
 S T A T U T O R Y I N S T R U M E N T S

1979 No. 291**DEFENCE****RESERVE AND AUXILIARY FORCES**
**The Reserve and Auxiliary Forces (Protection of Civil Interests)
(Northern Ireland) Order 1979**

Made - - - - 14th March, 1979

Laid before Parliament 22nd March, 1979

Coming into Operation in accordance with Article 1 (2)

At the Court at Buckingham Palace, the 14th day of March 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 65 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I**GENERAL**

1.—(1) This Order may be cited as the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1979.

(2) This Order, except Articles 6(2) and 43(2)(a) and (d), shall come into operation on 12th April, 1979 and those Articles shall come into operation on the day appointed for the commencement of paragraphs 12 and 14 of Schedule 4 to the Consumer Credit Act 1974(b).

(3) In this Order “the Act” means the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 and any reference in this Order to any provision of the Act is, except in so far as the Act is modified by Part III of this Order or that Part otherwise provides, a reference to that provision as originally enacted.

(4) The Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1953(c) is hereby revoked.

PART II**EXTENSION OF THE ACT TO NORTHERN IRELAND**

2. The following provisions of the Act shall extend to Northern Ireland, with the additions, exceptions and modifications set out in Part III of this Order, that is to say—

- (a) in Part I, sections 2 to 6 and 13;
- (b) in Part II, sections 14 to 20, 22, 23 and 25;
- (c) in Part III, sections 27 to 36;
- (d) Part IV, Part V and Part VI;
- (e) in Part VII, sections 60, 61, 63 and 64;
- (f) Schedules 1 to 3.

(a) 1951 c. 65.

(b) 1974 c. 39.

(c) S.I. 1953/197.

PART III

MODIFICATIONS OF THE ACT IN ITS APPLICATION TO NORTHERN IRELAND

3.—(1) Any reference in the Act—

- (a) to the Crown, shall include a reference to the Crown in right of Her Majesty's Government in Northern Ireland;
- (b) to Her Majesty shall include a reference to Her Majesty in right of Her Government in Northern Ireland;
- (c) to a Minister of the Crown, shall include a reference to the Head of a Northern Ireland department;
- (d) to a government department, shall include a reference to a department of the Government of Northern Ireland.

(2) Any reference in the Act to the Exchequer shall include a reference to the Consolidated Fund of Northern Ireland.

(3) For any reference in the Act to the Court of Appeal, substitute a reference to the Court of Appeal in Northern Ireland.

(4) For any reference in the Act (except in section 65(4)) to the commencement of the Act substitute a reference to 20th February 1953.

(5) This Article applies to the interpretation of any provisions which by virtue of this Order are included in the Act.

4.—(1) In section 2, in subsection (1)—

- (a) the words "to execution on, or otherwise" are excepted;
- (b) the words from "or to the enforcement" onwards are excepted;
- (c) the words "other than a county court" are excepted;
- (d) in paragraph (d) of the proviso for from "sections nineteen" onwards substitute "sections four and five of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951(a)".

(2) In subsection (3) of that section, the words "to execution on, or otherwise" are excepted.

(3) In subsection (6) of that section, for the references to an exempt private company and to section 129(4) of the Companies Act 1948 substitute references to a private company and to section 28(1) of the Companies Act (Northern Ireland) 1960(b).

5.—(1) In subsection (9) of section 3—

- (a) the words "to execution on, or otherwise" are excepted;
- (b) for "bankruptcy notice" substitute "debtor's summons".

(2) After paragraph (b) of that subsection insert—
"or

(c) he applies to the Enforcement of Judgments Office for the enforcement of the judgment or order;"

(3) After "judgment or order" where they first appear in the words following paragraph (b) of that subsection insert "or applied as mentioned in paragraph (c) above".

6.—(1) In section 4, in subsection (2)—

- (a) for "to which the Rent Restrictions Acts apply" substitute "let on a protected tenancy or subject to a statutory tenancy within the meaning of the Rent Order";

(a) 1951 c. 7 (N.I.).

(b) 1960 c. 22 (N.I.).

- (b) for “paragraph (a) of the First Schedule to the Rent Act of 1933” substitute “Case 1 in Part I of Schedule 3 to that Order”.
- (2) For subsections (4) to (6) of that section, substitute—
- “(4) Where the appropriate court refuses leave under section 2(4) of this Act to take possession of goods subject to a hire-purchase agreement or a conditional sale agreement or to enforce a judgment or order for delivery of such goods, or gives leave subject to restrictions and conditions, and the person to whom the goods are bailed, or, as the case may be, the buyer, before possession is taken or enforcement on the judgment or order completed, pays the total price, the creditor’s title to the goods shall, notwithstanding any failure to pay the total price at the time required by the agreement, vest in that person.
- (5) Where the creditor under a hire-purchase agreement or a conditional sale agreement has taken possession of the goods bailed or agreed to be sold under it, the appropriate court on an application under paragraph (c) of section 3(1) of this Act, may, if it thinks fit, deal with the case as if the creditor were proceeding to take possession of the goods and, if it makes an order under that paragraph, may direct accordingly that the goods be restored to the person to whom they were bailed or as the case may be, the buyer; and if, after the creditor has taken possession of the goods, notice is given under that paragraph with respect to them, he shall not, so long as the notice is in force or any application in pursuance of the notice is undisposed of, deal with the goods in such a way as to prejudice the powers of the appropriate court under this subsection.”.
- 7.—(1) In subsection (1) of section 5, for “England and Wales” substitute “Northern Ireland”.
- (2) For subsection (6) of that section, substitute—
- “(6) Any rules made under this section by the Lord Chancellor shall, whether or not they relate to a matter in respect of which the Parliament of Northern Ireland had power to make laws, be deemed to be a statutory rule to which the Statutory Rules Act (Northern Ireland) 1958(a) applies.
- (7) Any rules made under this section by the Lord Chancellor 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(b) shall apply accordingly.”.
- 8.—(1) In section 6(1)—
- (a) the definition of “costs” is excepted;
- (b) for the definition of “lease” substitute—
- ““lease” includes a fee farm grant and any contract of tenancy whatsoever, and “lessee” shall be construed accordingly”.
- (2) Section 6(2) is excepted.
- (3) In section 6(3) for from “an execution” to “a receiver” substitute “section 80 of the Judgments (Enforcement) Act (Northern Ireland) 1969(c) (completion of enforcement) shall have effect as it has effect for the purposes of section 79 of that Act”.
9. Section 13(6) is excepted.
10. In section 14(2)(a), for from “paragraph (a)” onwards substitute “Article 12(6) of the Rent Order (on-licensed premises)”.

(a) 1958 c. 18 (N.I.).

(b) 1946 c. 36.

(c) 1969 c. 30 (N.I.).

11. For section 15 substitute—

“Limited extension of tenure of furnished, and certain other, rented premises.

15.—(1) Subject to section 14(2) of this Act, where at any time during a serviceman’s period of residence protection—

(a) the rented family residence is let under the tenancy qualifying for protection either—

(i) at a rent which includes payments in respect of the use of furniture or for services, whether or not, in the case of such a tenancy of part of a house, the lessee is entitled, in addition to exclusive occupation thereof, to the use in common with any other person of other rooms or accommodation in the house, or

(ii) on terms of sharing with the lessor, and

(b) a notice to quit has been served by the lessor on the lessee (whether after or before the beginning of the period of protection) and the notice has not expired,

the lessee or some other person on his behalf may, at any time before the expiry of the period at the end of which the notice takes effect, apply to a rent assessment committee under the Rent Order for an extension of that period.

(2) On an application being made under this section—

(a) the notice to quit to which the application relates shall not, unless the application is withdrawn, have effect before the determination of the application;

(b) a rent assessment committee after making such inquiry as it thinks fit and giving to each party an opportunity of being heard, or, at his option, of submitting representations in writing, may direct that the notice to quit shall not have effect until the end of such period, not exceeding six months from the date at which the notice to quit would have effect apart from the direction, as may be specified in the direction;

(c) if a rent assessment committee refuses a direction under this section, the notice to quit shall not have effect before the expiration of seven days from the determination of the application.

(3) On coming to a determination on an application under this section the committee shall notify the parties of its determination.

(4) Where, on an application under this section, a rent assessment committee has refused a direction under subsection (2) of this section, no subsequent application under this section shall be made in relation to the same notice to quit.

(5) In this section and in section 16 of this Act—

(a) the expression “services” includes attendance, the provision of heating or lighting, the supply of hot water and any other privilege or facility connected with the occupancy of a house or part of a house, not being a privilege or facility requisite for the purposes of access, cold water supply or sanitary accommodation;

(b) any reference to a letting on terms of sharing with the lessor is a reference to a letting under which—

- (i) the lessee has the exclusive occupation of some accommodation (in this subsection referred to as "the separate accommodation");
 - (ii) he has the use of other accommodation in common with the lessor or with the lessor and other persons; and
 - (iii) the accommodation mentioned in sub-paragraph (ii) of this paragraph is or includes accommodation of such a nature that the circumstance specified in that sub-paragraph is sufficient to prevent the separate accommodation from being a dwelling-house let on a protected tenancy or subject to a statutory tenancy within the meaning of the Rent Order, whether apart from that circumstance it would be such a dwelling-house or not.
- (6) Subject to section 14(2) of this Act, where—
- (a) at any time during a serviceman's period of residence protection the rented family residence is let as mentioned in subsection (1)(a) of this section; and
 - (b) a notice to quit has been served as aforesaid and has not expired,

the subsistence of a Crown interest in the premises shall not affect the application of this section in relation to the notice to quit, if the reversion immediately expectant on the tenancy in question is not a Crown interest."

12. For section 16 substitute—

"Protection of tenure of rented premises not within s. 15, by extension of Rent Order.

16.—(1) Subject to section 14(2) of this Act and subsections (2) to (6) of this section, if at any time during a serviceman's period of residence protection, a tenancy qualifying for protection (other than a protected tenancy or statutory tenancy within the meaning of the Rent Order) ends without being continued or renewed by agreement (whether on the same or on different terms and conditions) that Order shall apply in relation to the rented family residence as if that tenancy had been such a protected tenancy.

- (2) Subsection (1) of this section does not apply to—
- (a) a tenancy if the estate of the landlord under it—
 - (i) belongs to the Crown; or
 - (ii) belongs to a government department; or
 - (iii) is held in trust for Her Majesty for the purposes of a government department; or
 - (b) a tenancy under which the rented family residence is bona fide let at a rent which includes payments in respect of the use of furniture or for services; or
 - (c) a tenancy the purpose of which is to confer on the tenant the right to occupy a dwelling-house for a holiday.

Paragraphs (4) and (5) of Article 5 of the Rent Order apply for the purposes of this subsection as they apply for the purposes of paragraph (3) of that Article.

(3) As regards any period during which the Rent Order applies in relation to a rented family residence as mentioned in subsection (1) of this section, subsections (4) to (6) of this section shall have effect

as to the rent of any premises (in this section referred to as “the protected premises”) of which a statutory tenancy arises by virtue of subsection (1) of this section on the ending of the tenancy qualifying for protection.

(4) The rent under the statutory tenancy for any rental period shall be such amount as may be agreed between the parties.

(5) In default of agreement, that rent shall be determined in accordance with Parts IV and V (except Article 21(1)(b)) of the Rent Order.

(6) If the estate of the landlord under the statutory tenancy belongs to a person other than—

- (a) the Northern Ireland Housing Executive, or
- (b) a housing association,

a rent assessment committee, in determining the appropriate rent, shall have regard under Article 27(3) of the Rent Order to the rents of dwelling-houses let by persons other than that Executive or such an association.”.

13.—(1) In subsection (1) of section 17 the words “paragraph (a) of” are excepted.

(2) For paragraph (b) of that subsection, substitute—

“(b) by reason only of the estate of the landlord under the tenancy belonging to the Northern Ireland Housing Executive, an unregistered housing association, if the rent under the tenancy is approved by the Department of the Environment for Northern Ireland under Article 8 of the Housing (Northern Ireland) Order 1976(a) or a registered housing association, paragraph (1) of Article 64 of the Rent Order (tenant sharing accommodation with persons other than landlord) did not have effect with respect to the separate accommodation;”.

(3) In that subsection—

- (a) for “said section eight” substitute “said Article 64”;
- (b) for from “circumstances referred to” to “exist” substitute “the estate of the landlord did not belong to that Executive or such an association”;
- (c) for “existed” substitute “so belonged”.

(4) For subsection (2) of that section, substitute—

“(2) Subsections (3) to (6) of section 16 of this Act shall have effect with respect to a statutory tenancy arising under this section as they have effect with respect to a statutory tenancy arising under that.

(3) In this section “registered” means registered under Part III of the Housing (Northern Ireland) Order 1976.”.

14.—(1) In section 18, in subsection (1)—

- (a) for “Rent Restrictions Acts” substitute “Rent Order”;
- (b) for “to which those Acts apply” substitute “subject to a statutory tenancy within the meaning of the Rent Order”.

(2) For subsection (2) of that section, substitute—

“(2) Subsections (3) to (6) of section 16 of this Act shall have effect with respect to a statutory tenancy arising under this section as they have effect with respect to a statutory tenancy arising under that.”.

(3) In subsection (6) of that section the word “relevant” is excepted (twice).

15.—(1) In section 19, in subsection (1)—

- (a) the words “or by virtue of the succeeding provisions of this section” are excepted;
 - (b) for “Rent Restrictions Acts” substitute “Rent Order”.
- (2) Subsections (2) to (6) of that section are excepted.

16.—(1) In subsection (1) of section 20 for “paragraph (a) of the First Schedule to the Rent Act of 1933” substitute “Case 1 in Schedule 4 to the Rent Order”.

(2) In subsection (2) of that section—

- (a) for “Paragraph (g) of the said First Schedule” substitute “Case 7 in the said Schedule 4”;
 - (b) for “Rent Restrictions Acts apply” substitute “Rent Order applies”.
- (3) In subsection (3) of that section—
- (a) for “said First Schedule” substitute “Cases in Part I of the said Schedule 4”;
 - (b) in paragraph (a) for “development corporation” substitute “new town commission”;
 - (c) in paragraph (b) the words “relevant” and “in question” are excepted;
 - (d) in the proviso, for “subsection (1) of section three of the Rent Act of 1933” and “that subsection” substitute “paragraph (1) of Article 13 of the Rent Order” and “that paragraph” respectively.

(4) For subsection (4) substitute—

“(4) In this section—

“public utility functions” means powers or duties conferred or imposed by or under any enactment, being powers or duties to carry on a statutory undertaking;

“statutory undertakers” has the same meaning as in the Planning (Northern Ireland) Order 1972(a);

“statutory undertaking” shall be construed in accordance with that definition of “statutory undertakers”.

17.—(1) In section 22, in subsection (1)—

- (a) for “Rent Restrictions Acts” substitute “Rent Order”;
 - (b) for “rent tribunal under the Furnished Houses (Rent Control) Act 1946” substitute “rent assessment committee under the Rent Order”;
 - (c) for “or tribunal” (twice) substitute “or committee”.
- (2) In subsection (2) of that section for “rent tribunal” substitute “rent assessment committee”.
- (3) In subsection (3) of that section for “tribunal” substitute “committee”.
- (4) Subsections (4) to (6) of that section are excepted.

18.—(1) In section 23, in subsection (1)—

- (a) the definitions of “agricultural land” and “relevant police authority” are excepted;
- (b) for the definition of “police force” substitute ““police force” means the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve”;

- (c) in the definitions of “landlord” and “statutory tenancy” for “Rent Restrictions Acts” and “those Acts” substitute “Rent Order” and “that Order” respectively.
- (2) In subsection (3) of that section, for “Rent Restrictions Acts” substitute “Rent Order”.
- 19.** In section 25—
- (a) in subsection (5) the words “and subsection (1) of section eleven” are excepted;
- (b) subsection (7) is excepted.
- 20.** In Part III, for any reference to the court or the county court substitute a reference to the Lands Tribunal for Northern Ireland.
- 21.** In section 27—
- (a) in the proviso to subsection (1) the words “within the meaning of the Agricultural Holdings Act 1948” and “or if the expiring tenancy was granted in pursuance of subsection (2) of section four of the War Damaged Sites Act 1949” are excepted;
- (b) in subsection (5)(b), after “Companies Act 1948” insert “or, in relation to a company registered in Northern Ireland, the Companies Act (Northern Ireland) 1960”;
- (c) after subsection (5)(c) insert—
- “(d) “agricultural holding” means any agricultural land within the meaning of the Agriculture Act (Northern Ireland) 1949(a) comprised in a contract of tenancy, not being a contract under which that land is let to the tenant during his continuance in any office, appointment or employment held under the landlord.”;
- (d) in subsection (6) for from “in respect of which” onwards substitute “which are an hotel, or fall to be treated as an hotel, or are a restaurant, within the meaning of the Licensing Act (Northern Ireland) 1971(b)”
- 22.—**(1) In section 29—
- (a) in subsection (2) the words “by statutory instrument” are excepted;
- (b) in subsection (6), at the end insert “as if it extended to Northern Ireland”.
- (2) After that subsection (6) insert—
- “(7) Any regulations made under this section by the Lord Chancellor shall, whether or not they relate to a matter in respect of which the Parliament of Northern Ireland had power to make laws, be deemed to be a statutory rule to which the Statutory Rules Act (Northern Ireland) 1958 applies.”.
- 23.** In section 30—
- (a) in subsection (4) for from “(as defined in the Town” onwards substitute “by statutory undertakers as defined in section 20(4) of this Act or by a new town commission”;
- (b) subsection (6) is excepted.
- 24.** Section 32(3) is excepted.
- 25.** Sections 33 and 34 are excepted.
- 26.** Section 41 is excepted.

(a) 1949 c. 2. (N.I.).

(b) 1971 c. 13 (N.I.).

27. Section 42(1) is excepted.

28. For section 43 substitute—

“Police pensions. 43.—(1) Without prejudice to the generality of section 25(1) of the Police Act (Northern Ireland) 1970(a), the power to make regulations under that section shall include power to provide where a person, immediately before he undertakes service of a description specified in Schedule 1 to this Act, or attends for hourly instruction as defined in section 42 of this Act, is a member of the Royal Ulster Constabulary, for treating the period of that service or instruction and such further period, if any, as may be specified in the regulations, on such conditions as may be so specified, as service in the Royal Ulster Constabulary.

(2) Regulations under section 26(2) of that Act may provide that where a person immediately before he undertakes service of a description specified in Schedule 1 to this Act, or attends hourly instruction as defined in section 42 of this Act, is a member of the Royal Ulster Constabulary Reserve the period of that service or instruction and such further period, if any, as may be specified in the regulations may be treated in such manner, to such extent and in such conditions as may be so specified, as service in that Reserve.”.

29. For section 44 substitute—

“Retro-spective effect of Part IV. 44. Any such regulations as are referred to in section 43 of this Act which are made for the purposes mentioned in that section may be framed so as to have effect as from 15th July 1950.”.

30.—(1) In section 46, in subsection (1), the words “of Part I or Part II” are excepted.

(2) In subsection (3) of that section, for paragraphs (i) to (iv), substitute—

- “(i) any order made under section 17 of the Fire Services Act (Northern Ireland) 1969(b); or
- (ii) any regulations made under section 25 or 26 of the Police Act (Northern Ireland) 1970; or
- (iii) any regulations made under Article 9, 11 or 12 of the Superannuation (Northern Ireland) Order 1972(c).”.

(3) Subsection (4) of that section is excepted.

31. In section 47—

(a) in subsection (1)—

- (i) the words “Part I of” are excepted;
- (ii) for “said Part I” substitute “said Schedule”;

(b) subsections (2) and (3) are excepted.

32. Sections 48 and 49 are excepted.

33.—(1) In section 50, for subsection (2) substitute—

“(2) The reference in subsection (1) above to any payment under the foregoing provisions of this Part shall, in relation to a person employed by a joint committee (within the meaning of the Local Government Act

(a) 1970 c. 9 (N.I.).

(b) 1969 c. 13 (N.I.).

(c) S.I. 1972/1073 (N.I. 10).

(Northern Ireland) 1972(a)) or by a district council on behalf of other district councils, include a reference to the remuneration of another person acting temporarily in the absence of the person mentioned in section 46(1) of this Act.”.

(2) Subsection (3) of that section is excepted.

34. Section 52 applies subject to the repeals effected by Schedule 1 to the Statute Law (Repeals) Act 1977(b).

35. In section 53 for from “the fifteenth” onwards substitute “1st October 1951”.

36.—(1) In section 54, in subsection (4) for “1923” substitute “(Northern Ireland) 1924”.

(2) In subsection (9) of that section for from “section sixty-eight” onwards substitute “section 65 of the Friendly Societies Act (Northern Ireland) 1970(c)”.

37. In section 56(5) for “1923 to 1948” substitute “(Northern Ireland) 1924 to 1958”.

38.—(1) In section 57, in subsection (1) after “in every county” and “in any county” insert “in Northern Ireland”.

(2) In subsection (2) of that section for “1923” substitute “(Northern Ireland) 1924”.

(3) In subsection (4) of that section for “Commissioner with the consent of the Treasury, by statutory instrument” substitute “Department of Commerce for Northern Ireland”.

(4) In subsection (5) of that section—

(a) for “1923” substitute “(Northern Ireland) 1924”;

(b) for “1896” substitute “(Northern Ireland) 1970”.

(5) For subsections (6) and (7) substitute—

“(6) Regulations made under this section—

(a) shall, whether or not they relate to a matter in respect of which the Parliament of Northern Ireland had power to make laws, be deemed to be a statutory rule to which the Statutory Rules Act (Northern Ireland) 1958 applies;

(b) shall be subject to negative resolution within the meaning of the Interpretation Act (Northern Ireland) 1954(d) as if they were statutory instruments within the meaning of that Act.”.

39.—(1) In section 59, in subsection (1)—

(a) for “1923 to 1948” substitute “(Northern Ireland) 1924 to 1958”;

(b) for “Acts 1896 to 1948” substitute “Act (Northern Ireland) 1970”.

(2) In subsection (2) of that section—

(a) after “Industrial Assurance Commissioner” insert “for Northern Ireland”;

(b) for “Chief Registrar of Friendly Societies” substitute “Registrar of Friendly Societies for Northern Ireland”.

(3) Subsection (3) of that section is excepted.

(a) 1972 c. 9 (N.I.). (b) 1977 c. 18. (c) 1970 c. 31 (N.I.). (d) 1954 c. 33 (N.I.).

40. Section 60 applies as amended by the Defence (Transfer of Functions) (No. 1) Order 1964(a) and Schedule 1 to the Statute Law (Repeals) Act 1977.

- 41.**—(1) In section 61, for paragraphs (b) to (e) of subsection (1) substitute—
- “(b) any order made under section 17 of the Fire Services Act (Northern Ireland) 1969;
 - (c) any regulations made under section 25 or 26 of the Police Act (Northern Ireland) 1970;
 - (d) any regulations made under Article 9, 11 or 12 of the Superannuation (Northern Ireland) Order 1972;”.

(2) In subsection (5) of that section, the words “or, as the case may be, subsection (2)” are excepted.

(3) In the proviso to that subsection for from “a Regional Hospital” onwards substitute “the Northern Ireland Tuberculosis Authority, the Northern Ireland General Health Services Board, the Northern Ireland Hospitals Authority, the Northern Ireland Council for Nurses and Midwives, a Health and Social Services Board, the Northern Ireland Central Services Agency for the Health and Social Services or the Northern Ireland Staffs Council for the Health and Social Services, the appropriate authority shall be the Department of Health and Social Services for Northern Ireland”.

42. In section 63—

- (a) after “constable” (where it first occurs) insert “or as a full-time reserve constable”;
- (b) for “section one of the Police Pensions Act 1948” substitute “section 25(1) or 26(2) of the Police Act (Northern Ireland) 1970”;
- (c) for “as a member of a police force” substitute “in the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve”;
- (d) for “make any declaration” substitute “take any oath”;
- (e) after “constable” (where it last occurs) insert “or reserve constable”.

43.—(1) Section 64 applies (subject to the following paragraphs) subject to the amendments effected by Schedules 1 and 2 to the Statute Law (Repeals) Act 1977.

(2) In section 64(1)—

- (a) after the definition of “compulsory national service” insert—

““conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“creditor” means the person by whom goods are bailed under a hire-purchase agreement or, as the case may be, the seller under a conditional sale agreement, or the person to whom his rights and duties have passed by assignment or operation of the law;

“hire-purchase agreement” means an agreement, other than a conditional sale agreement, under which—

- (a) goods are bailed in return for periodical payments by the person to whom they are bailed, and

- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs—
- (i) the exercise of an option to purchase by that person,
 - (ii) the doing of any other specified act by any party to the agreement,
 - (iii) the happening of any other specified event;”;
- (b) for the definitions of “local authority” and “local Act scheme” substitute—
- ““local authority” means—
- (a) a district council;
 - (b) a new town commission; or
 - (c) the Northern Ireland Local Government Officers’ Superannuation Committee;”;
- (c) for the definition of “Rent Restrictions Acts” substitute—
- ““Rent Order” means the Rent (Northern Ireland) Order 1978(a);”;
- (d) after the definition of “short period of training” insert—
- ““total price” means the total sum payable by the person to whom goods are bailed under a hire-purchase agreement or, as the case may be, the buyer under a conditional sale agreement including any sum payable on the exercise of an option to purchase but excluding any sum payable as a penalty or as compensation or damages for a breach of the agreement;”.
- (3) After section 64(4), insert—
- “(5) Section 24 of the Interpretation Act 1978(b) (application to Northern Ireland) shall apply to this Act as it applies to Acts passed after the commencement of that Act as if any reference in that section to Acts passed after that commencement included a reference to this Act”.
- 44.** Schedule 1 applies subject to the repeals effected by Schedule 1 to the Statute Law (Repeals) Act 1977.
- 45.** For Schedule 2 substitute the Schedule set out in the Schedule to this Order.
- 46.** In Schedule 3—
- (a) in paragraph 1(3), for “Act, scheme or regulation mentioned in paragraph (b), (c), (d) or (e)” substitute “order or regulations mentioned in paragraph (b), (c) or (d)”;
 - (b) in paragraph 2(2), for “Act, scheme or regulations mentioned in paragraph (b), (c), (d) or (e)” substitute “order or regulations mentioned in paragraph (b), (c) or (d)”.

N. E. Leigh,
Clerk of the Privy Council.

Article 43.

SCHEDULE

SUBSTITUTED SCHEDULE 2 TO THE ACT

Sections 46, 52

SCHEDULE 2

CAPACITIES IN RESPECT OF WHICH PAYMENTS MAY BE MADE UNDER
PART V AND PAYING AUTHORITIES*Capacity**Paying Authority*

1. Officer or servant of a local authority, the Local Government Staff Commission for Northern Ireland or the Northern Ireland Housing Executive.

The local authority, the Commission or the Executive, as the case may be.

2. Member of the Royal Ulster Constabulary or full-time member of the Royal Ulster Constabulary Reserve.

The Police Authority for Northern Ireland.

3. Officer or servant of the Fire Authority for Northern Ireland.

The Authority.

4. Teacher, officer or servant employed in a school or institution which is grant-aided under the Education and Libraries (Northern Ireland) Order 1972(a) or in a college of education within the meaning of that Order.

The Education and Library Board responsible for the management of the school or institution, the managers or other governing body of the school or college or the Department of Education for Northern Ireland, as the case may be.

5. Peripatetic teacher employed by an Education and Library Board.

The Department of Education for Northern Ireland or, where regulations under Article 57(3) of the Education and Libraries (Northern Ireland) Order 1972 provide for the payment of his salary by some other person, that person.

6. Officer or servant of a central or local voluntary organisation which is grant-aided under the Education and Libraries (Northern Ireland) Order 1972 or the Recreation and Youth Service (Northern Ireland) Order 1973(b).

The central or local voluntary organisation, as the case may be.

7. Officer or servant of an Education and Library Board or of the Staff Commission for Education and Library Boards.

The Board or the Commission.

8. Officer or servant of a Health and Social Services Board, the Northern Ireland Central Services Agency for the Health and Social Services or the Northern Ireland Staffs Council for the Health and Social Services or the Northern Ireland Council for Nurses and Midwives.

The Board, the Agency or the Council, as the case may be.

9. Dental practitioner providing general dental services under the Health and Personal Social Services (Northern Ireland) Order 1972(c) at a health centre who is remunerated by an annual salary.

The Health and Social Services Board for the area in which the health centre is situated.

(a) S.I. 1972/1263 (N.I. 12).

(b) S.I. 1973/961 (N.I. 12).

(c) S.I. 1972/1265 (N.I. 14).

SCHEDULE—*continued**Capacity*

10.—(1) Employee of a body in Northern Ireland prescribed for the purposes of this Schedule by an order made by the Secretary of State.

(2) For the purposes of sub-paragraph (1) of this paragraph any such order shall, whether or not it relates to a matter in respect of which the Parliament of Northern Ireland had power to make laws, be deemed to be a statutory rule to which the Statutory Rules Act (Northern Ireland) 1958(a) applies.

Paying Authority

The prescribed body.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 to Northern Ireland. It also modifies that Act, in its application to Northern Ireland, so as to take account of Northern Ireland law.

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