STATUTORY RULES OF NORTHERN IRELAND

2004 No. 246

JUSTICE

Lay Magistrates (Eligibility) (Northern Ireland) Order 2004

Made - - - - 24th May 2004
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 2004 and shall come into operation on the same day as section 9(1) of the Justice (Northern Ireland) Act 2002 comes into force.

(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; and

"partner" means, in relation to a particular person, another person (whether of a different sex or the same sex) who is not a close relative, but with whom that person is living in an enduring family relationship.

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,

(**1**) 2002 c. 26

(iii) the Scottish Parliament,

(iv) the National Assembly for Wales,

(v) the Northern Ireland Assembly, or

(vi) either House of the Irish Parliament;

(c) if he has been selected (whether formally or informally) as a prospective candidate for election to any such House, Parliament or Assembly;

(d) if he is employed as a paid agent of a political party seeking representation in any such House, Parliament or Assembly;

(e) if he is –

(i) a member of the Police Service of Northern Ireland(**2**),

(ii) a member of the Police Service of Northern Ireland Reserve(**3**),

(iii) a member of the Northern Ireland Policing Board(**4**),

(iv) an employee of the Northern Ireland Policing Board,

(v) the Police Ombudsman for Northern Ireland(**5**),

(vi) an employee of the Police Ombudsman for Northern Ireland,

(vii) the Director of the Assets Recovery Agency(**6**),

(viii) a member of staff of the Assets Recovery Agency (including its deputy Director and assistant Director),

(ix) the Director, or deputy Director of Public Prosecutions for Northern Ireland(**7**),

(x) a member of staff of the Director of Public Prosecutions for Northern Ireland,

(xi) a member of Her Majesty's Regular Armed Forces,

(xii) a member of staff of the Northern Ireland Prison Service,

(xiii) a member of staff of the Youth Justice Agency,

(xiv) a member of the Probation Board for Northern Ireland(**8**),

(xv) a member of staff of the Probation Board for Northern Ireland,

(xvi) a practising barrister or solicitor,

(xvii) a member of the panel of guardians ad litem appointed under the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996(**9**);

(f) if he is the spouse or partner of –

(i) a member of the Police Service of Northern Ireland,

(ii) a member of the Police Service of Northern Ireland Reserve,

(iii) a member of the Northern Ireland Policing Board,

(iv) an employee of the Northern Ireland Policing Board,

(v) the Police Ombudsman for Northern Ireland,

(vi) an employee of the Police Ombudsman for Northern Ireland,

(**2**) Section 1(1) of the Police (Northern Ireland) Act 2000 (c. 32)
(**3**) Section 1(3) of the Police (Northern Ireland) Act 2000 (c. 32)
(**4**) Section 2 of the Police (Northern Ireland) Act 2000 (c. 32)
(**5**) Section 51 of the Police (Northern Ireland) Act 1998 (c. 32)
(**6**) Section 1 of the Proceeds of Crime Act 2002 (c. 29)
(**7**) Article 4 of the Prosecution of Offences (Northern Ireland) Order 1972 (S.I.1972/538 (N.I. 1))
(**8**) Article 3 of the Probation Board (Northern Ireland) Order 1982 (S.I. 1982/713 (N.I. 10))
(**9**) Regulation 4 of the Guardians Ad Litem (Panel) Regulation (Northern Ireland) 1996 (S.R. 1996 No. 128)