



# Northern Ireland Act 2009

## CHAPTER 3

### NORTHERN IRELAND ACT 2009

- 1 Northern Ireland department with policing and justice functions
- 2 Judicial appointments and removals
- 3 Miscellaneous amendments
- 4 Amendments to section 86 of the Northern Ireland Act 1998
- 5 Final provisions

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#### SCHEDULES

##### SCHEDULE 1 — Northern Ireland department with policing and justice functions

###### Part 1 — PRELIMINARY

- 1 In this Schedule “the 1998 Act” means the Northern Ireland...
- 2 For the purposes of paragraph 22 of Schedule 2 to...

###### Part 2 — AMENDMENTS TO THE 1998 ACT RELATING TO DEPARTMENTAL MODEL FOR POLICING AND JUSTICE FUNCTIONS

- 3 (1) Amend section 21A of the 1998 Act as follows....
- 4 (1) Amend Schedule 4A to the 1998 Act as follows....

###### Part 3 — SPECIAL PROVISION APPLYING TO FIRST POLICING AND JUSTICE DEPARTMENT

#### *Application*

- 5 (1) Paragraphs 6 to 8 apply in relation to the...

*Section 18(1)(b) of the 1998 Act not to apply on establishment of department*

- 6 Section 18(1)(b) of the 1998 Act does not apply to...

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*Filling of Ministerial office after election*

7 (1) This paragraph applies before 1 May 2012.

*Dissolution of department etc*

8 (1) The department dissolves on 1 May 2012 unless, before...

*Amendments to sections 21B and 21C of the 1998 Act*

9 In section 21B(1)(a) of the 1998 Act for “and to...

10 In section 21C(1) of the 1998 Act—

SCHEDULE 2 — Sections 12 to 12C of the Judicature (Northern Ireland) Act 1978

*Appointment of the Lord Chief Justice and Lords Justices of Appeal*

12 (1) Whenever the office of Lord Chief Justice is vacant,...

*Appointment of judges of the High Court*

12A Her Majesty may, from time to time, appoint a qualified...

*Tenure of office: Lord Chief Justice*

12B (1) The Lord Chief Justice holds office during good behaviour...

*Tenure of office: Lords Justices of Appeal and certain High Court judges*

12C (1) Lords Justices of Appeal and judges of the High...

SCHEDULE 3 — Amendments to the Justice (Northern Ireland) Act 2002

1 (1) Amend section 2 as follows. (2) Omit subsection (1)(a)....

2 Omit section 4.

3 For section 5 substitute— Appointment to listed judicial offices  
Schedule 3 (which is about the making of appointments to...

4 In section 5A(1) for “section 5” substitute “ Schedule 3...

5 Omit section 6.

6 (1) Amend section 7 as follows. (2) In subsection (2)...

7 For section 8 substitute— Tribunals for considering removal (1) A  
tribunal to consider the removal of the holder...

8 (1) Amend section 9B as follows. (2) In subsection (3)...

9 Omit section 9G.

10 In section 9H omit “or 9G”.

11 (1) Amend section 9I(2) as follows. (2) In paragraph (a)...

12 ygvygb

13 For Schedule 3 substitute— SCHEDULE 3 Appointment to listed  
judicial...

14 After paragraph 12(2) of Schedule 3A insert—

SCHEDULE 4 — Transfer of appointment and related functions

*Pensions Appeal Tribunals Act 1943 (c. 39)*

1 (1) Amend the Schedule as follows. (2) In paragraphs 2(1)(c)...

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

- 2 (1) Amend section 2 as follows. (2) For subsection (1)...

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

- 3 (1) Amend section 107 as follows. (2) In subsection (1)...

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

- 4 For section 10(1) substitute— (1) The Northern Ireland Judicial Appointments...  
5 For section 12A(2) substitute— (2) Allowances under this section shall...

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

- 6 (1) Amend section 1 as follows. (2) In subsection (2)—...  
7 (1) Amend section 3 as follows. (2) In subsection (1)...

*Misuse of Drugs Act 1971 (c. 38)*

- 8 In the Table in paragraph 21 of Schedule 3 at...

*Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (N.I. 28))*

- 9 (1) Amend Schedule 9B as follows. (2) Omit paragraph 1(2)....

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

- 10 (1) Amend section 2 as follows. (2) In subsection (3)...  
11 In section 3(4) for “Her Majesty may by Order in...  
12 For section 7(3) substitute— (3) The Northern Ireland Judicial Appointments...  
13 After section 8(1) insert— (1A) For this purpose, an appointment...  
14 In section 14(1) for “the Lord Chancellor” substitute “ Her...  
15 (1) Amend section 70 as follows. (2) For subsection (1)...  
16 (1) Amend section 74 as follows. (2) For subsection (1)...  
17 In section 103(3)— (a) for “Lord Chancellor” substitute “ justice...  
18 (1) Amend section 119 as follows. (2) In subsection (1)...

*Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)*

- 19 In paragraph 2(1) of Schedule 2 for “Lord Chancellor”, where...

*Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))*

- 20 (1) Amend Schedule 3 as follows. (2) In paragraph 1(a)...

*Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22))*

- 21 In paragraph 1 of Schedule 1 for “Lord Chancellor” substitute...

*Child Support Act 1991 (c. 48)*

- 22 In section 23(1) for the words from “such number” to...  
23 For paragraph 4(1) and (2) of Schedule 4 substitute—

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*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

24 (1) Amend section 50 as follows. (2) In subsection (1)...

*Tribunals and Inquiries Act 1992 (c. 53)*

25 After section 6(8) insert— (8A) In relation to a Reinstatement...

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

26 (1) Amend Article 22 as follows. (2) In paragraphs (2)(a)...

*Plant Varieties Act 1997 (c. 66)*

27 (1) Amend Schedule 3 as follows. (2) In paragraph 4(1)...

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

28 (1) Amend the Schedule as follows. (2) In rule 6(2)...

*Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))*

29 In Article 6(1) for “Lord Chancellor” substitute “ Northern Ireland...

30 (1) Amend Article 7 as follows. (2) In paragraphs (1),...

31 After paragraph 1(1) of Schedule 1 insert—

*Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))*

32 In Article 82(1), (3) and (6) for “Lord Chancellor” substitute...

*Justice (Northern Ireland) Act 2002 (c. 26)*

33 (1) Amend section 9 as follows. (2) In subsection (1)...

34 (1) Amend section 90 as follows. (2) In subsection (1)(c)...

35 (1) Amend Schedules 1 and 6 as follows.

36 Omit paragraphs 14 and 17(2) of Schedule 4.

37 Omit paragraph 13 of Schedule 12.

38 In Schedule 13 omit— (a) the repeal of words in...

*Criminal Injuries Compensation (Northern Ireland) Order 2002 (S.I. 2002/796 (N.I. 1))*

39 (1) Amend Article 7 as follows. (2) In paragraphs (1)(b)...

40 In Article 13(2) for “Article 7(6)” substitute “ section 7...

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

41 (1) Amend Schedule 2 as follows. (2) In paragraph 1(2)(a)...

*Traffic Management (Northern Ireland) Order 2005 (S.I. 2005/1964 (N.I. 14))*

42 (1) Amend Article 29 as follows. (2) In paragraph (1)...

*Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005 (S.R. 2005/150)*

43 In regulation 2(1), in the definitions of “President” and “Vice-President”,...

44 (1) Amend regulation 4 as follows. (2) In paragraphs (1)(a)...

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*Fair Employment Tribunal (Rules of Procedure)  
Regulations (Northern Ireland) 2005 (S.R. 2005/151)*

- 45 In regulation 2(1), in the definitions of “President” and “Vice-President”,...
- 46 (1) Amend regulation 5 as follows. (2) In paragraph (2)...

*Charities Act (Northern Ireland) 2008 (c. 12 (N.I.))*

- 47 (1) Amend Schedule 2 as follows. (2) In paragraph 1(2)...

SCHEDULE 5 — Consequential amendments and transitional provision  
Part 1 — CONSEQUENTIAL AMENDMENTS

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

- 1 For section 102(1) substitute— (1) Her Majesty may appoint a...
- 2 For section 134 substitute— Evidence of health Before selecting any person for recommendation for appointment as a...

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

- 3 In section 9(1) omit “, on the recommendation of the...

*Northern Ireland Act 1998 (c. 47)*

- 4 After paragraph 2 of Schedule 11 insert— (1) The Lord Chancellor may only appoint persons to the...

*Justice (Northern Ireland) Act 2004 (c. 4)*

- 5 Omit sections 3 to 5 and paragraph 3 of Schedule...

*Constitutional Reform Act 2005 (c. 4)*

- 6 (1) Amend Schedule 5 as follows. (2) In paragraph 115(2)...
- 7 (1) Amend paragraph 4 of Schedule 7 as follows.
- 8 Omit paragraphs 36 to 39 of Schedule 17.

*Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)*

- 9 Omit section 28.
- Part 2 — TRANSITIONAL PROVISION
- 10 (1) This paragraph applies if— (a) before the coming into...
- 11 (1) This paragraph applies if before the coming into force...
- 12 (1) This paragraph applies if— (a) before the coming into...
- 13 Paragraph 8(2) of Schedule 3 to this Act has no...
- 14 Despite its repeal by paragraph 9 of Schedule 3 to...
- 15 In section 9I(2) of the Justice (Northern Ireland) Act 2002...
- 16 (1) This paragraph applies in relation to a function which,...

SCHEDULE 6 — Review of arrangements for judicial appointments and removals  
etc

- 1 After section 29B of the Northern Ireland Act 1998 (c....
- 2 (1) From 1 May 2012, no new members may be...

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