

Draft Order laid before Parliament under section 90(4) of the Justice (Northern Ireland) Act 2002, for approval by resolution of each House of Parliament

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2003 No.

JUSTICE

Lay Magistrates (Eligibility) (Northern Ireland) Order 2003

*Made - - - - 2003
Coming into operation in accordance with Article 1(1)
of this Order*

The Lord Chancellor, in exercise of the powers conferred on him by sections 9(4), (5) and (6) of the Justice (Northern Ireland) Act 2002⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order, a draft of which has been approved by each House of Parliament:

Title, commencement and interpretation

1.—(1) This Order may be cited as the Lay Magistrates (Eligibility) (Northern Ireland) Order 2003 and shall come into operation on the day after making.

(2) In this Order –

“close relative” means, in relation to a particular person, the father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law or step child of that person and any such relative of a person who is a partner of that person;

“court security officer” means a person mentioned in section 79(3) of the Justice (Northern Ireland) Act 2002;

“education welfare officer” means a person appointed by a local Education Board to ensure that all children within compulsory school age receive regular, appropriate education and to assist –

- (a) families to discharge their statutory responsibilities; and
- (b) children, families and schools to resolve education related issues;

“partner” means, in relation to a particular person, another person (whether of a different sex or the same sex) with whom that person is living in an enduring family relationship;

“process server” means a person required, under Rule 2(3) of Order 6 of the County Court Rules (Northern Ireland) 1981⁽²⁾, to serve all civil bills and other documents received by him for service;

(1) 2002 c. 26
(2) S.R. 1981 No. 225

“social care worker” has the same meaning as in section 2(2) of the Health and Personal Social Services Act (Northern Ireland) 2001⁽³⁾, and includes any person who is to be treated as a social care worker for the purposes of that Act by regulations made under section 2(3), and

“summons server” means a person required, under Rule 11(2) of the Magistrates' Courts Rules (Northern Ireland) 1984⁽⁴⁾, to serve summonses in a petty sessions district.

Eligibility of persons for appointment as lay magistrates

2. Unless the Lord Chancellor otherwise determines in the case of a particular person, no person shall be appointed to be a lay magistrate –

- (a) if he does not reside or work in, or within 15 miles of, the county court division to which the appointment relates;
- (b) if he is a member of –
 - (i) the House of Commons or the House of Lords,
 - (ii) the European Parliament,
 - (iii) the Northern Ireland Assembly,
 - (iv) the Irish Parliament (Dail Eireann),
 - (v) the Scottish Parliament, or
 - (vi) the National Assembly for Wales;
- (c) if he has been selected (whether formally or informally) as a prospective candidate for election to any such parliament or assembly;
- (d) if he is employed as a paid agent of a political party seeking representation in any such parliament or assembly;
- (e) if he is –
 - (i) a police officer,
 - (ii) a member of a police reserve,
 - (iii) a civilian employee of a police force,
 - (iv) a member or employee of, or a person seconded to, the Northern Ireland Policing Board⁽⁵⁾,
 - (v) the Director of the Department of Public Prosecutions,
 - (vi) an employee of the Department of Public Prosecutions,
 - (vii) the Police Ombudsman for Northern Ireland⁽⁶⁾,
 - (viii) an employee of the Police Ombudsman for Northern Ireland,
 - (ix) a court security officer,
 - (x) a member of staff of the Northern Ireland Court Service,
 - (xi) a member of staff of the Northern Ireland Prison Service,
 - (xii) a probation officer or probation assistant,
 - (xiii) a member of staff of, or a person seconded to, the Assets Recovery Agency⁽⁷⁾,
 - (xiv) a member of Her Majesty's Regular Armed Forces,

(3) 2001 c. 3

(4) S.R. 1984 No. 255

(5) Established under section 2 of the Police (Northern Ireland) Act 2000 (c. 32)

(6) Established by section 51 of the Police (Northern Ireland) Act 1998 (c. 32)

(7) Established under section 1 of the Proceeds of Crime Act 2002 (c. 29)