



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART VI

DEPARTMENTS AND OFFICERS

[^{F1}75 Official Solicitor.

[^{F2}(1) The Lord Chancellor, after consultation with the Lord Chief Justice, may appoint as Official Solicitor to the [^{F3}Court of Judicature] a person who is—

- (a) a solicitor of the [^{F3}Court of Judicature] of at least 7 years' standing, or
- (b) a member of the Bar of Northern Ireland of at least 7 years' standing.]

(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 [^{F4}Lord Chief Justice].

[The Lord Chief Justice may nominate any of the following to exercise his functions ^{F5}(2A) under subsection (2)(b)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(3) ^{F6}

(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

Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 75 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

by reason only that the person on whom the powers and duties were conferred or imposed has died or ceased to hold office.]

- [^{F7}(6) The Official Solicitor shall hold and vacate office in accordance with the terms of his appointment (which may include provision about retirement, dismissal or resignation).
- (7) The Lord Chancellor may pay to the Official Solicitor such remuneration and allowances as the Lord Chancellor may determine with the consent of the Treasury.
- (8) Service as the Official Solicitor is employment in the civil service [^{F8}of Northern Ireland for the purposes of Article 3 of the Superannuation (Northern Ireland) Order 1972].
- (9) While the office of Official Solicitor is vacant or the Official Solicitor is unable or unwilling to act, the Lord Chancellor may, after consultation with the Lord Chief Justice, appoint a person as temporary Official Solicitor; and the temporary Official Solicitor—
- (a) may be appointed only if qualified for appointment as Official Solicitor,
 - (b) shall have all the powers and duties of the Official Solicitor, and
 - (c) may be paid remuneration and allowances by the Lord Chancellor with the consent of the Treasury.]

Textual Amendments

- F1** S. 75 substituted by [S.R. 1982/300, art. 4](#)
- F2** S. 75(1) substituted (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 103\(3\), 110\(1\)](#); [S.I. 2004/1104, art. 3\(e\)](#)
- F3** Words in s. 75(1)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 6\(1\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F4** Words in s. 75(2)(b) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(2\), 148\(1\), Sch. 5 para. 35\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 12(a)
- F5** S. 75(2A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(2\), 148\(1\), Sch. 5 para. 35\(3\)](#); [S. I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 12(a)
- F6** S. 75(3) repealed (1.10.2003) by [2002 c. 26, ss. 86, 87\(1\), Sch. 13](#); [S.R. 2003/416, art. 2\(2\)](#)
- F7** S. 75(6)-(9) inserted (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 103\(4\), 110\(1\)](#); [S.I. 2004/1104, art. 3\(e\)](#)
- F8** Words in s. 75(8) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 18 para. 21](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C1** S. 75(1) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C2** S. 75(7) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C3** S. 75(7) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(4\)\(b\)](#) (with arts. 15(6), arts. 28-31)
- C4** S. 75(9) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C5** S. 75(9)(c) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(4\)\(b\)](#) (with arts. 15(6), arts. 28-31)

Changes to legislation:

Judicature (Northern Ireland) Act 1978, Section 75 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 75(2)(b) words substituted by [2002 c. 26 Sch. 5 para. 11](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)