

SCHEDULES

SCHEDULE 4

Section 2

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) and 2B(2)(c) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
 - (3) After paragraph 2(3B) insert—
 - “(3C) For an appointment under sub-paragraph (1)(c), the terms mentioned in sub-paragraph (2A) are to be determined by the Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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

- 2 (1) Amend section 2 as follows.
 - (2) For subsection (1) substitute—
 - “(1) The Northern Ireland Judicial Appointments Commission may appoint one, or more than one, coroner and deputy coroner for a district or districts on such conditions as to remuneration, superannuation or otherwise as the Lord Chancellor may determine after consultation with the Treasury.”
 - (3) In subsection (1A) for “also” to “of” substitute “be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to”.

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

- 3 (1) Amend section 107 as follows.
 - (2) In subsection (1) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
 - (3) After subsection (1) insert—
 - “(1A) The term for which a person is appointed as a deputy judge is to be determined by the Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”
 - (4) In subsection (2) after “appointed” insert “as determined under subsection (1A)”.
 - (5) For subsection (3) substitute—

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“(3) Subject to subsection (4), the Commission may, with the agreement of a deputy judge and the justice department (within the meaning of the Justice (Northern Ireland) Act 2002), from time to time extend, for such period as it thinks appropriate, the term for which the deputy judge is appointed.”

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

4 For section 10(1) substitute—

“(1) The Northern Ireland Judicial Appointments Commission may appoint fit and proper persons, being persons who are eligible for appointment as district judges (magistrates' courts), to act as deputy district judges (magistrates' courts)—

- (a) during such period or periods as the Commission, with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002), may direct, and
- (b) subject to such conditions as the Lord Chancellor may impose.”

5 For section 12A(2) substitute—

“(2) Allowances under this section shall be paid by the justice department (within the meaning of the Justice (Northern Ireland) Act 2002) at rates determined by that department with the consent of the Department of Finance and Personnel.”

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

6 (1) Amend section 1 as follows.

(2) In subsection (2)—

- (a) after “determine” insert “with the agreement of the Northern Ireland Judicial Appointments Commission”;
- (b) for “Lord Chancellor” substitute “Commission”.

(3) After subsection (3) insert—

“(4) Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 does not apply in relation to members of the Lands Tribunal.”

7 (1) Amend section 3 as follows.

(2) In subsection (1) for “Governor” substitute “Northern Ireland Judicial Appointments Commission”.

(3) In subsection (2)—

- (a) for “is satisfied” substitute “determines, with the agreement of the Northern Ireland Judicial Appointments Commission,”;
- (b) for “Governor” substitute “Commission”.

(4) After subsection (5) insert—

“(6) Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 does not apply in relation to temporary members.”

Misuse of Drugs Act 1971 (c. 38)

- 8 In the Table in paragraph 21 of Schedule 3 at the end of the modification for paragraph 1 insert “and for any reference to the Lord Chancellor there shall be substituted a reference to the Northern Ireland Judicial Appointments Commission”.

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

- 9 (1) Amend Schedule 9B as follows.
- (2) Omit paragraph 1(2).
- (3) In paragraph 2(2) for “First Minister and deputy First Minister acting jointly” substitute “Northern Ireland Judicial Appointments Commission”.
- (4) After paragraph 3(1) insert—
- “(1A) The terms mentioned in sub-paragraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”
- (5) In paragraph 3(2) for “Office of the First Minister and deputy First Minister” substitute “Commission”.
- (6) In paragraph 3(3) for “First Minister and deputy First Minister acting jointly authorise” substitute “Commission, with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002), authorises”.
- (7) For paragraph 4 substitute—
- “4 The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may pay to the members of the Tribunal such remuneration and allowances as that department may determine.”

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

- 10 (1) Amend section 2 as follows.
- (2) In subsection (3) for “Her Majesty may by Order in Council” substitute “The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may, with the agreement of the Northern Ireland Judicial Appointments Commission, by order”.
- (3) For subsection (4) substitute—
- “(4) Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 does not apply in relation to puisne judges.”
- 11 In section 3(4) for “Her Majesty may by Order in Council” substitute “The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may, with the agreement of the Northern Ireland Judicial Appointments Commission, by order”.
- 12 For section 7(3) substitute—
- “(3) The Northern Ireland Judicial Appointments Commission may appoint a person qualified for appointment as a judge of the High Court to sit and act

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as a judge of the High Court as a temporary measure in order to facilitate the disposal of business in the High Court or the Crown Court.”

13 After section 8(1) insert—

“(1A) For this purpose, an appointment under section 7(3) is to be made for—

- (a) a particular case or cases determined by the Lord Chief Justice or a person within section 7(5)(a) or (b) nominated by the Lord Chief Justice to make determinations under this paragraph, or
- (b) a period specified by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

14 In section 14(1) for “the Lord Chancellor” substitute “Her Majesty”.

15 (1) Amend section 70 as follows.

(2) For subsection (1) substitute—

“(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the Northern Ireland Judicial Appointments Commission after consultation with the Lord Chief Justice; and persons holding such offices are in this Act referred to as “statutory officers”.

(1A) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to statutory officers.

(1B) The terms and conditions of service for statutory officers are to be determined by the Lord Chancellor with the concurrence of the Treasury.”

(3) In subsection (3)—

- (a) for “Lord Chancellor” substitute “Commission”;
- (b) for “he” (in both places where it appears) substitute “it”.

(4) In subsection (5) for “Lord Chancellor” substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.

(5) In subsection (6) for “Lord Chancellor” substitute “justice department”.

16 (1) Amend section 74 as follows.

(2) For subsection (1) substitute—

“(1) In order to facilitate the disposal of business, the Northern Ireland Judicial Appointments Commission may, after consultation with the Lord Chief Justice, appoint a suitably qualified person—

- (a) to act as a deputy for any statutory officer, or
- (b) to act as a temporary additional statutory officer,

during such period or on such occasions as the Commission determines with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).

(1A) The justice department must consult the Lord Chief Justice before giving its agreement to a period or occasion under subsection (1).

(1B) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice

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(Northern Ireland) Act 2002 in relation to deputies for statutory officers or temporary additional statutory officers.”

(3) In subsection (3) for “Lord Chancellor” substitute “Lord Chief Justice”.

17 In section 103(3)—

- (a) for “Lord Chancellor” substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”;
- (b) for “so appointed” substitute “of the peace”.

18 (1) Amend section 119 as follows.

(2) In subsection (1) after “Lord Chancellor” insert “or the justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.

(3) In subsection (2) for “68(3)” substitute “2(3), 3(4), 68(3), 70(5)”.

(4) After subsection (2) insert—

“(2A) Any statutory rule made under section 2(3) or 3(4) is subject to affirmative resolution (within the meaning of section 41(4) of the Interpretation Act (Northern Ireland) 1954).

(2B) Any statutory rule made under section 70(5) is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).”

(5) In subsection (3) omit “2(3), 3(4),”.

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

19 In paragraph 2(1) of Schedule 2 for “Lord Chancellor”, where it appears second, substitute “Northern Ireland Judicial Appointments Commission”.

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) and (c)—

- (a) for “Lord Chancellor”, where it appears first, substitute “Northern Ireland Judicial Appointments Commission”;
- (b) for “Lord Chancellor”, where it appears second, substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.

(3) In paragraphs 1(b), 2 and 3 for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.

(4) In paragraph 2 make the existing text sub-paragraph (1) and after that insert—

“(2) The terms mentioned in sub-paragraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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

- 21 In paragraph 1 of Schedule 1 for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.

Child Support Act 1991 (c. 48)

- 22 In section 23(1) for the words from “such number” to the end substitute “other Child Support Commissioners for Northern Ireland”.

- 23 For paragraph 4(1) and (2) of Schedule 4 substitute—

“(1) The Northern Ireland Judicial Appointments Commission may appoint persons to act as Child Support Commissioners for Northern Ireland (but to be known as deputy Child Support Commissioners for Northern Ireland) in order to facilitate the disposal of the business of Child Support Commissioners for Northern Ireland.

(2) A deputy Child Support Commissioner for Northern Ireland shall be appointed—

- (a) from among persons who are barristers or solicitors of not less than the number of years' standing specified in section 23(2), and
- (b) subject to sub-paragraph (2A), for such period or on such occasions as the Commission determines with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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

- 24 (1) Amend section 50 as follows.
- (2) In subsection (1) for the words from “such number” to the end substitute “other Social Security Commissioners”.
- (3) In subsection (2)—
- (a) for the words from the beginning to “appoint” substitute “In order to facilitate the disposal of the business of Social Security Commissioners, the Northern Ireland Judicial Appointments Commission may appoint”;
 - (b) for “Lord Chancellor thinks fit” substitute “Commission determines with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.

Tribunals and Inquiries Act 1992 (c. 53)

- 25 After section 6(8) insert—

“(8A) In relation to a Reinstatement Committee mentioned in paragraph 38(a) of Schedule 1 which sits in Northern Ireland—

- (a) in subsections (1) and (2) the references to the Lord Chancellor are to be read as references to the Northern Ireland Judicial Appointments Commission, and
- (b) the terms mentioned in subsection (2) are to be determined by the Northern Ireland Judicial Appointments Commission with the

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agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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

- 26 (1) Amend Article 22 as follows.
- (2) In paragraphs (2)(a) and (b) and (4)(b) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- (3) In paragraph (3)(a) for “Lord Chancellor” substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.
- (4) In paragraph (5) omit “person or” in both places where it appears.
- (5) After paragraph (5) insert—
- “(5A) For an appointment under paragraph (2)(b), the conditions mentioned in paragraph (5) are to be determined with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

Plant Varieties Act 1997 (c. 66)

- 27 (1) Amend Schedule 3 as follows.
- (2) In paragraph 4(1) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- (3) After paragraph 5(1) insert—
- “(1A) For an appointment under paragraph 4 above, the term mentioned in subparagraph (1) above is to be determined with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”
- (4) In paragraph 16, in paragraph (c) of the definition of “appointing authority”, for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.

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

- 28 (1) Amend the Schedule as follows.
- (2) In rule 6(2) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- (3) After rule 6(3) insert—
- “(3A) The period and the terms mentioned in paragraph (3) are to be determined by the Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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

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

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- 30 (1) Amend Article 7 as follows.
- (2) In paragraphs (1), (2) and (4) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- (3) In paragraph (3) for “Lord Chancellor” substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.
- (4) In paragraph (4) for “numbers” to “appointments,” substitute “terms and conditions of appointments to the panel”.
- 31 After paragraph 1(1) of Schedule 1 insert—
- “(1A) Those terms are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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 “Northern Ireland Judicial Appointments Commission”.

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

- 33 (1) Amend section 9 as follows.
- (2) In subsection (1) for “Lord Chancellor” substitute “Commission”.
- (3) In subsections (2)(a), (3), (4) and (5) for “Lord Chancellor” substitute “justice department”.
- (4) For subsection (11) substitute—
- “(11) The justice department must pay to lay magistrates any such allowances as it may determine.”
- 34 (1) Amend section 90 as follows.
- (2) In subsection (1)(c) after “deputy First Minister” insert “or the justice department”.
- (3) After subsection (1) insert—
- “(1A) An order containing provision made by virtue of section 9(4) shall be subject to affirmative resolution (within the meaning of section 41(4) of the Interpretation Act (Northern Ireland) 1954).”
- (4) In subsection (4) omit “9(4),”.
- 35 (1) Amend Schedules 1 and 6 as follows.
- (2) After the entry relating to the Plant Varieties and Seeds Tribunal insert—
- “Deputy appointed under paragraph 6(1) of Schedule 3 to the Plant Varieties Act 1997 for the purpose of proceedings brought before the Plant Varieties and Seeds Tribunal in Northern Ireland”.
- (3) At the end insert—
- “President or other member of the Charity Tribunal for Northern Ireland

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Adjudicator appointed under Article 7(1)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002

Chairman appointed under Article 7(2)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002

Adjudicator appointed under Article 29 of the Traffic Management (Northern Ireland) Order 2005”.

(4) In Schedule 1, after the entries inserted by sub-paragraph (3), insert—

“Chairman of an Appeal Tribunal for the purposes of the Adoption (Northern Ireland) Order 1987”.

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 section 10(1) of the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.));

(b) the repeal of words in section 90(4) of the Justice (Northern Ireland) Act 2002 (c. 26).

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) and (2)(b) for “Secretary of State” substitute “Northern Ireland Judicial Appointments Commission”.

(3) In paragraph (3) after “by the Secretary of State” insert “or the Northern Ireland Judicial Appointments Commission”.

(4) In paragraph (3)(a) for “Secretary of State considers appropriate” substitute “person making the appointment determines”.

(5) After paragraph (3) insert—

“(3A) For an appointment by the Northern Ireland Judicial Appointments Commission, the terms and conditions mentioned in paragraph (3)(a) are to be determined with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

(6) Omit paragraph (6).

40 In Article 13(2) for “Article 7(6)” substitute “section 7 of the Justice (Northern Ireland) Act 2002”.

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) for “First Minister and deputy First Minister” substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.

Status: This is the original version (as it was originally enacted).

- (3) In paragraph 2(1) for “First Minister and deputy First Minister acting jointly” substitute “Northern Ireland Judicial Appointments Commission”.
- (4) After paragraph 3(1) insert—
 - “(1A) For a member of the chairmen’s panel, the terms mentioned in subparagraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”
- (5) In paragraph 3(2) for “First Minister and deputy First Minister” substitute “Commission”.
- (6) Omit paragraph 7 and the heading immediately before it.

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

- 42 (1) Amend Article 29 as follows.
 - (2) In paragraph (1) for “First Minister and deputy First Minister acting jointly” substitute “Northern Ireland Judicial Appointments Commission”.
 - (3) After paragraph (4) insert—
 - “(4A) The term mentioned in paragraph (3) and the terms mentioned in paragraph (4) are to be determined by the Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”
 - (4) In paragraph (5) for “Office of the First Minister and deputy First Minister” substitute “Commission”.
 - (5) Omit paragraph (6).
 - (6) In paragraph (7) for “paragraph (6)” substitute “section 7 of the Justice (Northern Ireland) Act 2002”.
 - (7) Omit paragraph (8).

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”, for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- 44 (1) Amend regulation 4 as follows.
 - (2) In paragraphs (1)(a) and (2) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
 - (3) After paragraph (2) insert—
 - “(2A) For a member of the panel of chairmen, the terms mentioned in paragraph (2) are to be determined by the Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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”, for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- 46 (1) Amend regulation 5 as follows.
- (2) In paragraph (2) for “Lord Chancellor” substitute “Northern Ireland Judicial Appointments Commission”.
- (3) After paragraph (2) insert—
- “(2A) The terms mentioned in paragraph (2) are to be determined by the Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”

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

- 47 (1) Amend Schedule 2 as follows.
- (2) In paragraph 1(2) for “First Minister and deputy First Minister acting jointly” substitute “Northern Ireland Judicial Appointments Commission”.
- (3) In paragraph 1(4) for “First Minister and deputy First Minister acting jointly” substitute “justice department (within the meaning of the Justice (Northern Ireland) Act 2002)”.
- (4) After paragraph 3(1) insert—
- “(1A) The terms mentioned in sub-paragraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the justice department (within the meaning of the Justice (Northern Ireland) Act 2002).”
- (5) In paragraph 3(2) for “Office of the First Minister and deputy First Minister” substitute “Northern Ireland Judicial Appointments Commission”.
- (6) For paragraph 5 substitute—
- “5 The justice department (within the meaning of the Justice (Northern Ireland) Act 2002) may pay to the members of the Tribunal such remuneration and other allowances as that department may determine.”
- (7) Omit paragraph 11 and the heading immediately before it.