

SCHEDULES

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

SPECIFIC AMENDMENTS

(2) ACTS OF THE IRISH PARLIAMENT AND PARLIAMENT OF NORTHERN IRELAND

The Habeas Corpus Act (Ireland) 1781

In section 2 for the words from " in the court of King's bench " to " case shall require " substitute the words " in the Crown Court " .

In section 8 for the words " judge of assize " substitute the words " judge of the Crown Court " .

The Bankruptcy Amendment Act (Northern Ireland) 1929

In section 21(1) for the words from the beginning to " providing " substitute the words " Rules of court may provide " and for the words from the end of paragraph (b) onwards substitute the words " and may provide for any matters for which provision may be necessary in order to give full effect to this section and prescribe anything which is to be prescribed thereunder " .

In section 28(1)—

- (a) in the definition of " The court " for the words from " a judge " to the end substitute the words " the High Court " ;
- (b) in the definition of " Prescribed " for the words from " section sixty-one " to the end substitute the words " section 55 of the Judicature (Northern Ireland) Act 1978 " .

The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929

In section 7(3) for the words from " such division or court of the Supreme Court " to the end substitute the words " the Court of Appeal and the decision of that Court shall be final " .

The Planning and Housing Act (Northern Ireland) 1931

In section 34(4) and (5) for the words " Supreme Court " wherever they occur substitute the words " Court of Appeal " .

In section 45(3) for the words " Supreme Court " substitute the words " High Court " .

Status: This is the original version (as it was originally enacted).

The Evidence Act (Northern Ireland) 1939

In section 5(1) after the words " rules of court " insert the words " and county court rules ",

The Matrimonial Causes Act (Northern Ireland) 1939

In the long title and in section 1 for the words " Supreme Court " substitute the words " High Court ".

In section 4(1)(a) for sub-paragraph (i) substitute—

“(i) an order of the High Court; or”.

For section 27(2) substitute—

“(2) Rules of court may be made under section 55 of the Judicature (Northern Ireland) Act 1978 for prescribing anything which by this Act is to be prescribed”.

In section 30(1) for the definition of " High Court " substitute—

“" High Court " includes the Master (Probate and Matrimonial) exercising such jurisdiction of the court as may be prescribed in that behalf by rules made under section 55 of the Judicature (Northern Ireland) Act 1978”.

In section 30(1) in the definition of " Presentation " for the words " Principal Probate Registry" substitute the words " Probate and Matrimonial Office ".

The Landlord and Tenant (war Damage) Act (Northern Ireland) 1941

For section 33(7) substitute—

“(7) If any party to any proceedings in the county court under this Act is dissatisfied with the order, determination, direction or decision of the court he may appeal therefrom to the High Court”.

In section 38(1) in the definition of " rules of court " for the words from " require " to the end substitute the words " require, rules under section 55 of the Judicature (Northern Ireland) Act 1978, ".

The Criminal Justice Act (Northern Ireland) 1945

In section 35(1) for the words "a court of assize or of quarter sessions" substitute the words " the Crown Court or a county court ".

In section 35(7) for the words " court of quarter sessions " substitute the words " county court ".

The Indictments Act (Northern Ireland) 1945

In section 3(2) for the words " the rules under this Act" substitute the words " Crown Court Rules ".

In section 8 for the words " rules under this Act" substitute the the words " Crown Court rules ".

The Probation Act (Northern Ireland) 1950

In sections 4(3)(b), 6(3)(b), 6(4), 6(6), 6(8) and 7(4) for the words " a court of assize or quarter sessions " wherever they occur substitute the words " the Crown Court ".

Status: This is the original version (as it was originally enacted).

In sections 4(3)(b), 4(4), 6(3)(b), 6(4) and 6(6) for the words " the court of assize or quarter sessions " wherever they occur substitute the words " the Crown Court ".

In section 6(2)(a) for the words " a court of assize, a judge of the High " substitute the words " the Crown Court, a judge of that ". For section 6(2)(b) substitute—

- “(b) if the order was made by a county court judge on an appeal made to him under section 140, 141 or 142 of the Magistrates' Courts Act (Northern Ireland) 1964, a county court judge acting for the division of the county court in which the order was made or a committing justice;”.

In section 8(1)(a)(i) for the words " a court of assize or county court, to the Court of Criminal Appeal" substitute the words " the Crown Court, to the Court of Appeal ".

The Prison Act (Northern Ireland) 1953

In section 6 for the words " a court of assize or quarter sessions " substitute the words " the Crown Court ".

The Juries Act (Northern Ireland) 1953

For sections 1 and 2 substitute—

“1 Payments to be made in respect of jury service.

- (1) Subject to the following provisions of this section, a person who serves as a juror shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payments, at rates determined by the Lord Chancellor with the consent of the Minister for the Civil Service and subject to any prescribed conditions, by way of allowance—
 - (a) for travelling and subsistence; and
 - (b) for financial loss, where in consequence of his attendance for that purpose he has incurred any expenditure (otherwise than on travelling and subsistence) to which he would not otherwise be subject or he has suffered any loss of earnings, or of benefit under the enactments relating to national insurance and social security, which he would otherwise have made or received.
- (2) Subsection (1) shall apply to service on a coroner's jury.
- (3) The determination of the amounts payable to persons under subsection (1) and the manner of making those payments shall be in accordance with arrangements made by the Lord Chancellor and all such payments shall be made out of moneys provided by the Parliament of the United Kingdom.
- (4) In subsection (1) ' prescribed' means prescribed by regulations made by the Lord Chancellor with the consent of the Minister for the Civil Service ; and for the purposes of that subsection a person who, in obedience to a summons to serve on a jury, attends for service as a juror shall be deemed to serve as a juror notwithstanding that he is not subsequently sworn.
- (5) No person shall be entitled under any Act other than this Act or under any rule of law, custom or agreement to payment for his service as a juror.".”.

Status: This is the original version (as it was originally enacted).

The Administration of Justice Act (Northern Ireland) 1954

For section 11 substitute—

“11 Local custody and control of courthouse accommodation.

The Lord Chancellor may give directions as to the local custody and control of any courthouse accommodation provided or maintained under this Act.”.

In section 14(1) for the words from the beginning to " on behalf of the Ministry " substitute the words " The Lord Chancellor " and for the word "Ministry" where it twice occurs substitute the words " Lord Chancellor ".

The Interpretation Act (Northern Ireland) 1954

In section 21—

- (a) in subsection (2) for the words " Ministry of Finance" substitute the word " Treasury ";
- (b) for subsection (4) substitute—

“(4) In any enactment—

" rules of court " shall mean rules of court made, or having effect as if made, under section 55 of the Judicature (Northern Ireland) Act 1978 ;

" Crown Court rules " shall mean rules made under section 52 of the Judicature (Northern Ireland) Act 1978.”;

- (c) in subsection (6) after paragraph (a) insert—

“(aa) in relation to the Crown Court, references to Crown Court rules ;”.

In section 42—

- (a) in subsection (1) for the definition of " county court" substitute—
 - “" Crown Court" shall mean Her Majesty's Crown Court in Northern Ireland ;
 - " county court " shall mean a county court held for a division under the County Courts Act (Northern Ireland) 1959;”;
- (b) in subsection (3) for the definition of "Probate Judge" substitute—
 - “" Probate Judge " shall mean the Judge of the High Court to whom probate business and matters are for the time being assigned.”.

The Trustee Act (Northern Ireland) 1958

In sections 35(9) and 57(4) for the words " Lord Chief Justice or Registrar in Lunacy" substitute the words " High Court or the Master (Care and Protection) ".

In section 67 omit the definition of " pay " and at the end of section 66 add—

“(3) Any reference in this Act to paying money or securities into court shall be construed as referring to paying the money or transferring or depositing the securities into or in the Supreme Court or into or in the county court that has jurisdiction, and any reference in this Act to payment of money or securities into court shall be construed—

- (a) with reference to an order of the High Court, as referring to payment of the money or transfer or deposit of the securities into or in the Supreme Court; and
- (b) with reference to an order of a county court, as referring to payment of the money or transfer or deposit of the securities into or in that court.”.

Status: This is the original version (as it was originally enacted).

The Coroners Act (Northern Ireland) 1959

In section 1, for the words from the beginning to "responsible" substitute the words "The Lord Chancellor shall be responsible".

In section 2(1) for the words from the beginning to "may appoint" substitute the words "The Lord Chancellor may appoint" and for the words from "the Minister, after" to the end substitute the words "the Lord Chancellor, after consultation with the Treasury, may determine and may also, in exercise of his powers under section 69 of the Judicature (Northern Ireland) Act 1978, appoint coroner's officers and other officers to assist such coroners".

In sections 2(2) and 3 for the word "Minister" substitute the words "Lord Chancellor".

In section 2(3) for the words from "is a barrister-at-law" to the end substitute the words "has practised for not less than five years either as a member of the Bar of Northern Ireland or as a solicitor of the Supreme Court".

In section 5 for the words from "moneys" to the end substitute the words "moneys provided by the Parliament of the United Kingdom".

In section 6(2) for the word "Minister" where it twice occurs substitute the words "Lord Chancellor".

In sections 11(3), 26 and 27(2) for the word "Ministry" wherever it occurs substitute the words "Lord Chancellor". In section 36(1) for the words from the beginning to the end of paragraph (a) substitute—

“(1) The Lord Chancellor may by rules—

- (a) made after consultation with the Treasury, make provision with respect to the records, accounts and returns which the Lord Chancellor may require coroners to keep and submit to him and with respect to information to be supplied by coroners ;”.

For section 36(2) substitute—

“(2) The Lord Chancellor may with the consent of the Minister for the Civil Service determine—

- (a) the salaries or fees and superannuation to be paid to coroners and to registered medical practitioners employed under section 27(2);
- (b) the fees and allowances payable to persons assisting at post-mortem examinations ;
- (c) the allowances payable to witnesses under this Act.”.

The County Courts Act (Northern Ireland) 1959

In section 3(1) after the word "shall" insert the words "except where the Lord Chancellor otherwise directs".

For section 5 substitute—

“5 Additional and extraordinary sittings.

- (1) The Lord Chancellor may, where he considers it expedient to do so for the purpose of avoiding extra- delay in the administration of justice, give directions for the holding of sittings of the county court in addition to the ordinary sittings fixed under this Act.

Status: This is the original version (as it was originally enacted).

(2) Subject to county court rules and to any directions given by the Lord Chancellor under section 2 or subsection (1), a judge may, in addition to the ordinary sittings, sit at any other time or times for the hearing of any proceedings where he is satisfied that such additional sitting is necessary or expedient for the doing of justice between the parties.”.

In section 6(2) for the words from " from hearing " to the end substitute the words " or circuit registrar from hearing and determining any civil action which he is authorised by any enactment or by county court rules to hear and determine ".

In section 6(4)(a) for the words " for which he acts as judge " substitute the words " to which he is assigned under section 102 ".

In section 33(3)(a) for the words "Registrar of the Supreme Court " substitute the words " Master (Queen's Bench and Appeals) ".

In section 36 for the words from " tried " to the end substitute the words " tried at some other place in the same division or in any other division, he may order those proceedings to be transferred to a court sitting at such other place, and they shall be heard and determined by that court accordingly ".

In section 38 for the words " section sixteen of the Summary Jurisdiction Act (Northern Ireland) 1953 " substitute the words " section 85 of the Magistrates' Courts Act (Northern Ireland) 1964 ".

In section 55 in subsection (1) for the words " under rule (3) of section twenty-seven of the Supreme Court of Judicature Act (Ireland) 1877 " substitute the words " to a third or subsequent party or to a defendant seeking contribution or indemnity ".

For section 63 substitute—

“63 Interest.

In determining for the purposes of any provision of this Act whether an amount exceeds, or is less than, a sum specified in that provision, no account shall be taken of the power exercisable by virtue of section 17 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 (interest on debts and damages) or of any order made in the exercise of such power.”.

In section 71(3) at the end add the words " or by a circuit registrar ".

In section 105—

(a) for subsection (1) substitute—

“(1) Subject to subsection (1A), the Lord Chancellor may, if he thinks fit, remove a judge from office on the ground of incapacity or misbehaviour.

(1A) Subsection (1) shall not apply to a judge holding office immediately before 1st January 1974 but—

(a) subject to paragraph (b), every such judge shall hold office during good behaviour subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom ;

(b) where the Lord Chancellor is satisfied that by reason of infirmity of mind or body any such judge is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent, he may,

Status: This is the original version (as it was originally enacted).

upon hearing any representations made by or on behalf of the judge, remove him from office.”;

- (b) in subsection (4) for the words " and (2)" substitute the words " and (1A) ". For section 106 substitute—

“106 Salaries and allowances of judges.

- (1) There shall be paid to each judge such salary as may be determined by the Lord Chancellor with the consent of the Minister for the Civil Service.
- (2) The salary payable to any judge shall begin from the date on which the judge takes the oaths required by section 105(3).
- (3) The Lord Chancellor with the approval of the Minister for the Civil Service may allow to any judge, for the purpose of defraying his travelling and subsistence expenses, such sum as appears reasonable.”.

In section 114—

- (a) in subsection (1) for the words " county court rules " substitute the words " directions given by the Lord Chancellor ";
- (b) in subsection (2) for the words from "by the Ministry" to the end substitute the words " by the Lord Chancellor with the approval of the Minister for the Civil Service ".

In section 116—

- (a) for the words " Ministry of Finance" wherever they occur substitute the words " Minister for the Civil Service ";
- (b) for the word "Minister" wherever it occurs substitute the words " Lord Chancellor ";
- (c) for the word " Governor " in subsection (4) substitute the words " Lord Chancellor ".

In sections 123(2), 125(3) and 126, for the words "Ministry of Finance " wherever they occur substitute the words " Minister for the Civil Service ".

In section 132 for the word " Ministry" substitute the words " Lord Chancellor ".

For section 134 substitute—

“134 Evidence of health.

Before recommending any person to Her Majesty of health, for appointment as a county court judge, the Lord Chancellor shall take steps to satisfy himself that that person's health is satisfactory.”.

In section 136 for the words from the beginning to the beginning of paragraph (a) substitute the words " There shall be charged on and paid out of the Consolidated Fund of the United Kingdom ".

and for the words " Ministry of Finance" substitute the word " Treasury ".

In section 137 for the words from "provided by" to "all expenses " substitute the words " provided by the Parliament of the United Kingdom all expenses ".

In section 142(1) for the words from "the clerk of the Crown and peace " to the end substitute the words " a circuit registrar, a commissioner for oaths, a justice of the peace or any officer of the court designated for the purpose by the Lord Chancellor ".

Status: This is the original version (as it was originally enacted).

In section 144 for the word "Ministry" where it twice occurs substitute the words " Lord Chancellor ".

In section 145(1) for the words " the prescribed officer" substitute the words " an officer of the court designated by the Lord Chancellor ".

In section 146—

(a) in subsections (2) and (6) for the word "Minister" substitute the words " Lord Chancellor ";

(b) for subsection (3) substitute—

“(3) For the purposes of or in relation to any jurisdiction exercisable by county courts, any such rules and orders as are referred to in section 21(1) and (2) of the Interpretation Act or section 147 of this Act may—

(a) be made by the Rules Committee in accordance with the following provisions of this section ; and

(b) be known respectively as " county court rules " and " county court orders ".”;

(c) in subsection (7) for the word " Ministry " substitute the words " Lord Chancellor ";

(d) for subsection (10) substitute—

“(10) County court rules and county court orders made by the Rules Committee shall—

(a) be certified under the hand of the members of the Rules Committee, or any three or more of them ; and

(b) when certified under paragraph (a), be submitted to the Lord Chancellor who, after consultation with the Lord Chief Justice, may allow, disallow or alter them.

(11) County court rules and county court orders made by the Rules Committee, as allowed or altered by the Lord Chancellor, shall come into operation on such date as the Lord Chancellor may direct.”.

In section 147—

(a) for the words " make recommendations to the Minister with respect" substitute the words " make county court rules and county court orders with respect ";

(b) at the end of paragraph (b)(ii) add the words " or by a circuit registrar. ".

In section 152(1) in the definition of " judge " for the words " for a division under this Act" substitute the words " under section 102 ".

In Part III of Schedule 2—

(a) in paragraph 1, for the words from "provided by" to the end substitute the words " provided by the Parliament of the United Kingdom ";

(b) in paragraph 2, for the words from " payable" to " derivative " substitute the words " payable out of the Consolidated Fund of the United Kingdom, the derivative ";

(c) in paragraph 3(1) for the words from " paid into " to the end substitute the words " paid into the Consolidated Fund of the United Kingdom ";

(d) in paragraph 3(2) for the words from " payments out" to " will secure " substitute the words " payments out of the Consolidated Fund of the United Kingdom or out of moneys provided by the Parliament of the United Kingdom and payments into the Consolidated Fund of the United Kingdom as will secure ".

Status: This is the original version (as it was originally enacted).

The Resident Magistrates' Pensions Act (Northern Ireland) 1960

In section 1 for the words from " on attaining the age of seventy years " to the end substitute the words " at the end of the completed year of service in which he attains the age of seventy ; but where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age, not exceeding seventy-two, as the Lord Chancellor thinks fit ".

The Companies Act (Northern Ireland) 1960

In section 349(9) for the words from the beginning to " Bankruptcy Acts " substitute the words " Subject to such modifications as may be made by rules of court, the Bankruptcy Acts ".

In section 389(1) and (3), for the words " a judge of the Supreme Court " substitute the words " the High Court ".

The Mental Health Act (Northern Ireland) 1961

In section 1(1)(f)—

- (a) for the words "the Department for the Affairs of Mental Patients" substitute the words " the Office of Care and Protection " and for the words " the said Department" (in sub-paragraph (iii)) substitute the words " the said Office ";

- (b) for sub-paragraph (i) substitute—

“(i) as the High Court may require for the exercise of its jurisdiction under section 28 of the Judicature (Northern Ireland) Act 1978.”.

In section 25 for the words " the Registrar of the Department for the Affairs of Mental Patients " substitute the words " the Master (Care and Protection) ".

In section 45 for the words " Lord Chief Justice, the Registrar of the Department for the Affairs of Mental Patients " substitute the words " High Court, the Master (Care and Protection) ".

In sections 48(1) and 59(2)(c), for the words " a court of assize or a county court" substitute the words " the Crown Court ".

In section 55(1) for the words " a county court or a court of assize " substitute the words " or the Crown Court ".

In section 56(6) for the words " at the next county court or, as the case may be, court of assize for " substitute the words " by the Crown Court at ".

In section 59(2)(a) and (b) and 63(2) for the words "a court of assize or the county court " substitute the words " the Crown Court ".

In section 69(1)(d) for the words " the Lord Chief Justice " where first occurring substitute the words " the High Court " and for the words " the Lord Chief Justice to exercise his functions and for the tribunal " substitute the word " them ".

In section 73(1) and 74 for the words " the Department for the Affairs of Mental Patients " substitute the words " the Office of Care and Protection ".

In section 74 for the words " the Lord Chief Justice " substitute the words " rules of court ".

In section 79(4) for the words "Supreme Court", wherever occurring, substitute the words " Court of Appeal ".

Status: This is the original version (as it was originally enacted).

In section 87(1)—

- (a) for the words " the Lord Chief Justice " where first occurring substitute the words " the High Court ";
- (b) for the words " the Department for the Affairs of Mental Patients" substitute the words " the Office of Care and Protection " and for the words " the said Department" (in paragraph (d)) substitute the words " the said Office ";
- (c) for paragraph (a) substitute—
 - “(a) as the High Court may require for the exercise of its jurisdiction under section 28 of the Judicature (Northern Ireland) Act 1978”.

In section 87(2) for the words " Lord Chief Justice " where first occurring substitute the words " High Court " and for the words " the Lord Chief Justice to exercise his functions, or as the case may be, for the tribunal " substitute the word " them ".

In section 101(8)(a) for the words " Lord Chief Justice " substitute the words " High Court ".

In section 111(2) for the words "the Supreme Court, and the Supreme Court" substitute the words " a judge of the High Court, who ".

In section 117(2) for the words from " the Lord Chief Justice " to " enactment " substitute the words " the High Court under section 28 of the Judicature (Northern Ireland) Act 1978 ".

The Electoral Law Act (Northern Ireland) 1962

For section 72(2) substitute—

- “(2) An election court for the trial of petitions relating to parliamentary elections (in this Act referred to as a " parliamentary election court") shall consist of the two judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978.”.

In section 83(2), (3) and (4) for the words "Supreme Court" substitute the words " Court of Appeal ".

In paragraph 17(2) of Schedule 3, for the words " Supreme Court " substitute the words " Court of Appeal ".

The County Court Appeals Act (Northern Ireland) 1964

In section 1 for subsections (3) to (6) substitute—

- “(3) The appeal shall lie to the High Court and the decision of the High Court shall, except as provided by section 3, be final.”.

In sections 2(3) and 8(1) for the words " Registrar of the Supreme Court " substitute the words " Master (Queen's Bench and Appeals) ".

In section 2(7) for the words " the Administration of Justice Act 1960" substitute the words " section 41 of the Judicature (Northern Ireland) Act 1978 ".

In section 8(2) for the words " section 7 of the Northern Ireland Act 1962" substitute the words " section 55 of the Judicature (Northern Ireland) Act 1978 ".

Status: This is the original version (as it was originally enacted).

The Magistrates' Courts Act (Northern Ireland) 1964

For section 3 substitute—

“3 Justices of the peace.

Justices of the peace shall be appointed in accordance with section 103 of the Judicature (Northern Ireland) Act 1978 ”.

In section 6(1) for the words from " member of " to the end substitute the words " member of the Northern Ireland Court Service, notary public or commissioner for oaths ".

In section 7 for the words from the beginning to " shall" substitute the words " A person appointed as a justice of the peace shall, except where he has already done so in connection with a former appointment, ".

In section 10(1) for the word " Governor" wherever it occurs substitute the words " Lord Chancellor " and for the words " being eligible for appointment as resident magistrates " substitute the words " being persons who are eligible for appointment as, or have previously been, resident magistrates ".

For section 11 substitute—

“11 Removal of resident magistrates from office.

- (1) Subject to subsection (2) and to section 1 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960, every resident magistrate shall hold his office during good behaviour, but may be removed from his office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (2) Subsection (1) shall not apply to a resident magistrate holding office immediately before 1st January 1974 but, subject to section 1 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960, every such resident magistrate shall hold office during good behaviour subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom.”.

In section 12(1) for the words from the beginning to " the salaries " substitute the words " The Lord Chancellor may, with the consent of the Minister for the Civil Service, determine the salaries ".

In section 14(1) for the words " or county borough " wherever they occur substitute the words " court division ".

In section 18(1), for the words "apply to the High Court for" substitute the words " make an application for judicial review to the High Court seeking ".

In section 20 for the word " Ministry" where it twice occurs substitute the words " Lord Chancellor " and for the words " Ministry of Finance " substitute the word " Treasury ".

In section 22 for the word " Ministry " substitute the words " Lord Chancellor ".

In section 23—

- (a) for the word " Minister " wherever it occurs substitute the words " Lord Chancellor ";
- (b) in subsection (2) for the words from " the majority " to the end substitute the words " shall include at least two resident magistrates, one practising barrister and one practising solicitor ";

Status: This is the original version (as it was originally enacted).

- (c) in subsection (4) for the words from " by the Minister" to the end substitute the words " by the Lord Chancellor on the advice of or after consultation with the Rules Committee and after consultation with the Lord Chief Justice ".

In section 24 for the word " Minister " substitute the words " Lord Chancellor ".

In section 25(1) for the word " Ministry" substitute the words " Secretary of State " and in section 25(2) for the word " Minister " substitute the words " Lord Chancellor ".

For section 30 substitute—

“30 Clerks of Petty sessions.

References in this Act to clerks of petty sessions are references to the persons appointed as such by the Lord Chancellor in the exercise of his power under section 69 of the Judicature (Northern Ireland) Act 1978 and include references to persons appointed under that power as assistant or deputy clerks of petty sessions.”.

In section 31(1), 35(1) and (2) for the words " or county borough " wherever they occur substitute the words " court division ".

In section 32(1), (3) and (4) for the words " local jurisdictions " and " jurisdictions" wherever they occur substitute the words " county court divisions " and in section 32(2) for the words " local jurisdiction " substitute the words " county court division ".

In section 44(3), for the words " court of assize or county court" substitute the words " Crown Court ".

In section 46 for the word " Governor" substitute the words " Secretary of State ".

In section 54(1)(a) for the words " or county borough " substitute the words " court division ".

In section 58(3) for the words " a county court or court of assize " substitute the words " the Crown Court ".

In section 59(1) for the word " county" substitute the words " county court division ".

In section 87(3) and 89 for the words " or county borough" wherever they occur substitute the words " court division ".

In section 95 for the word " Ministry " wherever it occurs substitute the words " Lord Chancellor " and in subsection (8) for the words in brackets substitute the words " (other than a member of the Northern Ireland Court Service) ".

In section 110(1)(b) for the word "county" substitute the words " county court division ".

In section 138(1) for the words " a court of assize " substitute the words " the Crown Court ".

In section 142(2) for the words from " section 13 " to " to that Act" substitute the words " section 44 of the Judicature (Northern Ireland) Act 1978 ".

In section 147(2) for the words " the Administration of Justice Act 1960," substitute the words " section 41 of the Judicature (Northern Ireland) Act 1978 ".

In section 150(1) and (2) for the words from " to the clerk of petty sessions " to the end substitute, in each case, the words " to such member of the Northern Ireland Court Service as the Lord Chancellor may designate and such person shall forthwith give notice to the other party to the appeal ".

Status: This is the original version (as it was originally enacted).

In section 152(2) for the words from " paid into " to " so, however " substitute the words " paid into the Consolidated Fund of the United Kingdom so, however ".

In section 160 for the words " section 16 of the Administration of Justice Act 1960 " substitute the words " section 25 of the Judicature (Northern Ireland) Act 1978 ".

For section 168, substitute—

“168 Expenses.

- (1) Any expenses incurred by the Lord Chancellor in performing his functions under this Act or any increase in the expenses of the Lord Chancellor in defraying any sums authorised by this Act to be paid, or which are attributable to the performance of any function conferred by this Act, shall be defrayed out of moneys provided by the Parliament of the United Kingdom.
- (2) There shall be charged on and paid out of the Consolidated Fund of the United Kingdom the salaries payable to resident magistrates under this Act or the Resident Magistrates (Belfast) Act 1911.
- (3) Any expenses incurred by or in connection with the Rules Committee shall be defrayed as part of the expenses incurred by the Lord Chancellor in performing his functions under this Act.”.

In section 169 after the definition of " complainant " insert—

“county court division ' means a division specified under section 1(1) of the County Courts Act (Northern Ireland) 1959;”

In Schedule 5 in paragraph 1 for the words " a court of assize or to a county court, as the case may be," substitute the words " the Crown Court ".

The Lands Tribunal and Compensation Act (Northern Ireland) 1964

In section 2—

- (a) in subsection (1) for the words " subsection (4) " substitute the words " subsections (4) and (4A) "; and
- (b) after subsection (4) insert—

“(4A) Without prejudice to subsection (4), a member of the Lands Tribunal holding office immediately before 1st January 1974 may be removed from office by Her Majesty upon an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom.”.

The Charities Act (Northern Ireland) 1964

In section 30(1) for the words " The chief registrar of the Principal Probate Registry of the High Court " substitute the words " The Master (Probate and Matrimonial) " and for the words from "that Registry " to the end substitute the words " the Probate and Matrimonial Office, or of which a copy has been forwarded to him from a branch office of that Office. ".

The Legal Aid and Advice Act (Northern Ireland) 1965

In section 21(5) for the words " a county court or court of assize " wherever they occur substitute the words " the Crown Court ".

Status: This is the original version (as it was originally enacted).

In sections 27(2) and 29(3)(b) for the words " a court of assize or a county court" substitute the words " the Crown Court ".

For paragraph 1(c) of Schedule 1 Part I substitute—

“(c) the High Court and the Court of Appeal;”.

In paragraphs 1(1) and 2(1) of Schedule 3 for the words "the Supreme Court" substitute the words " the High Court or the Court of Appeal ".

The Maintenance and Affiliation Orders Act (Northern Ireland) 1966

In section 10(2) after paragraph (e) insert—

“(f) section 27 of the Judicature (Northern Ireland) Act 1978”.

The Building Societies Act (Northern Ireland) 1967

In section 98(1) for the words " Supreme Court" substitute the words " Court of Appeal ".

The Costs in Criminal Cases Act (Northern Ireland) 1968

In section 4 for the words " Court of Criminal Appeal" wherever they occur substitute the words " Court of Appeal ".

For section 7 substitute—

“7 Rules relating to cost.

Rules of court, Crown Court rules, county court rules and magistrates’ courts rules may provide for the rates or scales of payment of costs under sections 2 to 5 in so far as those sections relate to costs in the Court of Appeal, the Crown Court, county courts and magistrates' courts respectively.”.

The Treatment of Offenders Act (Northern Ireland) 1968

In sections 19(4), 20(3), 21(3), 25 and 29(1) for the words " a court of assize or county court" wherever they occur substitute the words " the Crown Court ".

In section 19(4) for the words " the judge of the court of assize or county court, as the case may be " substitute the words " the judge of the Crown Court ".

In section 20(1) for the words from "any court of assize" to " brought or " substitute the words " the Crown Court or ".

In section 20(5) for the words " sentenced or ordered to be detained" substitute the word " tried ".

In section 21(1) for the words " or county borough " substitute the words " court division ".

In section 21(2) for the words " High Court judge or a county court judge " substitute the words " judge of the Crown Court ".

In section 25(3) for the words " assizes or county court" substitute the words " Crown Court " and for the words " the court of assize or county court" wherever they occur substitute the words " the Crown Court ".

Status: This is the original version (as it was originally enacted).

The Children and Young Persons Act (Northern Ireland) 1968

In section 65(2) for the words from the beginning to " to be held " substitute the words " Directions given by the Lord Chancellor under section 21(3) of the Magistrates' Courts Act (Northern Ireland) 1964 ".

In sections 67(b) and 101(3) after the word " county " insert the words " court division ".

In section 76(6)(b) for the words " a court of assize or a county court, to the Court of Criminal Appeal" substitute the words " the Crown Court, to the Court of Appeal ".

In section 79(2) for the words " court of assize or the county court, as the case may be, at which the case will be tried, if tried by a jury " substitute the words " place at which the Crown Court, at which the case will be tried if tried by a jury, may sit ".

In sections 136(4) and 178(4) and in paragraphs 1(1) and 3(2) of Schedule 2 for the words " or county borough " and " and county borough " wherever they occur substitute the words " court division ".

In section 156(7) for the words " a county court or a court of assize " substitute the words " the Crown Court " and for the words "in the county or county court division in which the court of assize or county court was held when it made the contribution order " substitute the words " in Northern Ireland ".

In section 178, as originally enacted, for the word " Ministry" where it twice occurs substitute the words " Lord Chancellor ".

In Schedule 2—

- (a) in paragraph 1(2) for the word "Governor" substitute the words " Lord Chancellor ";
- (b) in paragraphs 1(3) and 8 for the word " Ministry " wherever it occurs substitute the words " Lord Chancellor ";
- (c) at the end of paragraph 1(4) add the words " by regulations made under paragraph 8 ";
- (d) in paragraph 2(2) for the words from " who " to the end substitute the words " who has taken the said oaths after a previous appointment as a member of any such panel or who has taken the said oaths as required by section 7 of the Magistrates Courts Act (Northern Ireland) 1964 ";
- (e) in paragraph 6 for the words " The Ministry may pay " substitute the words " The Lord Chancellor may, out of money provided by the Parliament of the United Kingdom, pay " and for the words from " Ministry may determine " to the end substitute the words " Lord Chancellor may, with the approval of the Minister for the Civil Service determine ";
- (f) at the end of paragraph 8 add—
 - “(d) 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 Instrument Act 1946 shall apply accordingly.”.

The Grand Jury (Abolition) Act (Northern Ireland) 1969

In section 2(1) for the words " a court of assize or to a county court" substitute the words " the Crown Court ".

In section 2(2)(c) for the words " Court of Criminal Appeal" substitute the words " Court of Appeal ".

In section 2(2)(e) for the words " Supreme Court or a county court judge " substitute the words " High Court, Court of Appeal or Crown Court ".

Status: This is the original version (as it was originally enacted).

In section 2(3) for the words " a court of assize or a county court " substitute the words " the Crown Court ".

The Judgments (Enforcement) Act (Northern Ireland) 1969

In section 1 for subsection (3) substitute—

“(3) Without prejudice to subsection (2), the Lord Chancellor may by order apply this Act, with such modifications as the circumstances may require, to any judgment or award of any court or tribunal given or made or having effect or capable of being made effective in Northern Ireland.

(4) An order under subsection (3) 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.”.

For section 3 substitute—

“3 The Enforcement of Judgments Office.

(1) The Lord Chancellor shall maintain within the Northern Ireland Court Service an office to be called the Enforcement of Judgments Office (in this Act referred to as " the Office ") by or through which, subject to the provisions of this Act, all judgments to which this Act applies shall be enforced.

(2) The functions of the Office shall, subject to and in accordance with rules and with directions given by the Lord Chancellor, be exercisable by—

- (a) the Master ;
- (b) a Judicial Officer ; and
- (c) the Chief Enforcement Officer or any other member of the Northern Ireland Court Service.

(3) In this section and in the following provisions of this Act—

- (a) " the Master " and "Judicial Officer " mean, respectively, the Master (Enforcement of Judgments) and a Judicial Officer (Enforcement of Judgments) appointed under section 70 of the Judicature (Northern Ireland) Act 1978 ;
- (b) " the Chief Enforcement Officer " means such officer of the Northern Ireland Court Service as the Lord Chancellor may designate for the purposes of this Act”.

In section 12 for the words " be deemed to be court records " substitute the words " be preserved in such manner and for such period as the Lord Chancellor may direct ".

In sections 14(1)(b), 22, 23, 24, 25, 29 and 95 for the words " a designated officer" wherever they occur substitute the words "the Office ". In sections 19(1), 22(a), 26(1), 34(b), 40, 97 and 108(2) for the word " regulations " wherever it occurs substitute the word " rules ".

In section 40(3) for the words " fees in accordance with a schedule of fees " substitute the word " charges ".

In section 105 at the beginning of paragraph (c) insert the words " except as provided by rules ".

In section 116(2) for the words "a judge of the High Court" substitute the words " the Court of Appeal ".

For section 117 substitute—

“117 Judgment Enforcement Rules.

- (1) The Lord Chancellor may make rules, to be known as “Judgment Enforcement Rules ” for the purpose of regulating the exercise of the jurisdiction conferred on the Office by this Act or on the Master by the Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971 and generally for carrying both Acts into effect.
- (2) Without prejudice to the generality of subsection (1) Judgment Enforcement Rules may—
 - (a) provide for regulating and prescribing the procedure and practice to be followed in proceedings before the Office, including the manner in which, the time within which and the conditions on which any proceedings may or are to be taken;
 - (b) provide for regulating any matters relating to the costs of proceedings before the Office;
 - (c) make provision as to proceedings by the Crown;
 - (d) prescribe or fix anything which under this Act may or is to be so prescribed or fixed ;
 - (e) amend or repeal any statutory provision passed before the commencement of this Act so far as may be necessary or expedient in consequence of provisions made by the rules.
- (3) Judgment Enforcement Rules 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.
- (4) Judgment Enforcement Rules which may involve an increase in expenditure out of public funds shall not be made except with the concurrence of the Treasury; but the validity of any rules so made shall not, in any proceedings in any court or in the Office, be called in question either by the court, the Office or any party to the proceedings on the ground only that the Treasury did not concur or are not expressed to have concurred in the making of the rule.”.

For section 120 substitute—

“120 Financial provision.

All expenses of and incidental to the operation of this Act shall be defrayed out of moneys provided by the Parliament of the United Kingdom.”.

In section 128(1) for the words " and any rules of court, rules or regulations made thereunder" substitute the words " , rules made thereunder and rules of court " .

In section 129(1)—

- (a) in the definition of " enforcement officer " for the words from " senior " to the end substitute the words " other officers of the Northern Ireland Court Service designated by the Lord Chancellor for the purposes of this Act ";
- (b) in the definition of " the Master" for the words " section 5(2) " substitute the words " section 3(3)(a) ";
- (c) in the definition of " rules " - for the words from " rules made " to the end substitute the words " Judgment Enforcement Rules made under section 117 " .

Status: This is the original version (as it was originally enacted).

In Part II of Schedule 4 in the amendment to the Irish Bankrupt and Insolvent Act 1857 for the word "regulations" substitute the word " rules ".

The Nurses and Midwives Act (Northern Ireland) 1970

In section 46(3) for the words " The Attendance of Witnesses Act 1854 " substitute the words " Section 67 of the Judicature (Northern Ireland) Act 1978 ".

The Registration of Deeds Act (Northern Ireland) 1970

In section 3(7) for the words " Supreme Court" substitute the words " High Court or the Court of Appeal ".

The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971

In sections 5(4) and 11(4) for the words " Registrar of the Department for the Affairs of Patients (Northern Ireland)" substitute the words " Master (Care and Protection) ".

In section 5(7) for the words " the Lord Chief Justice " wherever occurring substitute the words " the High Court ".

The Licensing Act (Northern Ireland) 1971

In sections 27(2) and 68(1) for the words " or county borough " substitute the words " court division ".

The Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971

In section 3 for the words " rules made under section 13 " substitute the words " Judgment Enforcement Rules ".

In section 9(3) for the words " a Judge of the High Court" substitute the words " the Court of Appeal ".

In section 9(4) for the words " Judge of the High Court " substitute the words " High Court or the Court of Appeal ".

In section 16(1)—

- (a) in the definition of " appropriate authority for the words " Minister of Home Affairs " substitute the words " Lord Chancellor ";
- (b) in the definition of " Master " for the words " for the enforcement of judgments " substitute the words " (Enforcement of Judgments) " and for the words " designated officer" substitute the words " Judicial Officer (Enforcement of Judgments) ".