ombudsman ceases to hold office other than on the expiry of his term of appointment, and
 - (b) it appears to the Lord Chancellor that there are special circumstances that would warrant the payment of compensation to him,
- the Lord Chancellor may make to or in respect of him a payment of such amount as the Lord Chancellor may determine.

Acting Ombudsman

- 7 (1) The Lord Chancellor may appoint a person to exercise the functions of the Ombudsman if—
- (a) the Ombudsman's office becomes vacant,
 - (b) the Lord Chancellor determines that the Ombudsman is incapable of exercising his functions, or
 - (c) the Ombudsman notifies the Lord Chancellor that it would be inappropriate for him to exercise any of his functions in connection with a particular matter because of a possible conflict of interests or for any other reason.
- (2) But a person may be appointed under this paragraph only if he is eligible under paragraph 1 to be appointed as Ombudsman.
- (3) The Lord Chancellor may—
- (a) pay to a person appointed under this paragraph such remuneration, fees or expenses as the Lord Chancellor may determine;
 - (b) pay, or make provision for the payment of, such pension, allowance or gratuity as the Lord Chancellor may determine to or in respect of a person who is or has been a person appointed under this paragraph.
- (4) A person appointed under this paragraph is to exercise the functions of the Ombudsman in accordance with the terms of his appointment.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

- (5) The Lord Chancellor may end an appointment under this paragraph at any time.
- (6) Otherwise any appointment of a person under this paragraph ends on the earliest of—
- (a) that person's ceasing to be eligible to be appointed as Ombudsman;
 - (b) the expiry of the appointment in accordance with its terms and conditions;
 - (c) the date on which with the agreement of the Lord Chancellor the Ombudsman resumes the exercise of his functions;
 - (d) the appointment of a new Ombudsman;
 - (e) the end of twelve months beginning with the relevant date.
- (7) The relevant date is—
- (a) if the appointment was under sub-paragraph (1)(a), the date when the vacancy arose;
 - (b) if the appointment was under sub-paragraph (1)(b), the date of the Lord Chancellor's determination;
 - (c) if the appointment was under sub-paragraph (1)(c), the date of the notification.

Status of the Ombudsman

- 8 The person for the time being holding the office of the Ombudsman is by the name of that office a corporation sole.

Powers of the Ombudsman

- 9 (1) The Ombudsman does not have power to do any of the following—
- (a) to borrow money;
 - (b) to hold real property;
 - (c) to appoint staff (except by way of arrangements under paragraph 10).
- (2) Subject to sub-paragraph (1), the Ombudsman may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of his functions.
- (3) Nothing in this Schedule is to be read as limiting the generality of sub-paragraph (2).

Arrangements for assistance

- 10 (1) The Ombudsman may make arrangements with such persons as he considers appropriate for assistance to be provided to him.
- (2) Arrangements may include the paying of fees to such persons.
- (3) No arrangements may be made under this paragraph unless approved by the Lord Chancellor.

Arrangements by the Lord Chancellor

- 11 Unless the Ombudsman has made arrangements under paragraph 10, the Lord Chancellor may make arrangements for assistance to be provided to the Ombudsman.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Delegation of functions

- 12 (1) The Ombudsman may delegate any functions to—
- (a) any person with whom arrangements are made under paragraph 10 or 11, or
 - (b) any person providing assistance to the Ombudsman in pursuance of such arrangements.
- (2) But all recommendations and reports prepared by or on behalf of the Ombudsman must be signed by him.

Financial provisions and directions

- 13 (1) Expenditure incurred by the Ombudsman in the discharge of his functions is to be met by the Lord Chancellor.
- (2) The Lord Chancellor may by direction require the Ombudsman—
- (a) not to incur costs and expenditure in excess of a specified amount without his consent;
 - (b) to follow specified procedures in relation to his costs and expenditure.
- (3) A direction under sub-paragraph (2) may relate to all of the Ombudsman's costs and expenditure, or to costs and expenditure of a specified description.

Code of conduct

- 14 The Lord Chancellor may issue and from time to time revise a code of conduct to be observed by the Ombudsman and any person appointed under paragraph 7 to exercise his functions.

Reports

- 15 (1) The Ombudsman must, as soon as practicable after the end of each financial year, provide to the Lord Chancellor a report about the performance of his functions during that year.
- (2) The Lord Chancellor may by direction require the Ombudsman to deal, in reports or a particular report under sub-paragraph (1), with matters specified in the direction.
- (3) The Ombudsman must, as soon as practicable after a direction by the Lord Chancellor under this sub-paragraph, provide to the Lord Chancellor a report about any matter or matters specified in the direction.
- (4) The Lord Chancellor must lay before each House of Parliament a copy of any report provided to him under sub-paragraph (1).
- (5) The Ombudsman must publish any report once copies of it have been laid under sub-paragraph (4).

Documentary evidence

- 16 A document purporting to be an instrument issued by the Ombudsman and to be signed by or on behalf of the Ombudsman is to be received in evidence and, unless the contrary is proved, taken to be such an instrument and signed in that way.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

General

- 17 (1) Financial year in this Schedule, means—
- (a) the period beginning with the date on which section 9A comes into force and ending with the following 31 March, and
 - (b) each successive period of twelve months.
- (2) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) at the appropriate place insert— “ The Northern Ireland Judicial Appointments Ombudsman. ”
- (3) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (other public bodies and offices which are public authorities) at the appropriate place insert— “ The Northern Ireland Judicial Appointments Ombudsman. ””

VALID FROM 01/10/2009

SCHEDULE 16

Section 138

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

Judicial Committee Act 1833 (c. 41)

1 The Judicial Committee Act 1833 is amended as follows.

2 For section 1 substitute—

“1 The Judicial Committee of the Privy Council

- (1) There shall be a committee of the Privy Council styled “The Judicial Committee of the Privy Council”.
- (2) A person is a member of the committee if—
 - (a) he is a member of the Privy Council who holds, or has held, high judicial office, or
 - (b) another enactment provides for him to be a member of the committee.
- (3) Subsection (2)(a) does not apply to a person after the day on which he attains the age of 75 years.
- (4) In this section “high judicial office” has the same meaning as in Part 3 of the Constitutional Reform Act 2005.”

3 For section 18 substitute—

“18 Appointment of registrar

- (1) Her Majesty may, under her sign manual, appoint any person to be the registrar of the said privy council, as regards the purposes of this Act, and direct what duties shall be performed by the registrar.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

	(2) A recommendation to Her Majesty to exercise any power under subsection (1) may be made only after consultation with the President of the Supreme Court of the United Kingdom.”
4	In section 19 (attendance of witnesses etc) for “the president for the time being of the said privy council” substitute “ the Judicial Committee of the Privy Council ”.
	<i>Court of Chancery Act 1851 (c. 83)</i>
5	In section 16 of the Court of Chancery Act 1851 (quorum of Judicial Committee) omit the words from “, exclusive of” to the end.
	<i>Privy Council Registrar Act 1853 (c. 85)</i>
6	In section 2 of the Privy Council Registrar Act 1853 (appointment by President of the Council of person to act for registrar) after “Privy Council” insert “, after consulting the President of the Supreme Court of the United Kingdom, ”.
	<i>Oxford University Act 1862 (c. 26)</i>
7	In section 7 of the Oxford University Act 1862 (approbation of statutes by Her Majesty in Council etc) omit “, not including the Lord President,”.
	<i>Public Schools Act 1868 (c. 118)</i>
8	In section 9 of the Public Schools Act 1868 (statutes to be laid before Privy Council) omit “, not including the Lord President,”.
	<i>Judicial Committee Act 1881 (c. 3)</i>
9	The Judicial Committee Act 1881 ceases to have effect.
	<i>Judicial Committee Act 1915 (c. 92)</i>
10	In section 1 of the Judicial Committee Act 1915 (power of Judicial Committee to sit in more than one division) omit “and the Lord President of the Council”.

VALID FROM 03/04/2006

SCHEDULE 17

Section 145

MINOR AND CONSEQUENTIAL AMENDMENTS

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Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

VALID FROM 03/04/2006

SCHEDULE 18

Section 146

REPEALS AND REVOCATIONS

PART 1

POWERS TO MAKE RULES

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Courts-Martial (Appeals) Act 1968 (c. 20)	Section 49(3) and (4).
Supreme Court Act 1981 (c. 54)	Section 127(3). Section 136(3).
County Courts Act 1984 (c. 28)	Section 38(4)(c).
Matrimonial and Family Proceedings Act 1984 (c. 42)	In the second paragraph of section 40(2)— (a) in paragraph (a) “by the Lord Chancellor”; (b) in paragraph (b) “by the President of the Family Division with the concurrence of the Lord Chancellor”.
Coroners Act 1988 (c. 13)	Section 32(4).

PART 2

JUDICIARY-RELATED FUNCTIONS AND ORGANISATION OF THE COURTS

Commencement Information

I17 [Sch. 18 Pt. 2](#) partly in force; [Sch. 18 Pt. 2](#) not in force at Royal Assent see [s. 148](#); [Sch. 18 Pt. 2](#) in force for certain purposes at 3.4.2006 by [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 30\(b\)](#)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Habeas Corpus Act 1679 (c. 2)	In section 1 “the lord chauncelior or lord keeper of the great seale of England for the time being or”. In section 2— (a) “the lord chauncellour or lord keeper or” in each place; (b) “lord chauncellor lord keeper”; (c) “the said lord chauncellor or lord keeper or” in the first and second places;

Status: Point in time view as at 25/09/2005.

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	(d) “lord chancellor or lord keeper or” in the last place.
	In section 9 “the said lord chancellor or lord keeper or”.
Pluralities Act 1838 (c. 106)	In section 126 “or persons”. In section 128 “or persons” in the second place.
Ecclesiastical Leasing Act 1842 (c. 108)	In section 22 “or persons”.
British Law Ascertainment Act 1859 (c. 63)	In section 5 “the Lord Chancellor.”.
Compensation (Defence) Act 1939 (c. 75)	Section 9(1)(a). Section 18(2).
Pensions Appeal Tribunals Act 1943 (c. 39)	Section 13. Section 14.
Agriculture Act 1947 (c. 48)	In section 108(1) “by the Minister” in the second place.
Lands Tribunal Act 1949 (c. 42)	In section 2(9)(a) “to the Lord President of the Court of Session or, in subsections (5) to (7),”.
Land Powers (Defence) Act 1958 (c. 30)	In Schedule 2, paragraphs 10 and 11.
Mental Health Act 1959 (c. 72)	In section 145 “or the Lord Chancellor”.
Administration of Justice Act 1960 (c. 65)	In section 14(2) “; and no such application shall in any case be made to the Lord Chancellor”.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2 in the note relating to the Department for Constitutional Affairs “the Lord Chancellor's Department and”.
Transport Act 1962 (c. 46)	In Schedule 11, paragraph 10.
Courts Act 1971 (c. 23)	In section 24(1)— (a) “; he may”; (b) in paragraph (a) “or” in the last place where it occurs. In Schedule 10, paragraphs 3 and 4.
Land Charges Act 1972 (c. 61)	In section 16(2) “of the Lord Chancellor, with the concurrence of the Secretary of State,”.
Hearing Aid Council Act 1968 (c. 50)	In section 13 “on the Lord Chancellor”.
Rent (Agriculture) Act 1976 (c. 80)	Section 26(5).
Rent Act 1977 (c. 42)	Section 142.
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In section 2(3), the second paragraph.
Housing Act 1980 (c. 51)	Section 86(4) to (6).
Pensions Appeal Tribunals (Posthumous Appeals) Order 1980 (S.I. 1980/1082)	Article 10(b) and (c). Article 11(b) and (c).

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Judicial Pensions Act 1981 (c. 20)	In section 1 in the entry beginning “Judge of the Supreme Court” in the first column of the table “, other than the Lord Chancellor”.
Supreme Court Act 1981 (c. 54)	Section 1(2). In section 2— (a) subsection (2)(a); (b) in subsection (6) “Lord Chancellor,”. In section 4— (a) subsection (1)(a); (b) in subsection (6) “Lord Chancellor,”. In section 7 “the Lord Chancellor,”. In section 9(2) the words after the definition of “relevant court”. In section 11(1) “except the Lord Chancellor”. In section 12(1) “, other than the Lord Chancellor,”. In section 44(2), “the Lord Chancellor,”. Section 84(8). In section 91(1)(a) “or III”.
Mental Health Act 1983 (c. 20)	In section 94(1) “by the Lord Chancellor or”. In section 96(3) “the Lord Chancellor or”. In section 104(3) “the Lord Chancellor or” in both places. In section 105(2) “from any decision of the Lord Chancellor or”. In section 111— (a) in subsection (1) “by the Lord Chancellor or”; (b) in subsection (2) “the Lord Chancellor or”; (c) in subsection (4)(a) “the Lord Chancellor or”; (d) in subsection (4)(b) “the Lord Chancellor,”. In Schedule 2, in paragraph 1(b) and (c) “after consultation with the Secretary of State”.
Pastoral Measure 1983 (1983 No. 1)	In section 81(2)— (a) in paragraph (a) the words from “, or a” to “books” and “last-mentioned”; (b) paragraph (b).
County Courts Act 1984 (c. 28)	Section 74A.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Section 40(5).
Housing Act 1985 (c. 68)	Section 111. Section 181(4) and (5).

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

	Section 572(4) to (6).
Coroners Act 1988 (c. 13)	In section 33(2)(a) “the Lord Chancellor or”.
Finance Act 1988 (c. 39)	Section 134(4).
Courts and Legal Services Act 1990 (c. 41)	Section 11(10).
Child Support Act 1991 (c. 48)	In section 52(1) “the Lord Chancellor.”.
Tribunals and Inquiries Act 1992 (c. 53)	Section 6(9). In section 7(1) “, other than the Lord Chancellor.”.
Judicial Pensions and Retirement Act 1993 (c. 8)	In section 26(7)— (a) in paragraph (a) “, unless he is the Lord Chancellor”; (b) in paragraph (b) “, unless he is the Lord Chancellor”. In Schedule 5, in the second entry “, other than the Lord Chancellor”.
Employment Tribunals Act 1996 (c. 17)	In section 22(1)(a) “(other than the Lord Chancellor)”.
Housing Act 1996 (c. 52)	Section 138(4) to (6). Section 143N(5) to (7).
Civil Procedure Act 1997 (c. 12)	In section 1(3) “or alter”. In section 3(6) “Subject to subsection (7),”. Section 3(7).
Justices of the Peace Act 1997 (c. 25)	In section 24(5) “by the Lord Chancellor”.
Terrorism Act 2000 (c. 11)	In section 74— (a) in paragraph (a) from “the Lord Chancellor” to “directs that”; (b) in paragraph (b) “the Lord Chief Justice of Northern Ireland directs that”.
Criminal Justice and Court Services Act 2000 (c. 43)	In section 76(1) “the Lord Chancellor or”. In section 77(1) “The Lord Chancellor or”.
Enterprise Act 2002 (c. 40)	In section 268(7) “made with the concurrence of the Lord Chancellor”.
Nationality, Immigration and Asylum Act 2002 (c. 41)	In section 16(3)(a) “of the Lord Chancellor”.
Criminal Justice Act 2003 (c. 44)	In section 330(1)(b) “on the Lord Chancellor”. Section 168(2).
Courts Act 2003 (c. 39)	In section 64— (a) in subsection (2) “Vice-Chancellor”; (b) subsection (4)(a). In section 69(4) “or alter”. In section 72(6), “Subject to subsection (7),”.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Armed Forces (Pensions and Compensation) Act 2004 (c. 32)	Section 72(7). In section 75(5) “or alter”. Section 77(4). In section 79(6), “Subject to subsection (7),”. Section 79(7). Section 107(6), “by the Lord Chancellor”. In Schedule 1, paragraphs 8 and 9.
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PART 3

FUNCTIONS UNDER LEGISLATION RELATING TO NORTHERN IRELAND

Commencement Information

I18 Sch. 18 Pt. 3 partly in force; Sch. 18 Pt. 3 not in force at Royal Assent see s. 148; Sch. 18 Pt. 3 in force for certain purposes at 3.4.2006 by S.I. 2006/1014, art. 2(a), Sch. 1 para. 30(c)

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))	In section 36(1)— (a) in paragraph (a) “made after consultation with the Treasury,”; (b) in paragraph (b) “made after consultation with the Lord Chief Justice”.
County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))	In section 105(4) “Lord Chancellor’s”. In section 107(4) “Lord Chancellor’s”.
Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))	In section 1 “Lord Chancellor’s”. Section 11.
Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))	In section 2(1)(b) “Lord Chancellor’s”.
Judicature (Northern Ireland) Act 1978 (c. 23)	In section 71(3) “Lord Chancellor’s”. Section 104. In section 119(5) “on the Lord Chancellor”. In Schedule 6, paragraphs 6(a), 11(3), 14 and 17.
Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))	In Article 48(1) the words after paragraph (b).
County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))	In Article 2(5) “on the Lord Chancellor”.
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Article 13(1) the words from “or as” to “Article 14”. Article 14. In Article 37(5) “Without prejudice to Article 14,”.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Pensions Appeal Tribunals (Northern Ireland) Rules 1981 (S.R. 1981/231)	In Article 168 “on the Lord Chancellor”. In Rule 2(1)— (a) in the definition of “the Deputy President”, “by the Lord Chief Justice of Northern Ireland”; (b) in the definition of “the President”, “by the Lord Chief Justice of Northern Ireland”.
Merchant Shipping (Formal Investigations) Rules 1985 (S.I. 1985/1001)	Rule 17(a).
Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))	In Schedule 3, in paragraph 1(b) and (c) “after consultation with the Head of the Department”. In Schedule 6, paragraph 19.
Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. 1997/269)	In the Schedule, in rule 6 (appointment of tribunal)— (a) in paragraph (3)(a) omit “but”; (b) omit paragraph (3)(b).
Justice (Northern Ireland) Act 2002 (c. 26)	Section 12(2) and (3). In Schedule 3, paragraph 33. Schedule 5. In Schedule 13— (a) the entry relating to section 119(5) of the Judicature (Northern Ireland) Act 1978; (b) the entry relating to the County Courts (Northern Ireland) Order 1980; (c) the entry relating to Article 168 of the Magistrates' Courts (Northern Ireland) Order 1981.
Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))	In Schedule 2, paragraph 3(3). In Schedule 4, the amendment of Schedule 6 to the Justice (Northern Ireland) Act 2002.”

PART 4

THE LORD CHANCELLOR: MINOR AND CONSEQUENTIAL

Commencement Information

I19 Sch. 18 Pt. 4 partly in force; Sch. 18 Pt. 4 not in force at Royal Assent see s. 148; Sch. 18 Pt. 4 in force for certain purposes at (3.4.2006) by S.I. 2006/1014, art. 2, Sch. 1 para. 30

Reference

Fines Act 1833 (c. 99)

Extent of repeal or revocation

The whole Act.

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Promissory Oaths Act 1868 (c. 72)	In the Schedule in Part 2 “The Lord Chancellor of Great Britain”.
Universities of Oxford and Cambridge Act 1877 (c. 48)	In section 44— (a) “the Lord Chancellor,” in the first place; (b) “the Lord Chancellor or”.
Sheriffs Act 1887 (c. 55)	In section 6(1) “the Lord Chancellor”.
Administration of Justice Act 1964 (c. 42)	Section 37(2).
Patronage (Benefices) Measure 1986 (1986 No. 3)	Section 36.
Priests (Ordination of Women) Measure 1993 (1993 No. 2)	Section 2(4)(c). In section 7(1) the words from “and to” to “Lord Chancellor”.

VALID FROM 01/10/2009

PART 5

SUPREME COURT

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Appellate Jurisdiction Act 1876 (c. 59)	The whole Act.
Appellate Jurisdiction Act 1887 (c. 70)	The whole Act.
Railway and Canal Traffic Act 1888 (c. 25)	Section 17(5).
Supreme Court of Judicature Act 1891 (c. 53)	The whole Act.
Commissioners for Oaths Act 1889 (c. 10)	In section 11 the definition of “Supreme Court”.
Notice of Accidents Act 1894 (c. 28)	Section 8.
Administration of Justice (Appeals) Act 1934 (c. 40)	Section 1.
Appellate Jurisdiction Act 1947 (c. 11)	The whole Act.
Life Peerages Act 1958 (c. 21)	In section 1(1), “Without prejudice to Her Majesty's powers as to the appointment of Lords of Appeal in Ordinary”.
Administration of Justice Act 1960 (c. 65)	Section 1(3).
Northern Ireland Act 1962 (c. 30)	In section 29(1) the definition of “the Supreme Court”.
Administration of Justice Act 1968 (c. 5)	The whole Act.
Criminal Appeal Act 1968 (c. 19)	Section 35(1) and (2).

Status: Point in time view as at 25/09/2005.

Changes to legislation: Constitutional Reform Act 2005 is up to date with all changes known to be in force on or before 30 June 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)

Courts-Martial (Appeals) Act 1968 (c. 20)	Section 41(1) and (2).
Administration of Justice Act 1969 (c. 58)	Section 13(4) Section 14.
Taxes Management Act 1970(c. 9)	Section 56(8)(a). Section 56A(7).
Administration of Justice Act 1973 (c. 15)	Section 9(1)(a). In section 12, in subsection (1) “as Lord of Appeal in Ordinary, or” and subsection (2).
Judicature (Northern Ireland) Act 1978 (c. 23)	Section 41(3). Section 42(3) to (5). In Schedule 5, in Part 2 the entry relating to the Appellate Jurisdiction Act 1876.
Criminal Appeal (Northern Ireland) Act 1980 (c. 47)	Section 33(1) and (2).
Contempt of Court Act 1981 (c. 49)	In section 19, in the definition of “superior court”, the words from “and includes” to the end.
Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))	In Part 1 of Schedule 1, paragraph 1(b).
Justices of the Peace Act 1997 (c. 25)	In section 7(2)(a) “within the meaning of the Appellate Jurisdiction Act 1876”.
Government of Wales Act 1998 (c. 38)	In Schedule 8— (a) paragraph 1(2)(a); (b) paragraph 29 and the heading before it; (c) paragraphs 32 to 34 and the heading before paragraph 32.
Human Rights Act 1998 (c. 42)	Section 6(4).
Scotland Act 1998 (c. 46)	Section 15(1)(c). In section 32(4), the definition of “Judicial Committee”. Section 103. In section 127, the entry for “Judicial Committee”. In Schedule 6, paragraph 32 and the heading before it. In Schedule 7, in the table under paragraph 1(2), the entry relating to section 103(3)(a) and (b).
Northern Ireland Act 1998 (c. 47)	In section 36(6)(a) “(other than a Lord of Appeal in Ordinary)”. Section 82. In section 98(1), the entry for “Judicial Committee”.

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	In Schedule 10, paragraph 32 and the heading before it.
Access to Justice Act 1999 (c. 22)	In Schedule 2, paragraph 2(1)(b).
Freedom of Information Act 2000 (c. 36)	In Part 7 of Schedule 1, “The Northern Ireland Supreme Court Rules Committee.”
European Parliamentary Elections Act 2002 (c. 24)	In section 10(1), paragraph (b) and the “or” immediately preceding it.
Justice (Northern Ireland) Act 2002 (c. 26)	Section 18(1).
Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))	In Schedule 2, paragraph 2(a)(ii).
VALID FROM 01/10/2009	
PART 6	
JUDICIAL COMMITTEE OF THE PRIVY COUNCIL	
<i>Reference</i>	<i>Extent of repeal or revocation</i>
Court of Chancery Act 1851 (c. 83)	In section 16, the words from “, exclusive of” to the end.
Oxford University Act 1862 (c. 26)	In section 7, “, not including the Lord President,”.
Public Schools Act 1868 (c. 118)	In section 9, “, not including the Lord President,”.
Judicial Committee Act 1881 (c. 3)	The whole Act.
Judicial Committee Act 1915 (c. 92)	In section 1, “and the Lord President of the Council”.

Status:

Point in time view as at 25/09/2005.

Changes to legislation:

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