

Table of Contents

Preface	v
Table of Cases	xiii
Table of Acts (including Acts of the Northern Ireland Parliament and Assembly)	xxiii
Table of Legislation other than Acts.....	xxxvii
List of Abbreviations.....	xl ix
Ch 1 The Evolution of Law-Making in Northern Ireland.....	1
1.1 Introduction	1
1.2 Brehon Law.....	1
1.5 Common Law	2
1.7 Parliaments.....	3
1.9 The Creation of Northern Ireland	4
1.12 The Stormont Parliament	5
1.16 Direct Rule.....	7
1.18 The Troubles	8
1.22 Efforts to Restore Devolution.....	10
1.27 The Belfast (Good Friday) Agreement 1998	12
1.30 Implementing the Good Friday Agreement	13
Ch 2 Constitutional Law in Northern Ireland.....	19
2.1 The United Kingdom's Constitution	19
2.3 The Rule of Law.....	20
2.7 Parliamentary Sovereignty	22
2.12 Separation of Powers.....	25
2.14 Constitutional Acts.....	26
2.16 The United Kingdom Parliament	27
2.19 The Northern Ireland Affairs Committee	28
2.20 The Status of Northern Ireland.....	29
2.25 The Northern Ireland Assembly	31
2.33 The Northern Ireland Executive	35
2.39 The Pledge of Office and Codes of Conduct	38
2.44 Assembly Committees	40
2.46 North-South and East-West Bodies.....	41
2.50 The Northern Ireland Office.....	43

viii *Table of Contents*

2.52	The Civil Service.....	44
2.54	Local Government.....	45
Ch 3	Legislation in Northern Ireland	47
3.1	The Two Sources of Law	47
3.3	Basic Principles Relating to Legislation.....	47
3.5	Acts of the UK Parliament	49
3.10	How Acts of Parliament are Made	51
3.15	The Form of Acts of Parliament	53
3.16	Secondary Legislation.....	55
3.18	Acts of the Northern Ireland Assembly.....	56
3.23	Orders in Council.....	57
3.32	Statutory Instruments	61
3.35	Statutory Rules.....	62
3.40	How Secondary Legislation is Made.....	64
3.45	Further Controls on Secondary Legislation.....	65
3.50	Prerogative Legislation	67
3.52	Other Legal Documents.....	68
3.54	How to Find Legislation	68
3.57	Legislation on the Internet.....	70
3.61	Printed Volumes	71
3.66	Law Reform	73
Ch 4	Courts and Case Law in Northern Ireland.....	77
4.1	Introduction	77
4.2	Courts in Ireland before 1921	77
4.6	The Court of Judicature of Northern Ireland.....	79
4.9	The Judiciary in Northern Ireland	80
4.10	Justices of the Supreme Court.....	82
4.15	Judges of the Superior Courts.....	84
4.20	Judges of the Inferior Courts	87
4.25	Masters and Clerks.....	88
4.28	Members of Tribunals	89
4.33	The Judicial Appointments Commission.....	91
4.36	Conflicts of Interest and Immunity from Suit	93
4.39	Court Inspections	93
4.40	Basic Principles Relating to Case Law	94
4.42	How Courts Interpret Legislation.....	96
4.44	How to Find Case Law.....	98
4.45	Case Law on the Internet.....	98
4.49	Printed Law Reports.....	100

Ch 5 International Law in Northern Ireland	103
5.1 International Law	103
5.6 Treaties.....	106
5.9 Other Sources of International Law.....	108
5.10 European Union Law	109
5.23 The EU Charter of Fundamental Rights	116
5.24 The Court of Justice of the European Union.....	117
5.33 Other EU Courts	121
5.36 How to Find EU Law	122
5.38 The European Convention on Human Rights.....	123
5.44 The Convention's Impact on Law in Northern Ireland	126
Ch 6 Public Law in Northern Ireland.....	129
6.1 Public Law and Private Law	129
6.3 Public Authorities.....	129
6.5 Administrative Law and Judicial Review	130
6.12 The Ombudsman.....	134
6.22 Human Rights Law	138
6.28 The Northern Ireland Human Rights Commission	141
6.32 Coroners' Courts.....	144
6.40 The Parades Commission	147
6.45 The Information Commissioner's Office	150
6.47 Equality Law and the Equality Commission	151
6.62 The Commissioner for Children and Young People	158
6.64 The Commissioner for Older People.....	159
6.66 Welfare Law	159
6.82 Housing Law	165
6.86 Planning Law	167
Ch 7 Criminal Law in Northern Ireland.....	169
7.1 Introduction	169
7.2 The Department of Justice.....	169
7.5 General Principles of Criminal Law	171
7.14 Criminal Offences	175
7.26 Anti-terrorism Law.....	182
7.36 Levels of Crime	186
7.41 Paramilitary Crime	189
7.43 The Police Service.....	190
7.54 Bodies Overseeing the Police	195
7.69 The Prison Service	202
7.85 The Probation Service.....	209

x *Table of Contents*

7.89 Services for Victims	211
7.95 Other Criminal Justice Bodies	215
Ch 8 Criminal Proceedings in Northern Ireland.....	221
8.1 Introduction	221
8.2 Summary and Indictable Offences	221
8.5 Starting Criminal Proceedings	223
8.16 The Rights of Arrested Persons.....	227
8.26 Bail and Remand.....	232
8.34 The Prosecution System.....	235
8.43 Summary Trials	238
8.62 Committal Proceedings.....	245
8.66 Trials on Indictment	247
8.82 Children and Criminal Justice	254
8.99 The Law of Evidence	261
Ch 9 Private Law in Northern Ireland.....	269
9.1 Branches of Private Law	269
9.2 Land Law	269
9.20 Trust Law	278
9.24 Succession Law.....	280
9.36 Contract Law	285
9.49 Consumer Law	290
9.62 Commercial Law.....	295
9.67 Company Law	297
9.74 Tort Law	301
9.82 Compensation for Criminal Offences	305
9.93 Employment Law	309
9.117 Family Law	319
9.128 Child Law	323
Ch 10 Civil Proceedings in Northern Ireland	331
10.1 The Nature of Civil Proceedings.....	331
10.2 Civil Proceedings in a Magistrates' Court.....	331
10.8 Small Claims Courts.....	334
10.15 Civil Proceedings in a County Court	336
10.23 Proceedings in the High Court.....	339
10.36 Enforcing Civil Judgments.....	344

Ch 11 Lawyers in Northern Ireland	347
11.1 Introduction	347
11.2 Law Officers.....	347
11.8 Solicitors	350
11.18 Barristers.....	354
11.26 Legal Education.....	356
11.31 State Help With Legal Costs.....	358
11.33 Legal Advice and Assistance	359
11.39 Assistance By Way of Representation	361
11.41 Civil Legal Aid	361
11.46 Criminal Legal Aid.....	363
11.51 The Northern Ireland Legal Services Commission	365
11.55 Legal Costs.....	366
11.59 Costs in Criminal Proceedings	368
11.65 Costs in Civil Proceedings	370
APPENDIX 1	377
Civil Aviation Act 2012 (Table of Contents)	
APPENDIX 2	383
Presumption of Death Act (NI 2009) (extracts)	
APPENDIX 3	387
Northern Ireland Policing Board (NI) Order 2007	
APPENDIX 4	391
Misuse of Drugs (Amendment) Regulations (NI) 2010	
APPENDIX 5	395
<i>Robinson (Iris) v Sunday Newspapers Ltd</i> (2011)	
<i>Index</i>	403