
STATUTORY INSTRUMENTS

1975 No. 816 (N.I. 7)

NORTHERN IRELAND

The Administration of Justice (Northern Ireland) Order 1975

Laid before Parliament in draft

Made - - - - - 14th May 1975

Coming into operation in accordance with Article 1(2)

ARRANGEMENT OF ORDER

Article

1. Title and commencement.
2. Interpretation.
3. Increase in number of Lords Justices of Appeal.
4. Commissions of assize and jurisdiction of commissioners.
5. Uniting of counties for purposes of assizes.
6. Extension of supervisory powers of High Court.
7. Transfer of certain functions in relation to county court judges and resident magistrates.
8. Extension of civil jurisdiction of county courts.
9. Reprint of certain enactments relating to county courts.
10. Extension of jurisdiction of courts of summary jurisdiction in debt and ejectment proceedings.
11. Keeper of the rolls.
12. Clerks of petty sessions.
13. Repeals.

SCHEDULES:

Schedule 1—Extension of Civil Jurisdiction of County Courts.

Schedule 2—Repeals.

At the Court at Buckingham Palace, the 14th day of May 1975

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Administration of Justice (Northern Ireland) Order 1975.

(2) Article 3 shall come into operation forthwith, Articles 8, 10 and 12 shall come into operation on such day or days as the Secretary of State may by order appoint and the remaining provisions shall come into operation on the fourteenth day after the day on which this Order is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

(a) “enactment” and “statutory provision” have the meanings assigned to them by paragraphs (b) and (f) respectively of section 1 of the Interpretation Act (Northern Ireland) 1954;

(b) references to counties or county boroughs are to them as defined for local government purposes immediately before 1st October 1973, subject to any subsequent definition of their boundaries for the time being in force under the Boundary Survey (Ireland) Act 1854(c), the Boundary Survey (Ireland) Act 1857(d), the Boundary Survey (Ireland) Act 1859(e) or the County Boundaries (Ireland) Act 1872(f).

Increase in number of Lords Justices of Appeal

3. The number of Lords Justices of Appeal shall be increased to three; and accordingly in paragraph 2(1) of Part II of the Seventh Schedule to the Government of Ireland Act 1920(g) for the word “two” there shall be substituted the word “three”.

Commissions of assize and jurisdiction of commissioners

4. For section 41 of the Supreme Court of Judicature Act (Ireland) 1877(h) there shall be substituted the following section:—

“Commissions of assize and jurisdiction of commissioners.”
41.—(1) Her Majesty may, by commission of assize or any other commission, either general or special, assign to such judges of the Supreme Court or other persons as are named therein, the duty of trying and determining, within any place or district specially fixed for that purpose by the commission, any causes or matters, or any questions or issues of fact or of law or partly of fact and partly of law in any cause or matter depending in the High Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the High Court.

(a) 1974 c. 28.
(c) 1854 c. 17.
(e) 1859 c. 8.
(g) 1920 c. 67.

(b) 1954 c. 33 (N.I.).
(d) 1857 c. 45.
(f) 1872 c. 48.
(h) 1877 c. 57.

(2) Her Majesty may include in any commission of assize or any other commission any of the following persons, namely—

- (a) a judge of the High Court;
- (b) a judge of the Court of Appeal;
- (c) a county court judge;
- (d) one of Her Majesty's counsel learned in the law; and
- (e) if he consents to act, a person who has held the office of a judge of the Court of Appeal or of a judge of the High Court.

(3) Any person included in a commission of assize or other commission shall, for the purposes of the commission, have all the power, authority and jurisdiction of a judge of the High Court and shall, when engaged in the exercise of any jurisdiction assigned to him in pursuance of this Act, be deemed to constitute a court of the High Court.

(4) For any period during which one of Her Majesty's counsel learned in the law is included in a commission under this section there may be paid to him such remuneration and allowances as the Treasury may, after consultation with the Lord Chief Justice, determine.

(5) Nothing in the foregoing provisions of this section or in any commission of assize or other commission—

- (a) shall authorise a county court judge to exercise any jurisdiction on an appeal under section 1 of the County Court Appeals Act (Northern Ireland) 1964(a),
- (b) shall prejudice the operation of sections 3(1) and 4(3) and (4) of the Northern Ireland (Emergency Provisions) Act 1973(b).”.

Uniting of counties for purposes of assizes

5.—(1) Where it appears to the Secretary of State that it is inexpedient to hold separate assizes for any county he may by order provide—

- (a) for uniting such county for the purpose of any assizes with any other county or counties;
- (b) for the appointment of the place or places at which the assizes are to be held for such united counties;
- (c) for the jurisdiction of the court and the attendance, jurisdiction, authority and duty of under-sheriffs, gaolers, officers, jurors and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings and documents, the transmission of recognizances and documents, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may be necessary for carrying into effect an order under this Article;
- (d) for any matter which appears to the Secretary of State to be necessary or proper for carrying into effect an order under this Article.

(2) Where two or more counties are united by an order under this Article, the counties so united shall, subject to the provisions of the order, be deemed to be one county and any assizes held in and for such united county shall be deemed to be held in and for each of the constituent counties.

(a) 1964 c. 3 (N.I.).

(b) 1973 c. 53.

(3) An order under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946(a) shall apply accordingly.

(4) In this Article “ county ” includes a county borough.

Extension of supervisory powers of High Court

6.—(1) Any provision in a relevant enactment that any order or determination shall not be called into question in any court, or any provision in such an enactment which by similar words excludes any of the powers of the High Court, shall not have effect so as—

- (a) to prevent the removal of the proceedings into the High Court by order of certiorari; or
- (b) to prejudice the powers of the High Court to make orders of mandamus.

(2) This Article does not—

- (a) affect section 26 of the British Nationality Act 1948(b);
- (b) apply to any order or determination of a court of law; or
- (c) apply where a relevant enactment makes special provision for application to the High Court within a time limited by the enactment.

(3) In this Article “relevant enactment” means—

- (a) an Act of the Parliament of the United Kingdom passed before 1st August 1958; or
- (b) an Act of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly enacted before the date on which this Article comes into operation.

Transfer of certain functions in relation to county court judges and resident magistrates

7. The functions, immediately before the date on which this Article comes into operation, of the Secretary of State under section 102(5), (6) and (7) of the County Courts Act (Northern Ireland) 1959(c) and section 9(3) of the Magistrates’ Courts Act (Northern Ireland) 1964(d) are hereby transferred to the Lord Chancellor.

Extension of civil jurisdiction of county courts

8.—(1) In the statutory provisions set out in column 1 of Schedule 1 (which prescribe financial limits of the jurisdiction of county courts) for the words or figures set out in column 2 of that Schedule (wherever they occur) there shall be substituted the figures set out in column 3.

(2) If it appears to the Secretary of State, on the recommendation of the Lord Chief Justice, that—

- (a) a sum specified in any of the statutory provisions set out in column 1 of Schedule 1 (as that statutory provision has effect for the time being, whether by virtue of this Order or otherwise) should be increased, or

(a) 1946 c. 36. (b) 1948 c. 56. (c) 1959 c. 25 (N.I.). (d) 1964 c. 21 (N.I.).

(b) where any other statutory provision limits the jurisdiction of county courts by reference (howsoever expressed) to a sum of money, that sum should be increased,

the Secretary of State may by order, specifying the statutory provision and the sum in question, direct that the statutory provision shall be amended so as to substitute for that sum such larger sum as may be specified in the order.

(3) An order under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Reprint of certain enactments relating to county courts

9.—(1) The County Courts Act (Northern Ireland) 1959 and the County Court Appeals Act (Northern Ireland) 1964 shall be reprinted.

(2) For the purpose of reprinting the enactments mentioned in paragraph (1), section 30(2) of the Interpretation Act (Northern Ireland) 1954 (which requires the Clerk of the Parliaments to prepare and certify a copy of the provision to be reprinted) shall have effect as if for the words “the Clerk of the Parliaments” there were substituted the words “the Clerk to the Assembly”.

Extension of jurisdiction of courts of summary jurisdiction in debt and ejectment proceedings

10.—(1) The following provisions of this Article shall have effect for raising the financial limits of the jurisdiction of courts of summary jurisdiction in debt and ejectment proceedings.

(2) In section 71 of the Magistrates’ Courts Act (Northern Ireland) 1964 (debt proceedings) for the words “fifty pounds” in subsections (1)(a), (2) and (3) there shall be substituted the words “one hundred pounds” and for the words “one hundred pounds” in subsection (1)(b) there shall be substituted the words “two hundred and fifty pounds”.

(3) In section 76(1)(a) of the Magistrates’ Courts Act (Northern Ireland) 1964 (ejectment proceedings) for the words “fifty-five pounds” there shall be substituted the words “one hundred and ten pounds”.

(4) In section 82(3) of the Magistrates’ Courts Act (Northern Ireland) 1964 (recovery of rent in ejectment proceedings) for the words “fifty pounds” there shall be substituted the words “one hundred pounds”.

Keeper of the rolls

11.—(1) The Lord Chancellor may from time to time designate one justice of the peace for each county and county borough to be keeper of the rolls for that county or county borough.

(2) The keeper of the rolls for each county and county borough shall exercise in relation to that county or county borough the functions heretofore exercised in relation to a county by the *custos rotulorum* of that county.

(3) Any reference in a statutory provision to a *custos rotulorum* or to any person who exercises the functions of *custos rotulorum* for a county borough shall be construed as a reference to a keeper of the rolls designated under paragraph (1).

(4) Any person who, at the coming into operation of this Article, holds office as *custos rotulorum* under the *Custos Rotulorum (Ireland) Act 1831*^(a) or who exercises the functions of *custos rotulorum* for a county borough shall, without prejudice to any designation which may be made by the Lord Chancellor under paragraph (1), cease to hold that office or exercise those functions, as the case may be.

Clerks of petty sessions

12.—(1) Notwithstanding anything in section 6(1) of the Magistrates' Courts Act (Northern Ireland) 1964 or any other statutory provision, a clerk of petty sessions may exercise the functions of a justice of the peace under any statutory provision authorising a justice of the peace to sign summonses; and any statutory provision or rule of law regulating, or relating to, the signing of summonses by a justice of the peace shall apply in relation to the signing of summonses by virtue of this paragraph by a clerk of petty sessions as if he were a justice of the peace.

(2) Notwithstanding anything in section 30 of the Magistrates' Courts Act (Northern Ireland) 1964 or any other statutory provision, nothing in this Article shall enable an assistant or deputy clerk of petty sessions to exercise the functions of a justice of the peace under any statutory provision authorising a justice of the peace to sign summonses.

Repeals

13. The statutory provisions set out in Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh.

SCHEDULES

Article 8(1).

SCHEDULE 1

EXTENSION OF CIVIL JURISDICTION OF COUNTY COURTS

Statutory Provision	Existing Limit of Jurisdiction	New Limit of Jurisdiction
<i>The Grand Jury (Ireland) Act 1836</i> (c. 116) section 168 (contracts for public work)	three hundred pounds	£1,000
<i>The Landed Property Improvement (Ireland) Act 1847</i> (c. 32) section 40 (recovery of rent-charge)	three hundred pounds	£1,000
<i>The Attorneys' and Solicitors' Act 1870</i> (c. 28) section 8 (enforcement of agreements)	three hundred pounds	£1,000
<i>The Administration of Estates Act (Northern Ireland) 1955</i> (c. 24) section 43(2) (jurisdiction of county court)	one thousand pounds two hundred and fifty pounds	£2,000 £500
<i>The Road Traffic Act (Northern Ireland) 1955</i> (c. 27) section 31(2) (recovery of expenses by Department)	five hundred pounds	£1,000

(a) 1831 c. 17.

Statutory Provision	Existing Limit of Jurisdiction	New Limit of Jurisdiction
<i>The County Courts Act (Northern Ireland) 1959 (c. 25)</i>		
section 10(1) (general civil jurisdiction)	three hundred pounds	£1,000
section 10(2) (libel and slander)	fifty pounds	£200
section 10(6) (recovery of rent)	three hundred pounds	£1,000
section 11(2)(a) (gross value of estate)	two thousand pounds	£3,000
section 11(2)(b) (legacies and annuities)	three hundred pounds	£1,000
section 11(2)(c) (legacies etc. charged on land)	three hundred pounds	£1,000
section 11(3) (charitable donations)	one thousand pounds	£2,000
section 16(a) (equity: administration of estates)	three hundred pounds	£1,000
section 16(b) (equity: administration of trusts)	one thousand pounds	£2,000
section 16(d) (equity: specific performance)	one thousand pounds	£2,000
section 16(e) (equity: relief against fraud, mistake)	one thousand pounds	£2,000
section 16(f) (equity: partnerships)	one thousand pounds	£2,000
section 16(j) (equity: proceedings under Settled Land Acts)	one thousand pounds	£2,000
section 16(l) (equity: Trustee Act (Northern Ireland) 1958)	one thousand pounds	£2,000
section 16(m) (equity: infants)	one thousand pounds	£2,000
section 16(n) (equity: construction of deeds, wills, etc.)	one thousand pounds	£2,000
section 17 (contentious probate)	two thousand pounds	£3,000
section 18(1)(b) (administration pendente lite)	two thousand pounds	£3,000
section 63(1) (interest on debt or damages)	three hundred pounds	£1,000
section 96 (payment into court by trustees)	two thousand pounds	£3,000
<i>The Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23)</i>		
section 22(5)(a) and (b) (payment into court)	one thousand pounds	£2,000
<i>The Building Societies Act (Northern Ireland) 1967 (c. 31)</i>		
section 28(5) (security from third party)	six hundred pounds	£1,000
<i>The Judgments (Enforcement) Act (Northern Ireland) 1969 (c. 30)</i>		
section 88(2)(a)(i) (committal for default)	three hundred pounds	£1,000
<i>The Mineral Development Act (Northern Ireland) 1969 (c. 35)</i>		
section 38(7)(a) and (b) (payment into court)	one thousand pounds	£2,000
<i>The Registration of Deeds Act (Northern Ireland) 1970 (c. 25)</i>		
section 17(1)(a) and (b) (breach of statutory duty by registry officials)	£300	£1,000
<i>The Consumer Credit Act 1974 (c. 39)</i>		
section 139(7)(b) (reopening of extortionate agreements)	£300	£1,000

Chapter	Short Title	Extent of Repeal
1 & 2 Will. 4 c. 17	The Custos Rotulorum (Ireland) Act 1831	The whole Act.
13 & 14 Vict. c. 85	The Assizes (Ireland) Act 1850	The whole Act.
39 & 40 Vict. c. 57	The Winter Assizes Act 1876	The whole Act.
40 & 41 Vict. c. 46	The Winter Assizes Act 1877	The whole Act.
40 & 41 Vict. c. 57	The Supreme Court of Judicature Act (Ireland) 1877	Section 32. Section 63.
41 & 42 Vict. c. 27	The Supreme Court of Judicature Act (Ireland) 1877, Amendment Act 1878	The whole Act.
61 & 62 Vict. c. 37	The Local Government (Ireland) Act 1898	In section 69(1) the words "custos rotulorum".
1954 c. 33	The Interpretation Act (Northern Ireland) 1954	In section 42(4) in the definition of assizes the words "or by virtue of the powers conferred by section sixty three of the Supreme Court of Judicature Act (Ireland) 1877".
1964 c. 21	The Magistrates' Courts Act (Northern Ireland) 1964	In section 3(1)(b) the words "and Her Majesty's Keeper of the Rolls of the Peace". In Schedule 1 in paragraph 1 the words "[in the case of a county here insert 'and Keeper of the Rolls']".
1971 c. 62	The Tribunals and Inquiries Act 1971	Section 14(1) and (3).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order increases to three the number of Lords Justices of Appeal, enables county court judges and former judges of the Supreme Court to be included in commissions of assize, extends existing powers to unite two or more counties for the purposes of assizes, removes certain restrictions on the supervisory powers of the High Court and provides for the extension of the civil jurisdiction of county courts and magistrates' courts. The Order also provides for the reprinting of certain enactments relating to county courts, makes provision concerning the appointment of keepers of the rolls and enables clerks of petty sessions to sign summonses.

Printed in England by Oyez Press Limited, and published by Her Majesty's Stationery Office
17/P13097 L92 K18 5/75

ISBN 0 11 050816 5