

1982 No. 300

SUPREME COURT

The Supreme Court (Departments and Officers)
(Northern Ireland) Order 1982

Made 14th September 1982

Coming into operation 1st November 1982

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by sections 68(5) and (6) and 70(5) and (6) of the Judicature (Northern Ireland) Act 1978(a), after consultation with the Lord Chief Justice, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Supreme Court (Departments and Officers) (Northern Ireland) Order 1982 and shall come into operation on 1st November 1982.

(2) In this Order “the Act” means the Judicature (Northern Ireland) Act 1978.

Departments of the Supreme Court

2. Schedule 2 to the Act shall be amended by adding at the end thereof, the entry “The Official Solicitor’s Office” and “Official Solicitor” in the first and second columns respectively.

Statutory officers

3. Schedule 3 to the Act shall be amended by—

- (a) adding at the end thereof, the entry “Official Solicitor”, “Solicitor” and “10 years” in columns 1, 2 and 3 respectively;
- (b) removing the following offices, namely—
 - (i) Registrar (Chancery and Bankruptcy);
 - (ii) Registrar (Probate and Matrimonial);
 - (iii) Judicial Officer (Enforcement of Judgments); and the entries relating thereto.

Official Solicitor

4. For section 75 of the Act there shall be substituted the following section —
“Official Solicitor

75.—(1) The Lord Chancellor, after consultation with the Lord Chief Justice, may appoint a solicitor of the Supreme Court as Official Solicitor to the Supreme Court.

(2) The Official Solicitor shall have such powers and perform such duties as may be prescribed and as may be conferred or imposed on him—

- (a) by or under this or any other Act; or
- (b) by or in accordance with any direction given by the Lord Chancellor.

(a) 1978 c. 23

27

RP
JA

(3) Notwithstanding the provisions of section 70(2)(a), a person shall be qualified for appointment as Official Solicitor if he has practised as a solicitor of the Supreme Court for not less than the number of years specified in column 3 of Schedule 3.

(4) The court may, in accordance with rules of court, order the costs of the Official Solicitor in respect of any business done by him to be paid out of any fund the subject of the proceedings or by any party to the proceedings and such costs shall be ascertained on taxation or measured.

(5) Where any powers or duties have been or are hereafter conferred on the Official Solicitor then, unless and until the court or a judge otherwise directs in any particular case, those powers may be exercised and those duties shall be performed by the holder of the office for the time being, and no further order or appointment shall be necessary by reason only that the person on whom the powers and duties were conferred or imposed has died or ceased to hold office."

Consequential amendments and repeals

5.—(1) The following section shall be substituted for section 73 of the Act—
"Restrictions on practice

RP
C
D

73.—(1) ~~Subject to subsection (2),~~ a statutory officer shall not either directly or indirectly practise as a barrister or solicitor or as an agent for a solicitor.

(2) ~~Subsection (1) shall not apply to the Official Solicitor acting in his capacity as such.~~

(2) Paragraph (c) of section 76 of the Act is hereby repealed.

Dated 14th September 1982.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order amends the Judicature (Northern Ireland) Act 1978 by—

- (a) adding references to the Official Solicitor's Office and the Official Solicitor to the Schedules describing the departments of the Supreme Court and listing the statutory officers who may be appointed under the Act;
- (b) substituting a new section 75, dealing with the functions of the Official Solicitor;
- (c) substituting a new section 73, dealing with restrictions on practice by statutory officers;
- (d) removing the offices of Registrar (Chancery and Bankruptcy), Registrar (Probate and Matrimonial) and Judicial Officer (Enforcement of Judgments) from Schedule 3; and
- (e) making a consequential repeal of section 76(c).