



# Magistrates' Courts Act (Northern Ireland) 1964 <sup>F1</sup>

## 1964 CHAPTER 21

An Act to amend and consolidate the law relating to the offices of justice of the peace, resident magistrate and clerk of petty sessions, the jurisdiction of, and the practice and procedure before, magistrates' courts, and to matters connected therewith. [7th July 1964]

**F1** 1968 (c.32)

WHEREAS pursuant to section 12(2)( *b*) of the Northern Ireland Act 1962 the consent of the Lord Chief Justice has been obtained to the provisions of Part XIII of this Act which impose duties on the registrar of the<sup>F2</sup>Court of Judicature]:

**F2** Words in preamble to Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 6; S.I. 2009/1604, art. 2\(d\)](#)

And Whereas the Clerk of the Parliaments has certified accordingly pursuant to section 1 of the Legislative Procedure Act (Northern Ireland) 1933 as applicable, by virtue of section 12(4) of the Northern Ireland Act 1962, to the said section 12(2)( *b*):

### PART I

#### DEFINITION OF COURTS, ETC.

#### **1 Definition of “court of summary jurisdiction” and “magistrates' court”, etc.**

*Subs. (1), (2) rep. by 1981 NI 26*

(3) In this Act—

“resident magistrate” means a resident magistrate or, except in sections 9(1), 10(1) and 11, a deputy resident magistrate appointed under Part II<sup>F3</sup>. . . ; and

*Definition rep. by 1981 NI 26*

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**F3** S. 1(3): words in the definition of "resident magistrate" repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87(1), Sch. 13; S.R. 2006/124, art. 2, Sch. paras. 9, 11(c)

**2 Savings for constitution and powers of juvenile courts.**

*Subs. (1) rep. by 1981 NI 26*  
*Subs. (2) rep. by 1973 c. 53; 1975 c. 62*

**PART II**

**RESIDENT MAGISTRATES AND JUSTICES OF THE PEACE**

**APPOINTMENT, OATH AND REMOVAL OF JUSTICES OF THE PEACE**

**<sup>F43</sup> Justices of the peace.**

.....

**F4** S. 3 repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 57(1), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(l)(m) (with art. 3)

*S. 4 rep. by SRO (NI) 1973/341; SLR 1973; 1978 c. 23*

*S. 5 rep. by 1978 c. 23*

**6 Persons disqualified for acting as justices.**

(1) <sup>F5</sup> A person shall not be capable of acting as a justice of the peace whilst he holds office as <sup>F6</sup> . . . , [<sup>F7</sup> [<sup>F8</sup> a civil servant in the Department of Justice], notary public or commissioner for oaths].

(2) If any justice of the peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under the Irish Bankrupt and Insolvent Act 1857 or the Bankruptcy (Ireland) Amendment Act 1872 , he shall be and remain incapable of acting as a justice of the peace until he has been again appointed a justice of the peace.

[<sup>F9</sup>(3) A person who is adjudged bankrupt shall not be capable of being appointed a justice of the peace unless and until either the adjudication of bankruptcy is annulled or he is discharged]

[<sup>F10</sup>(3ZA) A person in relation to whom a moratorium period under a debt relief order applies shall not be capable of being appointed a justice of the peace.]

[<sup>F11</sup>(3A) A person who is the subject of a bankruptcy restrictions order [<sup>F12</sup>or who is subject to a debt relief restrictions order] shall not be capable of being appointed a justice of the peace]

(4) A person shall not be deemed incapable, on grounds of interest or bias, of acting as a justice of the peace in relation to any matter concerning a local authority by reason only that—

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- (a) he is a member of that authority;
  - (b) he is one of several persons liable to be assessed to, or to pay, rates [<sup>F13</sup> made] by that authority; or
  - (c) he is one of any other class of persons liable in common with the others to contribute to, or be benefited by, any rate or fund maintained by that authority or out of which the expenses of that authority are required or authorised to be defrayed.
- (5) Except as provided by subsection (4), nothing in this section shall affect the operation of any rule of law disqualifying a person for acting as justice of the peace in any matter on the ground of interest or bias.
- (6) This section shall not prejudice or affect the operation of—
- (a) any enactment imposing a disqualification in consequence of any corrupt or illegal practice at an election; or
  - (b) any enactment (not being an enactment repealed by this Act) which provides that a justice of the peace shall not act in a capacity specified in that enactment.

<b>F5</b>	1975 NI 7; 1981 NI 26
<b>F6</b>	SR 1982/192
<b>F7</b>	1978 c.23
<b>F8</b>	Words in s. 6(1) substituted (12.4.2010) by Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 4, <b>Sch. para. 1</b> (with arts. 5-7)
<b>F9</b>	S. 6(3) substituted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, <b>Sch. Pt para. 2(2)(a)</b>
<b>F10</b>	S. 6(3ZA) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, <b>Sch. para. 3(a)</b>
<b>F11</b>	S. 6(3A) inserted (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, <b>Sch. para. 2(2)(b)</b>
<b>F12</b>	Words in s. 6(3A) inserted (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, <b>Sch. para. 3(b)</b>
<b>F13</b>	1977 NI 28

*S. 7 rep. by 2002 c. 26*

*S. 8 rep. by 1978 c. 23*

## APPOINTMENT AND REMOVAL OF RESIDENT MAGISTRATES

### <sup>F149</sup> **Appointment and assignment of resident magistrates.**

- (1) Her Majesty may<sup>F15</sup> . . . appoint fit and proper persons to be resident magistrates, being persons who at the dates of their appointments<sup>F16</sup> are—
- (a) members of the Bar of Northern Ireland of at least seven years' standing; or
  - (b) solicitors of the<sup>F17</sup> Court of Judicature] of at least seven years' standing.]

*Subs. (2) rep. by 2002 c. 26*

- (3) A resident magistrate shall sit in accordance with directions given by the<sup>F18</sup> Lord Chief Justice].

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- (4) A resident magistrate may, in accordance with such directions, sit [<sup>F19</sup>in any magistrates' court] .
- (5) Subject to subsections (3) and (4), the [<sup>F18</sup>Lord Chief Justice] may assign a resident magistrate to one or more [<sup>F20</sup>divisions] and may from time to time vary any such assignment.]
- [<sup>F21</sup>(6) In subsection (5) “division” means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 for all or the residual purposes of a magistrates' court.]

**F14** 1978 c.23

**F15** Words in s. 9(1) omitted (12.4.2010) by virtue of Northern Ireland Act 2009 (c. 3), ss. 2(4), 5(7)(a), **Sch. 5 para. 3**; S.I. 2010/812, **art. 2**

**F16** 2002 c. 26

**F17** Words in s. 9(1)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), **Sch. 11 para. 6(1)**; S.I. 2009/1604, **art. 2(d)**

**F18** Words in s. 9(3)(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 16**; S.I. 2006/1014, **art. 2(a)**, **Sch. 1 para. 12(a)**

**F19** Words in s. 9(4) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 57(2)(a)** (with **Sch. 8 para. 1**); S.R. 2016/387, **art. 2(k)** (with **art. 3**)

**F20** Words in s. 9(5) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 57(2)(b)** (with **Sch. 8 para. 1**); S.R. 2016/387, **art. 2(k)** (with **art. 3**)

**F21** S. 9(6) added (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 57(2)(c)** (with **Sch. 8 para. 1**); S.R. 2016/387, **art. 2(k)** (with **art. 3**)

## 10 Appointment of deputy resident magistrates.

- [<sup>F22</sup>(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 [<sup>F23</sup>Department of Justice], may direct, and
  - (b) subject to such conditions as the Lord Chancellor may impose.]
- (2) Any deputy resident magistrate may exercise and perform all the functions of a resident magistrate.

**F22** S. 10(1) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3)(4), 5(7)(a), **Sch. 4 para. 4** (with **Sch. 5 para. 16**); S.I. 2010/812, **art. 2**

**F23** Words in s. 10(1)(a) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), **Sch. para. 3**; S.R. 2010/147, **art. 2(2)**

## 11 Removal of resident magistrates from office.

<sup>F24</sup> .....

**F24** S. 11 repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87(1), **Sch. 13**; S.R. 2006/124, **art. 2**, **Sch. paras. 9, 11(c)**