Interpretation Act (Northern Ireland) 1954

1954 CHAPTER 33

APPLICATION OF THIS ACT

1 Meaning of certain expressions as used in this Act.

For the purposes of this Act—

(a) "Act" means an Act of the Parliament of Northern Ireland**[**[F1] or an Act of the Assembly**]**;

(b) "enactment" means an Act or a statutory instrument or any provision of an Act or statutory instrument;

(c) "instrument" includes an Order in Council, order or warrant (other than an order made or a warrant issued by a court), scheme, rule, regulation, or bye-law;

(d) "statutory instrument" means an instrument made under an Act;

(e) "statutory document" means any document issued under an Act other than a statutory instrument or an order of a court;

(f) "statutory provision" means any provision of a statute or instrument made under a statute (by whatsoever Parliament**[**[F1] or Assembly**]** passed or by whomsoever made) for the time being in force in Northern Ireland,[F1]. . . ;

(g) "transferred provision" means—

(i) an enactment;

(ii) a statute passed either before the date of the commencement of the Union with Ireland Act, 1800 , by the Parliament of England, the Parliament of Great Britain or the Parliament of Ireland, or after that date by the Parliament of the United Kingdom, being a statute extending to Northern Ireland and relating to a matter in respect of which the Parliament of Northern Ireland**[**[F1] had power**]** to make laws;

(iii) an instrument made under or by virtue of any such statute; and

(iv) any provision of any such statute or instrument.

Status: *Point in time view as at 15/10/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

F1 SI 1999/663

2 Application of this Act.

(1) Every provision of this Act shall extend and apply to every enactment, whether passed or made before or after the passing of this Act, unless a contrary intention appears in this Act or in the enactment.

(2) In addition, any provision of this Act which refers to **[**[F2]statutory**]** provisions shall, unless the contrary intention appears in the **[**[F2]statutory**]** provisions, have, in relation to those provisions, such effect as is stated in that provision of this Act.

(3) The provisions of this Act shall apply to this Act as they apply to an enactment passed after the commencement of this Act and references in this Act to an enactment passed after the commencement of this Act shall be construed as including references to this Act.

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3 Rules not inconsistent not excluded.

Nothing in this Act shall be construed as excluding the application to a statutory provision of a rule of construction applicable thereto and not inconsistent with this Act.

OPERATION OF ENACTMENTS

4 Acts to be deemed public.

Every Act shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

5 Provisions in private Acts.

A provision in a private Act shall not affect the rights of a person otherwise than as therein mentioned or referred to.

6 Enactments to apply to whole of Northern Ireland.

Every enactment shall, unless the contrary intention appears, apply to the whole of[F3]. . . Northern Ireland.

F3 SI 1999/663

7 Crown not bound, unless named.

No enactment passed or made after the commencement of this Act shall bind or affect in any manner whatsoever Her Majesty or Her Majesty's rights or prerogatives, unless it is stated therein that Her Majesty is bound thereby to the full extent authorised or

permitted by the constitutional laws of Northern Ireland or to such less extent as is specified in the enactment.

8 References to the Crown, etc.

(1) A reference in an enactment to the Sovereign or to the Crown includes a reference to the Sovereign for the time being.

(2) This Act shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

9 Provisions to be substantive enactments.

Every provision of an enactment shall have effect as a substantive enactment without introductory words.

10 Preamble and marginal notes.

(1) The preamble to an enactment shall be construed as a part thereof intended to assist in explaining the purport and object of the enactment.

(2) Marginal notes in an enactment and marginal references therein to other enactments shall not be construed as part of the enactment and shall be deemed to be inserted for convenience of reference only.

11 References in enactments.

(1) A reference in an enactment to any statutory provision shall be construed as a reference to that provision as for the time being amended by or under any other statutory provision, including the enactment in which the reference is made.

(2) A reference in an enactment to any statute passed either before the date of the commencement of the Union with Ireland Act, 1800 , by the Irish Parliament or the Parliament of England or the Parliament of Great Britain or on or after that date by the Parliament of the United Kingdom, or to any instrument made under or by virtue of any such statute, shall, except as provided in sub-section (3), be construed as a reference to that statute or instrument as it applies for the time being in Northern Ireland.

(3) Sub-section (2) shall not apply where the reference—

(a) is to a statute or instrument which does not apply in Northern Ireland; or

(b) relates to any act or thing done in any other part of the United Kingdom under and for the purposes of a statute or instrument as it applies in that part of the United Kingdom.

(4) A reference in an enactment by number or letter to a Part, section, sub-section, paragraph, sub-paragraph or other division of another enactment or statutory provision shall be construed as a reference to such Part, section, sub-section, paragraph, sub-paragraph or other division of such other enactment or provision as printed by authority of law.

(5) A reference in an enactment by number or letter to two or more Parts, divisions, sections, sub-sections, paragraphs, sub-paragraphs, schedules, instruments or forms shall be read as including the number or letter first mentioned and the number or letter last mentioned.

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(6) Where in an enactment reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other enactment or statutory provision is intended, the reference shall be construed as a reference to a Part, division, section, schedule or form of the enactment in which the reference is made.

(7) Where in a section of an enactment reference is made to a sub-section, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a sub-section, paragraph, sub-paragraph or other division of some other section or provision is intended, the reference shall be construed as a reference to a sub-section, paragraph, sub-paragraph or other division of the section in which the reference is made.

(8) Where in a schedule or Part of a schedule to an enactment reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or the Part of the schedule in which the reference is made.

(9) Where in an enactment reference is made to a statutory instrument or statutory document, without anything in the context to indicate that a reference to a statutory instrument or statutory document made under some other enactment or statutory provision is intended, the reference shall be construed as a reference to a statutory instrument or statutory document, as the case may be, made under the enactment in which the reference is made.

(10) A reference in an enactment to any power exercisable, statutory instrument or statutory document made, or issued or act or thing done under a statutory provision shall include a reference to a power exercisable, a statutory instrument or statutory document made, or issued or act or thing done by virtue of that provision or of any statutory instrument or statutory document made or issued under or by virtue of that provision.

(11) The expression "herein" when used in a section or other division of an enactment passed or made after the commencement of this Act shall relate to the whole enactment and not to that section or division only.

12 Amending provisions.

(1) An Act may be amended, altered or repealed in the same session of**[**[F4] the Assembly**]**.

(2) An amending enactment shall, so far as consistent with the tenor thereof, operate and be construed as part of any**[**[F4] statutory**]** provision which it amends and, without prejudice to sub-section (1) of section eleven shall, as from the date on which it comes into operation, have effect accordingly for the purpose of the construction and operation of any other**[**[F4] statutory**]** provision which refers to, or is incorporated with, the provision which it amends.

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13 Date of passing, etc., of enactments.

(1) The date of the passing of every Act shall be the date on which the Bill for that Act receives the Royal Assent.

Subs. (2) rep. by 1998 c. 47

(3) The date of the making of every statutory instrument shall be the date therein expressed as the date of the execution thereof, but where the instrument is made by two or more authorities jointly and is therein expressed to be executed by those authorities on different dates, the date of the making thereof shall be the last date so expressed.

(4) Where a statutory instrument made or to be made after the commencement of this Act by one authority requires the concurrence or approval of any other authority, that concurrence or approval shall be formally inscribed on the instrument either—

(a) on or before the date of the making thereof; or

(b) if the other authority has before that date indicated an intention to concur in or approve of the making of the instrument, within one month after such making.

14 Coming into force of enactments.

(1) Every enactment which is not expressed to come into force or operation on a particular day shall come into operation immediately on the expiration of the day before the date of the passing thereof, or, where the enactment is a statutory instrument, of the making thereof.

(2) Where an enactment is expressed to come into force or operation on a particular day (whether such day is before or after the date of the passing of such enactment, or where the enactment is a statutory instrument, of the making thereof, and whether such day is named in the enactment or is to be appointed or fixed or ascertained in any other manner) the enactment shall be construed as coming into force immediately on the expiration of the day before that particular day.

Subs. (3) rep. by SLR 1976

15 Date of expiration of enactments.

(1) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, the enactment shall, except as provided by sub-section (2), be construed as ceasing to have effect immediately on the expiration of that day.

(2) Where a Bill is introduced into any session of **[**[F5]the Assembly**]** for the continuance of any Act limited to expire in that session and that Act expires before such Bill, **[**[F5]having been passed by the Assembly**]**, receives in that session the Royal Assent, that Act shall be deemed to have continued as fully and effectively in operation as if such Bill had received the Royal Assent before that Act expired.

(3) Sub-section (2) shall not operate so as to render any person liable under the provisions of an Act which has expired to any penalty or forfeiture by reason of any act done by him before the date on which the Bill for the continuance of that Act, **[**[F5]having been passed by the Assembly**]**, receives the Royal Assent.

F5 SI 1999/663

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16 Exercise of powers before enactment comes into force.

Where an enactment which is not to come into force immediately on the passing or making thereof confers power—

(a) to make appointments;
(b) to hold elections;
(c) to make statutory instruments or issue statutory documents;
(d) to publish documents or give any notices;
(e) to prescribe forms;
(f) to give directions; or
(g) to do any other act or thing;

that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time after the passing or making thereof, but, except in so far as may be necessary or expedient for that purpose, a statutory instrument or statutory document made under that power shall not have effect before the commencement of the enactment conferring the power.

17 Statutory powers and duties generally.

(1) Where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time, as occasion requires.

(2) Where an enactment confers a power to make any statutory instrument the power shall be construed as including power, exercisable in the like manner and subject to the like consent and conditions, if any, to amend, alter, rescind or revoke, that instrument and to make other statutory instruments in lieu thereof but this sub-section shall not apply to an order which is not made by a rule-making authority in the exercise of a statutory power which is of a legislative character.

(3) Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing or are incidental to the doing thereof.

(4) Where an enactment authorises or requires an act or thing to be done collectively by more than two persons, a majority of those persons may do that act or thing, unless any quorum fixed by that enactment or by any other**[**[F6] statutory**]** provision has not been formed.

(5) Any power conferred by an enactment to make a statutory instrument or issue a statutory document may be exercised—

(a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
(b) so as to make, as respects the cases in relation to which it is exercised—
(i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
(ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the enactment;
(iii) any such provision either unconditionally or subject to any specified condition.

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18 Provisions as to holders of offices.

(1) Every person who is appointed by the Crown in right of Her Majesty's Government in Northern Ireland to any office by or under the authority of an enactment, passed or made after the commencement of this Act, shall hold that office during pleasure only, unless the contrary is expressed in the enactment or in his commission or appointment.

(2) Words in an enactment passed or made after the commencement of this Act which authorise the appointment of a person to any office and declare that this sub-section shall apply to that appointment shall be deemed also to confer on the authority in whom the power of appointment is vested—

(a) power, at the discretion of the authority, to remove or suspend him; and

(b) power, exercisable in the like manner and subject to the like consent and conditions, if any, applicable on his appointment—

(i) to reappoint or reinstate him;

(ii) to appoint another person in his stead or to act in his stead and to provide for the remuneration of the person so appointed;

(iii) to fix or vary his remuneration, to withhold his remuneration in whole or in part during any period of suspension from office, and to terminate his remuneration on his removal from office.

(3) In an enactment a reference, without qualification, to the holder of any office shall include a reference to any person for the time being holding that office and, in particular—

(a) words in an enactment directing or empowering the holder of an office to do any act or thing, or otherwise applying to him by the name of his office, shall apply to his successors in office and to his or their deputy;

(b) where an enactment confers a power or imposes a duty on the holder of an office, as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

Modifications etc. (not altering text)

C1 S. 18(2) applied (with modifications) (17.5.2006) by Local Government Act (Northern Ireland) 1972 (c. 9), Sch. 4 para. 2(1) (as substituted by Local Government (Boundaries) (Northern Ireland) Order 2006 (S.I. 2006/1253 (N.I. 8)), arts. 1(2), 4(2), **Sch. 1**)

C2 S. 18(2) applied (1.4.2009) by Local Government Pension Scheme (Administration) Regulations (Northern Ireland) 2009 (S.R. 2009/33), regs. 1, 25, **Sch. 3 para. 23**

C3 S. 18(2) applied by Transport Act (Northern Ireland) 1967 (c. 37), s. 47(3A) (as inserted (16.3.2011) by Transport Act (Northern Ireland) 2011 (c. 11), **ss. 41**, 48(1)(a))

19 Effect of words of incorporation.

(1) Where an Act passed after the commencement of this Act contains words establishing, or providing for the establishment of, a body corporate and applying this section to that body those words shall operate—

(a) to vest in that body when established—

(i) the power to sue in its corporate name;

(ii) the power to enter into contracts in its corporate name, and to do so that, as regards third parties, the body shall be deemed to have the same power to make contracts as an individual has;

(iii) the right to have a common seal and to alter or change that seal at pleasure;

(iv) the right to acquire and hold …[F7] any real or personal property for purposes for which the corporation is constituted and to dispose of or charge such property at pleasure;

(v) the right to regulate its own procedure and business; and

(vi) the right to employ such staff as may be found necessary for the performance of its functions;

(b) to make that body liable to be sued in its corporate name;

(c) to require that judicial notice shall be taken of the common seal of that body, and that every document purporting to be a document sealed by that body and to be attested in accordance with the statutory provisions, if any, applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof;

(d) to vest in a majority of the members of that body the power, subject to any quorum fixed by the enactment under which it is established or by any relevant standing orders, to bind other members thereof; and

(e) to exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provision of the Act under which the body is established.

(2) Without prejudice to sub-section (1) of section two, the application of this section to a body corporate shall not—

(a) prevent additional powers being conferred by any enactment on that body; or

(b) prevent the powers conferred by virtue of such application being limited by any enactment; or

(c) prejudice or affect any liability of any member of that body to be surcharged with the payment of any amount which may be disallowed, by an auditor acting in pursuance of any statutory provision, in the accounts of that body.

F7 1960 c. 20 (NI)

Modifications etc. (not altering text)

C4 S. 19 applied (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 3(3), **Sch. 1 para. 1(3)** (with arts. 49, 62); S.R. 2006/257, **art. 2(a)(c)**

C5 S. 19 applied by S.I. 2006/2953 (N.I. 17), Sch. para. 1(3) (as substituted (23.5.2008) by Commission for Victims and Survivors Act (Northern Ireland) 2008 (c. 6), s. 1(3), **Sch. 1**)

C6 S. 19 applied (20.8.2008) by Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2008 (S.R. 2008/310), **art. 3(1)**

C7 S. 19 applied (1.10.2008) by Libraries Act (Northern Ireland) 2008 (c. 8), ss. 1(2), 12(2), **Sch. 1 para. 1(3)**; S.R. 2008/396, **art. 2(a)(g)**

C8 S. 19 applied (27.3.2009) by Charities Act (Northern Ireland) 2008 (c. 12), **ss. 6(8)**, 185(1) (with Sch. 1); S.R. 2009/138, **art. 2**, Sch.

C9 S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 1 para. 1(5)**; S.R. 2009/114, **art. 2**

C10 S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 12(2), 34(3), **Sch. 2 para. 1(5)**; S.R. 2009/114, **art. 2**

C11 S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 14(2), 34(3), **Sch. 3 para. 1(5)**; S.R. 2009/114, **art. 2**

C12 S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 16(2), 34(3), **Sch. 4 para. 1(3)**; S.R. 2009/114, **art. 2**

C13 S. 19 applied (27.3.2010) by Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7), **ss. 15(2)**, 26(1)(b)

C14 S. 19 applied (2.4.2012) by The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012 (S.R. 2012/10), arts. 1, **3**

C15 S. 19(1)(a)(v) referred to (1.10.2008) by Libraries Act (Northern Ireland) 2008 (c. 8), ss. 1(2), 12(2), **Sch. 1 para. 10**; S.R. 2008/396, **art. 2(a)(g)**

[F8]20 Offences.

(1) Where any act or omission constitutes an offence under two or more than two statutory provisions or under a statutory provision and at common law, the offender shall be liable to be prosecuted and punished under either or any of those provisions or at common law, but shall not be liable to be punished twice for the same offence.

[F9F10](2) Where an offence under any enactment passed after the commencement of this Act has been committed by a body corporate the liability of whose members is limited, then notwithstanding and without prejudice to the liability of that body, any person who at the time of such commission was a director, general manager, secretary or other similar officer of that body or was purporting to act in any such capacity shall, subject to sub-section (3), be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is proved to the satisfaction of the court that he consented to, or connived at, or did not exercise all such reasonable diligence as he ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his functions in that capacity and to all the circumstances, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

(3) A person shall not be charged under sub-section (2) [[F11F12] except by or with the consent of the Attorney-General or the Director of Public Prosecutions for Northern Ireland].

(4) An enactment creating criminal liability for an act or omission which, apart from that enactment, would give rise to civil liability shall not operate to prejudice the civil liability …[F13].

F8 mod. by SI 2004/1769

F9 mod. by 2005 NI 17

F10 mod. by 2002 NI 7

F11 1972 NI 1

F12 continue to am. 2002 c. 26

F13 1967 c. 18 (NI)

Modifications etc. (not altering text)

C16 S. 20 applied with mods. (15.10.2012) by The Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012 (S.R. 2012/335), regs. 1, **22(1)** (with reg. 24)

C17 S. 20(2) applied (with modifications) (15.3.2006) by Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)), arts. 1(3)(a), **2(4)** (with art. 26)
S. 20(2) applied (with modifications) (31.8.2006) by Ozone Depleting Substances (Qualifications) Regulations (Northern Ireland) 2006 (S.R. 2006/321), **reg. 10**

S. 20(2) applied (with modifications) (1.2.2007) by Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/482), **reg. 26** (with reg. 3)

C18 S. 20(2) applied (with modifications) (31.5.2007) by Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007 (S.R. 2007/272), **reg. 7(3)**

C19 S. 20(2) applied (with modifications) (1.10.2008) by Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008/315), **reg. 13**

C20 S. 20(2) applied (with modifications) (8.12.2008) by Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008 (S.R. 2008/433), **reg. 10(1)** (with reg. 14(1))

C21 S. 20(2) applied (with modifications) (31.12.2008) by Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) Order (Northern Ireland) 2008 (S.R. 2008/484), **art. 10(1)**

C22 S. 20(2) applied (with modifications) (2.8.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **73** (with art. 77); S.R. 2010/226, **art. 2**, Sch.

C23 S. 20(2) applied (with modifications) (12.10.2009 for certain purposes, otherwise prosp.) by Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), arts. 1(3), **22(1)** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 3**, Sch.

C24 S. 20(2) modified (15.11.2010) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), **42(1)** (with arts. 44, 46, 49, 62); S.R. 2010/328, **art. 2**

S. 20(2) modified (30.4.2007) by Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)), arts. 1(2), **13(1)** (with art. 16(1)); S.R. 2007/118, **art. 2**

S. 20(2) modified (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **110(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2)

C25 S. 20(2) applied (with modifications) (27.3.2009) by Aquatic Animal Health Regulations (Northern Ireland) 2009 (S.R. 2009/129), regs. 1(1), **47(1)**

C26 S. 20(2) applied (with modifications) (12.5.2009) by Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 (S.R. 2009/184), regs. 1(1)(b), **48(1)** (with reg. 52)

C27 S. 20(2) applied (with modifications) (10.8.2009) by Groundwater Regulations (Northern Ireland) 2009 (S.R. 2009/254), **reg. 30(1)** (with reg. 5)

C28 S. 20(2) applied (with modificaitons) (18.1.2010) by Private Water Supplies Regulations (Northern Ireland) 2009 (S.R. 2009/413), **reg. 22(2)** (with reg. 4)

C29 S. 20(2) applied (with modifications) (31.3.2010) by Horse Passports Regulations (Northern Ireland) 2010 (S.R. 2010/40), **reg. 21**

C30 S. 20(2) applied (with modifications) (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), **ss. 51**, 59 (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1

C31 S. 20(2) applied (with modifications) (31.7.2011) by Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011 (S.R. 2011/239), **reg. 13(1)** (with reg. 15)

C32 S. 20(2) applied (with modifications) (31.7.2011) by Ozone-Depleting Substances (Qualifications) Regulations (Northern Ireland) 2011 (S.R. 2011/240), **reg. 13(1)** (with reg. 15)

C33 S. 20(2) applied (with modifications) (4.10.2011) by Plant Protection Products Regulations (Northern Ireland) 2011 (S.R. 2011/295), **reg. 23(1)**

C34 S. 20(2) applied (with modifications) (1.11.2011) by Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 (S.R. 2011/331), **reg. 17** (with regs. 3, 21)

C35 S. 20(2) applied (with modifications) (31.3.2012) by High Hedges Act (Northern Ireland) 2011 (c. 21), **ss. 13**, 20 (with s. 18); S.R. 2012/20, art. 2(2)

C36 S. 20(2) applied (with modifications) (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), **ss. 74**, 78; S.R. 2012/13, art. 2(2), Sch. 2

C37 S. 20(2) applied (with modifications) (1.5.2012) by Sunbeds Act (Northern Ireland) 2011 (c. 19), **ss. 15(1)**, 18(2); S.R. 2012/90, art. 2

C38 S. 20(2) applied (with modifications) (30.6.2012) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 46**, 118(1) (with s. 73); S.R. 2012/266, art. 2(b), Sch. Pt. 2

C39 S. 20(2)(3) applied (with modifications) (1.9.2012) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 47**, 59; S.R. 2012/313, art. 2(2), Sch. Pt. 2

C40 S. 20(3) applied (with modifications) (2.8.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **73** (with art. 77); S.R. 2010/226, **art. 2**, Sch.

C41 S. 20(3) modified (22.1.2010) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), **ss. 58(4)(a)**, 60(1)(c)

21 Rules regulating procedure of courts and tribunals.

(1) Where an enactment confers any jurisdiction on a court or other tribunal or extends or varies the jurisdiction of a court or tribunal, the authority having for the time being power to make rules or orders regulating the practice and procedure of that court or tribunal may make such rules or orders (including rules or orders regulating costs, …[F14], witnesses and other expenses) as appear to the authority to be necessary for regulating the practice and procedure of such court or tribunal in the exercise of the jurisdiction so conferred, extended or varied, and it shall not be necessary for any other enactment to confer power on the authority to make any rules or orders for those purposes.

(2) A county court**[**[F15] rule or magistrates' courts rule which**]**

(a) directs money to be paid out of or in aid of public funds; or

Para. (b) rep. by 1978 c. 23

shall not be made without the concurrence of the [[F16] Treasury], but the validity of any county court**[**[F15] rule or magistrates' courts rule shall**]** not in any proceedings in any court be impugned either by the court or by any party to the proceedings on the ground only that any such concurrence as aforesaid had not been given or is not expressed to have been given.

(3) All such rules or orders heretofore made under any enactment shall be deemed to have been made under this section and may be varied or revoked accordingly.

[F16](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.]

(5) In any enactment—

"county court rules" shall mean county court rules made, or having effect as if made, by the authority having for the time being power to make rules regulating the practice and procedure in county courts;

[[F15]"magistrates' courts rules" shall mean rules made under Part IV of the Magistrates' Courts (Northern Ireland) Order 1981 and shall include any rule or order which under paragraph 5 or 7 of Schedule 5 of that Order has effect as if it was a rule so made**]**.

(6) References in this section to rules or orders shall include—

(a) in relation to the**[**[F17]Court of Judicature**]**, the High Court or the Court of Appeal …[F14], references to rules of court;

[F18](aa) in relation to the Crown Court, references to Crown Court rules;]

(b) in relation to the county court …[F14], references to county court rules; and

[[F15](c) in relation to magistrates' courts references to magistrates' courts rules.**]**

Subs. (7) rep. by 1964 c. 21 (NI)

F14 1978 c. 23
F15 1981 NI 26
F16 1978 c. 23
F17 Words in s. 21(6)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, **art. 2(b)**
F18 1978 c. 23

Modifications etc. (not altering text)
C42 S. 21(1) applied by Representation of the People Act 1983 (c. 2), s. 58(7) (as substituted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31(3), **Sch. 4 para. 5**); S.I. 2008/1318, **art. 2**

22 Powers of appellate courts.

Where an enactment provides that an appeal against any decision or determination of a court, tribunal, authority or person (in this section called "the original tribunal"), may be brought to any court, that court (in this section called "the appellate court") may, for all purposes of and incidental to hearing or determining such appeal, exercise all the powers, authority and jurisdiction of the original tribunal and, in addition, may—

(a) confirm, reverse or vary the decision or determination of the original tribunal;
(b) remit the appeal or any matter arising thereon to the original tribunal with such declarations or directions as the appellate court may think proper; or
(c) make such order as to costs and expenses as the appellate court may think proper;

and—

(i) it shall be the duty of the original tribunal to have regard to all such declarations and to obey all such directions, if any, as may be given by the appellate court pursuant to paragraph (*b*); and
(ii) orders made by the appellate court shall have the like effect and may be enforced in like manner as orders made by the original tribunal.

[F19 23 Inquiries and investigations

The provisions of Schedule A1 to this Act shall have effect in relation to any local or other inquiry or any investigation which a Minister or Northern Ireland department causes to be held or made under any enactment passed or made—

(a) after the commencement of this Act, and
(b) before the commencement of section 47 of the Inquiries Act 2005.]

F19 2005 c.12

Modifications etc. (not altering text)
C43 S. 23 applied (10.6.2006) by Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)), art. 123B(6) (as inserted by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), **22(1)**)
S. 23 applied (prosp.) by Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)), Sch. 1A para. 13(3) (as inserted by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(d), 27(2), **Sch. 3**)

S. 23 applied (prosp.) by Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)), Sch. 1B para. 10(3) (as inserted by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(3)(d), 27(2), **Sch. 3**)

24 Service of documents.

(1) Where an enactment authorises or requires a document to be served by post, whether the word "serve" or any of the words "give", "deliver" or "send" or any other word is used, the service of the document may be effected by prepaying, registering[F20] and posting an envelope addressed to the person on whom the document is to be served at his usual or last known place of abode or business and containing such document; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which such envelope would have been delivered in the ordinary course of post.

(2) Where an enactment authorises or requires a document to be served on any person without directing it to be served in a particular manner the service of that document may be effected either—

(a) by personal service; or

(b) by post in accordance with sub-section (1); or

(c) by leaving it for him with some person apparently over the age of sixteen at his usual or last known place of abode or business; or

(d) in the case of a corporate body or of any association of persons (whether incorporated or not), by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post on such secretary or clerk at such office; or

(e) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee, or occupier of premises on whom the document should be served, by addressing the document to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which the document relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

F20 Recorded delivery service may be used as an alternative, 1963 c. 5 (NI)

Modifications etc. (not altering text)

C44 S. 24 applied (with modifications) by Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)), art. 5(1A) (as inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **28**); S.R. 2007/302, **art. 2**, Sch.

C45 S. 24 excluded (10.6.2006) by Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)), art. 112E(2) (as inserted by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), **21(1)**)

C46 S. 24 modified by 1988 NI 3
S. 24 modified (1.6.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(2), **2(3)** (with arts. 49, 62)

C47 S. 24 modified by Dogs (Northern Ireland) Order 1983 (S.I. 1983/764 (N.I. 8)), art. 30A(8) (as inserted (3.10.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 8**, 18(1); S.R. 2011/332, **art. 2**, Sch.)

C48 S. 24 applied with modifications (7.6.2012) by The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 (S.R. 2012/188), regs. 1, **11**; S.R. 2012/214, art. 2(m)

C49 S. 24(1) modified by 2005 NI 1, **arts. 2(7)(a)**, 241
S. 24(1) modified (1.1.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(3)(a), **2(13)** (with arts. 8(8), 121(3), 307)
S. 24(1) modified (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), **67(2)**; S.R. 2006/428, **art. 3**

C50 S. 24(1) modified (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 57(2)(a)**, 60

C51 S. 24(1) modified (27.3.2009) by Aquatic Animal Health Regulations (Northern Ireland) 2009 (S.R. 2009/129), regs. 1(1), **2(7)**

C52 S. 24(1) modified (22.1.2010) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), **ss. 58(4)(b)**, 60(1)(c)

C53 S. 24(1) excluded by S.R. 2005/168, reg. 2(7) (as added (6.4.2010) by Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations (Northern Ireland) 2010 (S.R. 2010/111), **reg. 4(c)**)

C54 S. 24(1) modified (1.9.2012) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 53**, 59; S.R. 2012/313, art. 2(2), Sch. Pt. 2

C55 S. 24(1) applied with mods. (15.10.2012) by The Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012 (S.R. 2012/335), regs. 1, **26(1)** (with reg. 24)

25 Deviation in forms.

Where a form is prescribed or specified by any enactment, deviations therefrom not materially affecting the substance nor calculated to mislead, shall not invalidate the form used.

26 Oaths, affirmations and declarations.

(1) Where any enactment passed or made after the commencement of this Act authorises or requires evidence to be taken on oath, or authorises or directs an oath to be made, taken or administered, the oath may be administered, and a certificate or acknowledgment of its having been made, taken or administered may be given, by anyone authorised by the enactment to take the evidence, or by a judge of any court, a notary public, or a commissioner for oaths or justice of the peace having authority or jurisdiction in the place where the oath is administered.

(2) In every enactment, the words "oath" and "affidavit" shall, [F21]..., include affirmation and declaration; and the word "swear" shall, [F21]..., include affirm and declare.

(3) A reference in an enactment to a statutory declaration shall be construed as a reference to a declaration made by virtue of the Statutory Declarations Act, 1835[M1].

(4) A power conferred by an enactment upon a **[**[F22]lay magistrate or**]** justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, may be exercised by a notary public or a commissioner for oaths.

F21 1977 c. 38
F22 2002 c.26

Marginal Citations
M1 1835 c. 62

27 Operation of declaration that provisions are to cease to have effect.

(1) Where in an enactment it is declared that the whole or a part of any **[**[F23]statutory**]** provision is to cease to have effect, that **[**[F23]statutory**]** provision shall be deemed to have been repealed to the extent to which it is so declared to cease to have effect.

(2) Sub-section (1) shall not be taken to prejudice the operation of any declaration in an enactment that the whole or a part of any **[**[F23]statutory**]** provision is repealed.

F23 SI 1999/663

28 Effect of repeal.

(1) The repeal of any enactment shall not be deemed to be or to involve a declaration that such enactment was or was considered by Parliament**[**[F24] or (as the case may be) the Assembly**]** to have been previously in force in Northern Ireland.

(2) Where an enactment repeals or revokes a**[**[F24] statutory**]** provision, the repeal or revocation shall not, save as in this section otherwise provided—

(a) revive any**[**[F24] statutory**]** provision or thing not in force or existing at the time at which the repeal or revocation takes effect;

(b) affect the previous operation of the**[**[F24] statutory**]** provision so repealed or revoked, or anything duly done or suffered thereunder;

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the**[**[F24] statutory**]** provision so repealed or revoked;

(d) affect any offence committed against the**[**[F24] statutory**]** provision so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the**[**[F24] statutory**]** provision had not been repealed or revoked.

(3) Nothing in sub-section (2) shall be taken to authorise the continuance in force after the repeal or revocation of a**[**[F24] statutory**]** provision of any instrument made under that provision.

(4) Where at any time an enactment expires, lapses or otherwise ceases to have effect, this section shall apply as if that enactment had then been repealed or revoked.

(5) The inclusion in the repealing provisions of any enactment of any express saving with respect to the repeals affected thereby shall not be taken to prejudice the operation of this section with respect to the effect of those repeals.

F24 SI 1999/663

29 Effect of substituting provisions.

(1 [F25] Where an enactment repeals or revokes and re-enacts, with or without modification, any**[**[F26] statutory**]** provision, a reference in any other**[**[F26] statutory**]** provision or in any

statutory instrument or statutory document to the provision so repealed or revoked shall without prejudice to the operation of sub-sections (2) and (3) be construed as a reference to the provision as re-enacted.

(2) Where an enactment repeals or revokes a**[**[F26] statutory**]** provision and substitutes another enactment therefor by way of amendment, revision or consolidation—

(a) all officers and persons acting under that provision shall continue to act, as if appointed under the enactment so substituted;

(b) every bond and security given by a person appointed under that provision shall remain in force and all offices, books, papers and things used or made under that provision shall continue to be used as theretofore so far as consistent with the enactment so substituted;

(c) all proceedings taken under that provision shall be prosecuted and continued under and in conformity with the enactment so substituted, so far as consistently may be;

(d) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under that provision or in any other proceedings under that provision, the procedure established by the enactment so substituted shall be followed so far as it can be adapted; and

(e) where any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the enactment so substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly.

(3) Without prejudice to sub-section (2), where an enactment repeals or revokes a**[**[F26] statutory**]** provision and substitutes another enactment therefor by way of amendment, revision or consolidation—

(a [F25] all statutory instruments or statutory documents made, issued, confirmed or granted under that**[**[F26] statutory**]** provision and all decisions, authorisations, directions, consents, applications, requests or things made, issued, given or done thereunder shall, in so far as they are in force at the commencement of the enactment so substituted, and are not inconsistent therewith, have the like effect, and the like proceedings may be had thereon and in respect thereof as if they had been made, issued, confirmed or granted or made, issued, given or done under the corresponding provision of the enactment so substituted; and

(b) any reference to that**[**[F26] statutory**]** provision in any unrepealed or unrevoked**[**[F26] statutory**]** provision shall, in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of the enactment so substituted as relates to the same subject-matter as that provision; and, if nothing in the enactment so substituted relates to the same subject-matter, that provision shall stand good, and be read and construed as unrepealed or unrevoked in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed or unrevoked**[**[F26] statutory**]** provision.

F25 mod. by 1989 NI 6
F26 SI 1999/663

Modifications etc. (not altering text)

C56 S. 29 excluded (31.12.2009) by Cereal Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/383), **reg. 32(4)** (with regs. 5(2), 32(3))

C57 S. 29 excluded (31.12.2009) by Beet Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/384), **reg. 29(4)** (with regs. 4(2), 29(3))

C58 S. 29 excluded (31.12.2009) by Fodder Plant Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/385), **reg. 33(4)** (with regs. 5(2), 33(3))

C59 S. 29 excluded (31.12.2009) by Oil and Fibre Plant Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/386), **reg. 32(4)** (with regs. 5(2), 32(3))

C60 S. 29 excluded (31.12.2009) by Vegetable Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/387), **reg. 32(4)** (with regs. 5(2), 32(3))

30 Reprints.

(1) Where an enactment directs that **[**[F27]an Act is to be reprinted, that Act**]** shall be reprinted with—

(a) the addition of any words added thereto;

(b) the substitution of any words substituted therein;

(c) the omission of any words repealed therein;

by **[**[F27]any statutory provision**]** (including the enactment directing the reprint) for the time being in force.

(2) **[**[F27]For the purpose of reprinting any Act, the Presiding Officer shall cause to be prepared and shall certify a copy of that Act**]**, with the additions, substitutions and omissions referred to in the preceding sub-section, and with the sections, sub-sections and paragraphs numbered in accordance with the **[**[F27]statutory provision**]** which makes the addition or substitution, as the case may be, and with any renumbering, and any alteration of references, cross-headings and marginal notes and with such other modifications necessarily consequential on the amendments so made and[F27]... such footnotes and additional references as **[**[F27]may be**]** necessary or desirable to assist in explaining the reprint.

(3) The Queen's Printer shall print in accordance with the copy as certified all copies of the **[**[F27]Act**]** to be reprinted which are printed after the passing of the enactment directing the reprint.

(4) **[**[F27]The Presiding Officer may by order direct that any Act**]** shall be reprinted in accordance with the foregoing sub-sections and where such order is made these sub-sections shall apply as if an enactment had directed **[**[F27]that Act**]** to be reprinted.

(5) Where **[**[F27]an Act**]** is reprinted pursuant to an order made under sub-section (4), the fact that it is so reprinted shall be stated on the reprint.

F27 SI 1999/663

Construction of Enactments

31 Enactment always speaking.

(1) Every enactment shall be construed as always speaking and if anything is expressed in the present tense it shall be applied to the circumstances as they occur, so that effect may be given to each enactment according to its true spirit, intent and meaning.

Status: *Point in time view as at 15/10/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

(2) The expression "now", "next", "heretofore" or "hereafter" shall be construed as referring to the time when the enactment containing the expression came into force.

32 Limited nature of powers, privileges or advantages granted by enactments.

(1) Every enactment passed or made after the commencement of this Act conferring any power upon, or granting any privilege or advantage to, any person shall be construed as conferring that power, or, as the case may be, granting that privilege or advantage, for so long only as that enactment remains unrepealed or unrevoked.

(2) Nothing in this section shall—

(a) affect the title to any property which vested pursuant to the provisions of an enactment in any person upon payment of compensation; or

(b) prejudice **[**[F28]any power**]** to amend, repeal or revoke any enactment or to modify, restrict or revoke any power, privilege or advantage conferred or granted by an enactment.

F28 SI 1999/663

33 Expressions in instrument have same meaning as in enactment.

Where an enactment confers power to make any statutory instrument or issue any statutory document, expressions used in the instrument or document shall, unless a contrary intention appears, have the same respective meanings as in the enactment.

34 Application of interpretation provisions in enactments.

(1) Definitions or rules of interpretation contained in an enactment shall apply to the construction of the provisions of the enactment which contain those definitions or rules of interpretation, as well as to the other provisions of the enactment.

(2) An interpretation section or provision contained in an enactment shall be read and construed as being applicable only if a contrary intention does not appear in the enactment.

35 Corresponding meanings of parts of speech.

Where a word is defined in an enactment other parts of speech and grammatical variations of that word shall have corresponding meanings in that enactment.

36 Names commonly used.

In an enactment, a name commonly applied to a country, place, Government department, body, corporation, society, Minister, officer, functionary, person, party, statutory provision, or other thing whatsoever, shall mean the country, place, Government department, body, corporation, society, Minister, officer, functionary, person, party, statutory provision or thing to which the name is commonly applied, or is commonly applied in Northern Ireland, whether or not the name is the formal or unabbreviated designation thereof.

37 Rules as to gender and number.

(1) Words in an enactment importing (whether in relation to an offence or otherwise) persons or male persons shall include male and female persons, corporations (whether aggregate or sole) and unincorporated bodies of persons.

(2) In an enactment—

(a) words in the singular shall include the plural; and

(b) words in the plural shall include the singular.

(3) Without prejudice to the foregoing provisions, a reference in an enactment to a party aggrieved shall include a reference to a body corporate in every case where that body is a party aggrieved.

38 Construction of "shall" and "may".

In an enactment passed or made after the commencement of this Act, the expression "shall" shall be construed as imperative and the expression "may" as permissive and empowering.

39 Time.

(1) Words in an enactment relating to time and references therein to a point of time shall be construed as relating or referring to Greenwich mean time, subject, however, to any statutory provision which may for the time being provide that, during any specified period or periods, time in Northern Ireland is to differ from Greenwich mean time.

[F29](2) Where in an enactment a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall not be included in the period.

(3) Where in an enactment a period of time is expressed to end on, or to be reckoned to, a particular day, that day shall be included in the period.

(4) Where the time limited by an enactment for the doing of anything expires or falls upon a Sunday or a public holiday, the time so limited shall extend to and the thing may be done on the first following day that is not a Sunday or a public holiday.

(5) Sub-sections (2), (3) and (4) shall apply whether or not the number of days concerned is expressed to be clear days.

(6) In an enactment—

(a) a reference to midnight, in relation to any particular day, shall be construed as a reference to the point of time at which that day ends;

(b) a reference to a week-day shall be construed as a reference to a day which is not a Sunday;

(c) a reference to a month shall be construed as a reference to a calendar month;

(d) a reference, without qualification, to a year shall be construed as a reference to a period of twelve months; and

(e) a reference to a financial year or to a local financial year shall be construed as a reference to a period of twelve months ending at midnight on the thirty-first day of March.

(7) In any enactment relating to any duty or tax[F30]. . . the expression "night" shall be deemed to begin at eleven of the clock in the evening of each day, and to end at five of the clock in the morning of the next succeeding day.

(8) In an enactment the expression "public holiday" shall include Christmas Day, Good Friday, any bank holiday appointed by or under any statutory provision and any day appointed for public thanksgiving or mourning.

F29 mod. by 2005 NI 1
F30 SI 1999/663

Modifications etc. (not altering text)

C61 S. 39(2) excluded (6.4.2006) by Occupational Pension Schemes (Payments to Employer) Regulations (Northern Ireland) 2006 (S.R. 2006/161), **reg. 2(4)**
S. 39(2) excluded (20.11.2006) by Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006/405), **reg. 2(6)**
S. 39(2) excluded (20.11.2006) by Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006/406), **reg. 2(7)**

C62 S. 39(2) excluded (1.4.2008) by Social Security Benefits Up-rating Order (Northern Ireland) 2008 (S.R. 2008/92), arts. 1(1)(a), **2(3)** (with art. 6)

C63 S. 39(2) excluded by S.R. 2005/168, reg. 2(6) (as inserted (6.4.2008) by Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations (Northern Ireland) 2008 (S.R. 2008/132), **reg. 4(5)**)

C64 S. 39(2) excluded by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 82(6) (as inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **31** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.

C65 S. 39(2) modified (29.6. 2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 57(2)(b)**, 60

C66 S. 39(2) modified (11.2.2008) by Pensions Act (Northern Ireland) 2008 (c. 1), **s. 20(2)**, Sch. 4 Pt. 3

C67 S. 39(2) modified (15.12.2008) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 117(2)**, 118(2)(g)

C68 S. 39(2) excluded (1.4.2009) by Social Security Benefits Up-rating Order (Northern Ireland) 2009 (S.R. 2009/89), arts. 1(1)(a), **2(3)**

C69 S. 39(2) excluded (1.4.2010) by Social Security Benefits Up-rating Order (Northern Ireland) 2010 (S.R. 2010/118), arts. 1(1)(a), **2(3)**

C70 S. 39(2) excluded (1.4.2011) by Social Security Benefits Up-rating Order (Northern Ireland) 2011 (S.R. 2011/119), arts. 1(1)(a), **2(3)**

C71 S. 39(2) excluded (1.4.2012) by The Social Security Benefits Up-rating Order (Northern Ireland) 2012 (S.R. 2012/116), arts. 1(1)(a), **2(3)**

C72 S. 39(3) excluded by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 82(6) (as inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **31** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.

C73 S. 39(4) excluded by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 82(6) (as inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **31** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.

C74 S. 39(8) excluded by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 82(6) (as inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **31** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.

40 Distance.

In the measurement of any distance for the purposes of any enactment, that distance shall be measured in a straight line on a horizontal plane and may be determined by reference to the most recent edition of the ordnance map available at the time of determination unless that edition is proved incorrect as to the particular distance which is to be determined.

MEANING OF PARTICULAR WORDS AND PHRASES

41 Definitions for parliamentary purposes.

(1) In an enactment the expression—

[[F31] "Assembly" means the Northern Ireland Assembly];

"House of Commons", when used without qualification**[**[F32] in any enactment passed or made before 1st January 1974**]**, shall mean House of Commons of Northern Ireland;

"Parliament", when used without qualification**[**[F32] in any enactment passed or made before 1st January 1974**]**, shall mean Parliament of Northern Ireland;

"Senate" shall mean the Senate of Northern Ireland.

[F33](2) In any Act passed after the thirtieth day of May, nineteen hundred and fifty, "statutory period" means a period comprising—

(a) ten days on which the [[F34] Assembly] has sat; or

(b) …

[F35](c) thirty days;

whichever period is the longest, such days being reckoned without regard to whether they occur during one or more than one session of the same [[F34] Assembly] or of different [[F34] Assemblies] …[F35]].

[[F32](3) Where, under any enactment, a statutory instrument or statutory document is required to be laid before the Assembly, the delivery of a copy of the instrument or document to the Business Office of the Assembly on any day during the existence of an Assembly shall for all purposes be deemed to be the laying of it before the Assembly.**]**

(4) The expression "subject to affirmative resolution" when used in relation to any statutory instruments or statutory documents shall mean that those instruments or documents shall not come into operation unless and until affirmed by a resolution of**[**[F32] the Assembly**]**.

Subs. (5) rep. by SI 1999/663

(6) The expression "subject to negative resolution" when used in relation to any statutory instruments or statutory documents shall mean that those instruments or documents shall, as soon as may be after they are made, be laid before**[**[F32] the Assembly, and if the Assembly**]**, within the statutory period next after any such instrument or document has been so laid, resolves that the instrument or document shall be annulled, the instrument or document shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.

Subs. (7) rep. by SI 1999/663

F31 SI 1973/2163
F32 SI 1999/663
F33 1968 c. 24 (NI)
F34 SI 1973/2163
F35 SI 1973/2163

Modifications etc. (not altering text)

C75 S. 41(3) applied by Police (Northern Ireland) Act 1998 (c. 32), s. 61(5B) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 32(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C76 S. 41(3) applied by Police (Northern Ireland) Act 1998 (c. 32), Sch. 3 para. 12(3) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 39(8)(e)** (with arts. 28-31, Sch. 3 para. 39(12)); S.I. 2010/977, **art. 1(2)**)

C77 S. 41(3) applied by Police (Northern Ireland) Act 2000 (c. 32), s. 12(7) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 48(1)(d)** (with arts. 28-31, Sch. 3 para. 48(2)); S.I. 2010/977, **art. 1(2)**)

C78 S. 41(3) applied by Police (Northern Ireland) Act 2000 (c. 32), s. 24(4) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 52(1)(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C79 S. 41(3) applied by Police (Northern Ireland) Act 2000 (c. 32), s. 30(8A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 57(10)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C80 S. 41(3) applied by Police (Northern Ireland) Act 2000 (c. 32), s. 58(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 73(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C81 S. 41(3) applied by Police (Northern Ireland) Act 2000 (c. 32), s. 76(4B) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 83(e)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C82 S. 41(3) applied by Police (Northern Ireland) Act 2000 (c. 32), Sch. 1 para. 16(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 86(6)(d)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C83 S. 41(3) applied by Civil Contingencies Act 2004 (c. 36), s. 17(3B) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 108(4)** (with arts. 28-31, Sch. 3 para. 110); S.I. 2010/977, **art. 1(2)**)

C84 S. 41(3) applied by Criminal Justice Act 1988 (c. 33), s. 133A(12) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(3), **Sch. 6 para. 3** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C85 S. 41(3) applied by Criminal Appeal Act 1995 (c. 35), Sch. 1 para. 8(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(3), **Sch. 6 para. 8(3)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C86 S. 41(3) applied by Criminal Justice and Public Order Act 1994 (c. 33), s. 127A(7) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 6(4), **Sch. 7 para. 4(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C87 S. 41(3) applied by Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19), s. 24(10) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 7, **Sch. 9 para. 4(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C88 S. 41(3) applied by Serious Crime Act 2007 (c. 27), s. 89(10) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 8, **Sch. 10 para. 10(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C89 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), s. 49(1L) (as substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 11, **Sch. 13 para. 7(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C90 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), s. 52(7) (as substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 11, **Sch. 13 para. 10** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C91 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), s. 90(1B) (as substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 11, **Sch. 13 para. 23(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C92 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 8 para. 4(1L) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 11, **Sch. 13 para. 24(5)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C93 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 8 para. 6(4A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 11, **Sch. 13 para. 24(7)(d)** (with arts. 28-31, Sch. 13 para. 27); S.I. 2010/977, **art. 1(2)**)

C94 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 9 para. 6(4A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 11, **Sch. 13 para. 25(6)(d)** (with arts. 28-31, Sch. 13 para. 27); S.I. 2010/977, **art. 1(2)**)

C95 S. 41(3) applied by Criminal Justice Act 1988 (c. 33), s. 141(17) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 31(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C96 S. 41(3) applied by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 4 para. 14A(g) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 34(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C97 S. 41(3) applied by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 4 para. 14C(c) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 34(5)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C98 S. 41(3) applied by Criminal Procedure and Investigations Act 1996 (c. 25), Sch. 4 para. 33A (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 34(6)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C99 S. 41(3) applied by Police Act 1997 (c. 50), s. 126A(10) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 38** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C100 S. 41(3) applied by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 64(7) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 44** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C101 S. 41(3) applied by Proceeds of Crime Act 2002 (c. 29), s. 291(6) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 59(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C102 S. 41(3) applied by Proceeds of Crime Act 2002 (c. 29), s. 293A(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 61** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C103 S. 41(3) applied by Proceeds of Crime Act 2002 (c. 29), s. 377ZA(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 68** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C104 S. 41(3) applied by Proceeds of Crime Act 2002 (c. 29), s. 459(7D) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 74(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C105 S. 41(3) applied by Sexual Offences Act 2003 (c. 42), s. 138(7) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 77(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C106 S. 41(3) applied by Criminal Justice Act 2003 (c. 44), s. 330A(3) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 78(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C107 S. 41(3) applied by Justice (Northern Ireland) Act 2004 (c. 4), s. 8(3A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 81(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C108 S. 41(3) applied by Justice (Northern Ireland) Act 2004 (c. 4), s. 21(2A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 82(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C109 S. 41(3) applied by Coroners and Justice Act 2009 (c. 25), s. 83(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 98(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C110 S. 41(3) applied by Coroners and Justice Act 2009 (c. 25), s. 176(8) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 101(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C111 S. 41(3) applied by Policing and Crime Act 2009 (c. 26), s. 113A(8) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 106** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C112 S. 41(3) applied by Serious Organised Crime and Police Act 2005 (c. 15), s. 7(9) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 13, **Sch. 15 para. 3(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C113 S. 41(3) applied by Serious Organised Crime and Police Act 2005 (c. 15), s. 15(7) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 13, **Sch. 15 para. 10(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C114 S. 41(3) applied by Serious Organised Crime and Police Act 2005 (c. 15), s. 172(14) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 13, **Sch. 15 para. 24** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C115 S. 41(3) applied by Private Security Industry Act 2001 (c. 12), Sch. 1 para. 16(3C) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 14, **Sch. 16 para. 7(6)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C116 S. 41(3) applied by Private Security Industry Act 2001 (c. 12), Sch. 1 para. 17(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 14, **Sch. 16 para. 7(7)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C117 S. 41(3) applied by Judicature (Northern Ireland) Act 1978 (c. 23), s. 68A(3) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 18(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C118 S. 41(3) applied by Judicature (Northern Ireland) Act 1978 (c. 23), s. 78(5) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 22(1)(d)** (with arts. 28-31, Sch. 18 para. 22(2)); S.I. 2010/977, **art. 1(2)**)

C119 S. 41(3) applied by Administration of Justice Act 1982 (c. 53), s. 25(6A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 32(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C120 S. 41(3) applied by Damages Act 1996 (c. 48), s. 2B(8)(d)) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 57** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C121 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 2 para. 5(7A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 67(7)(c)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C122 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 2 para. 7(4A) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 67(8)(e)** (with arts. 28-31, Sch. 18 para. 67(9)); S.I. 2010/977, **art. 1(2)**)

C123 S. 41(3) applied by Justice (Northern Ireland) Act 2002 (c. 26), Sch. 3A para. 15(6) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 68(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C124 S. 41(3) applied by Courts Act 2003 (c. 39), s. 109(11) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 69(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C125 S. 41(3) applied by Civil Partnership Act 2004 (c. 33), s. 219(6C) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 73(d)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C126 S. 41(3) applied by Forced Marriage (Civil Protection) Act 2007 (c. 20), Sch. 1 para. 14(4) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 82(4)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C127 S. 41(3) applied by Criminal Justice and Immigration Act 2008 (c. 4), s. 147(5C) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 94(d)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)

C128 S. 41(3) applied (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 16, **Sch. 19 para. 1(3)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

C129 S. 41(3) applied (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 16, **Sch. 19 para. 2(3)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

42 Definitions for judicial purposes.

(1) In an enactment the expression—

" **[**[F36]Court of Judicature**]**" shall mean the**[**[F36]Court of Judicature**]** of Northern Ireland;

"Court of Appeal" or "High Court of Appeal" shall mean Her Majesty's Court of Appeal in Northern Ireland;

"High Court" shall mean Her Majesty's High Court of Justice in Northern Ireland;

"Court of Criminal Appeal" shall mean the Court of Criminal Appeal in Northern Ireland …[F37];

"court of assize" shall mean a court of assize, a court of oyer and terminer and a court of gaol delivery or any of them and shall include a court held in and for the county of the City of Belfast by virtue of a commission of oyer and terminer or general gaol delivery;

[[F38] "Lands Tribunal" shall mean the Lands Tribunal for Northern Ireland;]

[[F39] "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 [[F40] (Northern Ireland) Order 1980];]

…[F41]

[[F42]"court of summary jurisdiction" or "magistrates' court" shall have the meaning assigned to it by Article 2(2) of the Magistrates' Courts (Northern Ireland) Order 1981**]**.

(2) Where an enactment provides that any appeal, application, proceeding or other matter arising thereunder may be heard or determined by a county court, …[F41][F42] or a magistrates' court, without] specifying any particular county court …[F41][F42] or magistrates' court, the matter] may be heard and determined by such county court, …[F41][F42] or magistrates' court (as] the case may be) as may be prescribed, in the case of a county court …[F41] by county court rules, or in the case of[F42] a magistrates' court, by magistrates' courts rules or, if] no such court is so prescribed, by the county court, …[F41][F42] or magistrates' court (as] the case may be) having jurisdiction over the whole or any part of the division or district or place in which the matter arises or, if the matter relates to any premises, in which those premises are situated.

(3) In an enactment the expression—

"Lord Chief Justice" shall mean the Lord Chief Justice of Northern Ireland;

"Chancery Judge" shall mean the Judge of the High Court to whom the business and matters arising in the chancery jurisdiction of that court are for the time being assigned;

"county court judge" shall include …[F41] a recorder …[F41]; and

[[F39] "Probate Judge" shall mean the Judge of the High Court to whom probate business and matters are for the time being assigned.]

(4) In an enactment the expression—

"appeal summarily" shall mean appeal, in accordance[F42] with magistrates' courts rules], to a court of summary jurisdiction;

Definition rep. by 1975 NI 7; 1978 c. 23

"committed for trial" shall mean committed by a court, judge, resident magistrate, …[F43F44]. . . or other authority having power to commit a person in custody with a view to his trial, and shall include committed on bail upon a recognizance to appear and stand trial before a judge and jury;

[[F45]"standard scale" means the standard scale provided by Article 5 of the Fines and Penalties (Northern Ireland) Order 1984;

"statutory maximum" means the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984.]

"Summary Jurisdiction Acts" shall mean the statutory provisions for the time being in force in Northern Ireland in relation to summary jurisdiction;

"summary conviction" shall mean conviction subject to and in accordance with the Summary Jurisdiction Acts.

[[F46](5) In an enactment the expression "industrial tribunal" means a tribunal established under Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996.]

F36 Words in s. 42(1) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), **Sch. 11 para. 6**; S.I. 2009/1604, **art. 2(d)**
F37 1968 c. 21
F38 1971 c. 23 (NI)
F39 1978 c. 23
F40 1980 NI 3
F41 1978 c. 23
F42 1981 NI 26
F43 SLR 1973
F44 2002 c.26
F45 1994 NI 15

F46 1996 NI 18

43 Definitions for official purposes.

(1) In an enactment the expression—

"Admiralty" shall mean the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral of the United Kingdom;

"Bank of England" shall mean, as the circumstances require, the Governor and Company of the Bank of England or the Bank of the Governor and Company of the Bank of England;

"Bank of Ireland" shall mean, as the circumstances require, the Governor and Company of the Bank of Ireland or the Bank of the Governor and Company of the Bank of Ireland;

"Board of Trade" shall mean the Lords of the Committee of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations;

"British Islands" shall mean the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland;

"consular officer" shall include consul-general, consul, vice-consul, consular agent, and any person authorised to discharge the duties of consul-general, consul, or vice-consul;

"Governor" shall mean the Governor of Northern Ireland;

"Lord Chancellor" shall mean the Lord High Chancellor of Great Britain;

"National Debt Commissioners" shall mean the Commissioners for the Reduction of the National Debt;

"Postmaster General" shall mean Her Majesty's Postmaster General;

"Privy Council" shall mean, except when used with reference to Northern Ireland only, the Lords and others of Her Majesty's Most Honourable Privy Council, and when used with reference to Northern Ireland only, shall mean the Privy Council of Northern Ireland;

"Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State;

"Treasury" shall mean the Lord High Treasurer or the Commissioners of Her Majesty's Treasury;

"United Kingdom" shall mean the United Kingdom of Great Britain and Northern Ireland.

(2) In an enactment the expression—

"Attorney-General" shall mean the Attorney-General for Northern Ireland;

"authorised analyst" shall include the government chemist and any public analyst;

Definition rep. by 1976 NI 23

Definition rep. by 2000 c. 32

"Commissioner of Valuation" shall mean the officer **[**[F47]appointed under Article 36 of the Rates (Northern Ireland) Order 1977[M2] to be the Commissioner of Valuation for Northern Ireland**]**;

"consolidated fund" shall mean the consolidated fund of Northern Ireland;

Definition rep. by 2000 c. 32

Definition rep. by 1998 c. 32

"exchequer" shall mean the exchequer of Northern Ireland;

"government chemist" shall mean the officer appointed under section two of the Administrative Provisions Act (Northern Ireland), 1928[M3], to be the government chemist for Northern Ireland;

"Great Seal" shall mean the Great Seal of Northern Ireland and shall **[**[F48]include a**]** Wafer Great Seal where the use of that Seal has been authorised under section three of the Northern Ireland (Miscellaneous Provisions) Act, 1945[M4]**[**[F48] or section 49 of the Northern Ireland Act 1998**]**;

Definitions rep. by 1998 c. 32

"Pharmacy Inspector" and "Pharmacy Registrar" shall mean respectively **[**[F49]the Pharmacy Inspector appointed under Article 24(1), and the registrar appointed under Article 9(1), of the Pharmacy (Northern Ireland) Order 1976[M5];**]**

[[F50]"Poisons Inspector" means **[**[F51]the Poisons Inspector appointed under Article 16 of the Poisons (Northern Ireland) Order 1976[M6];**]]**

"public analyst" shall mean a public analyst appointed under**[**[F52] Article 27(1) of the Food Safety (Northern Ireland) Order 1991**]**;

"Queen's Printer" shall mean the officer appointed to print Acts;

[[F53]"regional rate" means a rate made by the Department of Finance under the Rates (Northern Ireland) Order 1977[M7];**]**

"registered pharmacist" shall mean a person registered in the register of pharmaceutical chemists in pursuance of **[**[F49]the Pharmacy (Northern Ireland) Order 1976;**]**

Definition rep. by 2000 c. 32

"weights and measures inspector" shall mean **[**[F54]a chief or other inspector of weights and measures within the meaning of the Weights and Measures (Northern Ireland) Order 1981**]**[M8].

F47 1977 NI 28
F48 SI 1999/663
F49 1976 NI 22
F50 SRO (NI) 1972/253
F51 1976 NI 23
F52 1991 NI 7
F53 1977 NI 28
F54 1981 NI 10

Marginal Citations

M2 1977 NI 28
M3 1928 c.14 (NI)
M4 1945 c.12
M5 1976 NI 22
M6 1976 NI 23
M7 1977 NI 28
M8 1981 NI 10

[[F55]**43A Definitions in connection with police.**

In an enactment—

"Chief Constable" means the Chief Constable of the Police Service of Northern Ireland;

"constable", except when used in enactments relating to the pay or pensions of, or the general administration of, the police, includes—

(a) any police officer;

(b) any member of any Harbour or Airport Police;

(c) any member of the Naval, Military or Royal Air Force Police or of the Ministry of Defence Police;

(d) any other person having for the time being the powers of a constable;

"Policing Board" means the Northern Ireland Policing Board;

"police district" and "district commander" have the meanings assigned by section 20 of the Police (Northern Ireland) Act 2000;

"the police", "police officer", "Police Service of Northern Ireland", "Police Service of Northern Ireland Reserve" and "police support staff" have the same meaning as in the Police (Northern Ireland) Act 2000;

"reserve constable" means a person appointed as a reserve constable under section 37 of the Police (Northern Ireland) Act 2000.**]**

F55 2000 c. 32

44 Definitions for local government purposes.

In an enactment the expression—

"borough" when used in relation to local government, shall mean a municipal borough,[F56]. . . ;

[[F57] "chairman", when used in relation to a district council, shall include a mayor or lord mayor, and "vice-chairman', when so used, shall include a deputy mayor or deputy lord mayor;

"councillor" shall include an alderman;

"district", when used in relation to local government, shall mean a local government district within the meaning of section 1 of the Local Government Act (Northern Ireland) 1972 and shall include a district which is a borough;

"district council" shall mean the council of a district;]

[[F58] "district rate" means a rate made by a district council under the Rates (Northern Ireland) Order 1977 ;]

[[F57] "local government auditor" shall mean a person**[**[F59] designated**]** as such under**[**[F60] Article 4 of the Local Government (Northern Ireland) Order 2005**]**;]

"municipal borough" shall mean any [[F61] district for which a charter of incorporation of inhabitants, or a charter designating the district a borough, is in force, and shall include a borough which is a city];

Definition rep. by SI 1999/663

F56 SI 1999/663
F57 1972 c. 9 (NI)
F58 1977 NI 28
F59 2003 NI 5

F60 S. 44: words in definition of "local government auditor" substituted (1.4.2006) by Local Government (Northern Ireland) Order 2005 (S.I. 2005/1968 (N.I. 18)), arts. 1(2), 28(1); S.R. 2006/151, **art. 2**, Sch. (with art. 4)

F61 1972 c. 9 (NI)

45 References relating to land.

(1) In any enactment passed after the commencement of this Act the expression—

(a) "land" shall include—

(i) messuages, tenements and hereditaments of any tenure;

(ii) land covered by water;

(iii) any estate in land or water; and

(iv) houses or other buildings or structures whatsoever;

(b) "registered land" shall mean land the title to which is registered under **[**[F62]Part III of the Land Registration Act (Northern Ireland) 1970**]**[M9]; and

(c) "unregistered land" shall mean land the title to which is not registered under **[**[F62]Part III of the Land Registration Act (Northern Ireland) 1970**]**.

(2) In any enactment passed after the commencement of this Act "estate", when used with reference to land, includes any legal or equitable estate or interest, easement, right, title, claim, demand, charge, lien or encumbrance in, over, to or in respect of the land.

(3) Where an enactment passed after the commencement of this Act provides that a person may dispose of land, that person may deal with the land in any of the following ways—

(a) sell it;

(b) lease, let it or grant it in fee farm;

(c) exchange it, giving or receiving money for equality of exchange;

(d) if leasehold, surrender it;

(e) grant a licence to use it for any purpose or for such purposes as are mentioned in the licence; or

(f) grant (by way of sale, lease, letting or licence) any easement, profit or right in respect of it.

F62 1970 c. 18 (NI)

Marginal Citations

M9 1970 c. 18 (NI)

46 Miscellaneous definitions.

(1) In an enactment the expression—

"commencement" when used with reference to any statutory provision shall mean the time at which that provision comes into operation;

"contravention" shall include in relation to any statutory provision, a failure to comply with that provision;

"Land Clauses Acts" shall mean the Lands Clauses Consolidation Act, 1845 , the Lands Clauses Consolidation Acts Amendment Act, 1860 , the Railways Act (Ireland), 1851 , the Railways Act (Ireland), 1860 , the Railways Act (Ireland), 1864 , …[F63], the Acquisition of Land (Assessment of Compensation) Act,

1919 , section two of the Repeal of Unnecessary Laws Act (Northern Ireland), 1953 , and every statutory provision for the time being in force amending those provisions or any of them;

"ordnance map" shall mean a map made under the powers conferred by the Survey (Ireland) Acts, 1825 to 1870;

"owner" in relation to any land shall include any person who under the Lands Clauses Acts would have power to sell and convey that land to the promoters of an undertaking;(12 & 13 Geo.5)(13 Geo.5)

"Republic of Ireland" shall mean the territory which, in accordance with the provisions of the Irish Free State (Agreement) Act, 1922 , and the Irish Free State Constitution Act, 1922 (Session 2), was required to be styled and known as the Irish Free State;

[[F64]"sewerage undertaker" shall be construed in accordance with Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006;**]**

"signature" and "signed" shall include and apply to the making of a mark;

"Valuation Acts" shall mean the**[**[F65] statutory**]** provisions relating to the valuation of rateable property in Northern Ireland;

[[F66]"water undertaker" shall be construed in accordance with Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006;**]**

"will" shall include codicil;

"writing", "written" or any term of like import shall include words typewritten, printed, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in a visible form.

(2) In an enactment passed or made after the commencement of this Act the expression—

"access" shall include ingress, egress and regress;

"act" where used in reference to an offence or civil wrong shall include a series of acts, and words so used which refer to acts done shall extend to omissions;

[[F67]"arbitrator" has the same meaning as in Part I of the Arbitration Act 1996;**]**

"assets" shall include property or rights of any kind;

"barrister-at-law" shall mean any person admitted or entitled to practise as a member of the Bar of Northern Ireland;

[[F68]"civil partnership" means a civil partnership which exists under the Civil Partnership Act 2004 (and any reference to a civil partner shall be construed accordingly);**]**

"constitutional laws of Northern Ireland" shall mean[F69]. . . the statutory provisions[F69]. . . relating to or affecting the legislative powers of**[**[F65] the Assembly**]**;

"costs"[F70] shall include fees, charges, disbursements, expenses or remuneration;

"fault" shall mean wrongful act or default;

"functions" shall include jurisdictions, powers and duties;

"goods" shall mean all kinds of movable property including animals;

"individual" shall mean a natural person and shall not include a corporation;

"movable property" shall mean property of every description (including growing crops) except immovable property;

"registry of deeds" shall mean the registry maintained in Northern Ireland under the Registration of Deeds Acts;

[[F71] "Registration of Deeds Acts" shall mean the Registration of Deeds Act (Northern Ireland) 1970 and every statutory provision for the time being in

force amending that Act or otherwise relating to the registry of deeds, or to the registration of deeds, orders or other instruments or documents in such registry;]

"statute of limitation" shall mean any statutory provision in force in Northern Ireland prescribing a period within which any civil proceeding to which such provision relates is required to be brought, but shall not include a provision prescribing a period within which any criminal proceedings (including proceedings to recover any penalty imposed as a punishment for a criminal offence) is to be brought.

[[F65](3) In any enactment passed or made after the day appointed for the commencement of Parts II and III of the Northern Ireland Act 1998, the following expressions shall have the same meaning as in that Act—

"The Belfast Agreement";

"cross-community support";

"excepted matter";

"Northern Ireland legislation";

"reserved matter"; and

"transferred matter".

(4) In any enactment, whenever passed or made, any reference to a Minister of a Northern Ireland department shall, in the case of the Office of the First Minister and deputy First Minister, be construed as a reference to the First Minister and deputy First Minister acting jointly.**]**

F63 1978 c. 23

F64 S. 46(1): definition of "sewerage undertaker" inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 4** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F65 SI 1999/663

F66 S. 46(1): definition of "water undertaker" inserted (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), 308(1), **Sch. 12 para. 4** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

F67 1996 c. 23

F68 2004 c.33

F69 1998 c. 47

F70 Definition ext. (costs in criminal cases), 1968 c. 10 (NI)

F71 1970 c. 25 (NI)

CITATION

47 Citation of statutory provisions, etc.

(1) Any Act passed after the first day of January, nineteen hundred and forty-three, may be cited by reference to the calendar year in which it was passed and its chapter in that year.

(2) Without prejudice to sub-section (1), any statutory provision may be cited in any manner in which it could have been cited before the commencement of this Act.

(3) A reference in an enactment to a statutory provision shall be construed as referring, in relation to statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition, and in relation to statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission, and, in relation to other statutes, to copies of the statutes purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office.

(4) In an enactment every description of or citation from any statutory provision or from any document shall be construed as including the word, sub-section, section, or other portion mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation or as being the point from which or to which such portion extends.

SUPPLEMENTAL

48 Repeals, etc.

Subs. (1) rep. by SLR 1973

(2) Without prejudice to sub-section (1), the Interpretation Act, 1889 , shall cease to apply to the interpretation of enactments.

49 Saving.

The provisions of this Act which are expressed to apply to enactments passed or made after the commencement of this Act shall not affect the construction of any enactment passed before such commencement, although such enactment is continued or amended by an enactment passed after such commencement.

S. 50 rep. by SLR 1973

51 Short title.

This Act may be cited as the Interpretation Act (Northern Ireland), 1954.

Status:
Point in time view as at 15/10/2012.

Changes to legislation:
There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954.