



Administration of Justice Act (Northern Ireland) 1954^{F1}

1954 CHAPTER 9

N.I.

An Act to make provision with respect to certain courthouses and courtrooms, including provision for the future maintenance and custody thereof; to provide that certain expenses shall be defrayed wholly out of voted moneys and to wind-up the Dogs Act Account and the Petty Sessions Clerks (Northern Ireland) Fund; to require certain fines to be paid into the Exchequer; to make further provision with respect to costs and expenses payable in connection with court proceedings; to alter the law regarding certain resident magistrates and officials and to make further amendments relating to the administration of justice. [30th March 1954]

F1 Functions of M/HA transf. to S of S, SI 1973/2163

Modifications etc. (not altering text)

- C1** Act: functions transferred from Secretary of State to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(1)(2), [Sch. 1](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)
- C2** Act: functions transferred from Lord Chancellor to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(1), [Sch. 17 para. 24](#) (with arts. 15(6), 28-31); S.I. 2010/977, [art. 1\(2\)](#)

PART I **N.I.**

COURTHOUSES^{F2}

F2 As to holding of petty sessions in courthouses, see 1981 NI 26

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act (Northern Ireland) 1954. (See end of Document for details)

1 Interpretation of Part 1. **N.I.**

In this Part of this Act:—

“council” means the council of a county;

“county” includes a county borough;

“courthouse” means any premises, other than a courtroom, the whole or any part of which is used as courthouse accommodation, and includes any part of such premises which a council is permitted, pursuant to sub-section (3) of section seventy-two of the Local Government (Ireland) Act, 1898 , to use for the purpose of the execution of their duties, together with all buildings, houses, out-offices, edifices, fixtures, fittings, yards, gardens, ways, paths, passages, fences, lights, watercourses, easements, profits, liberties, amenities, privileges, advantages, hereditaments, appurtenances and rights whatsoever belonging or in anywise appertaining to those premises or any part thereof or usually held, used, occupied or enjoyed in connection therewith;

“courthouse accommodation” means accommodation used—

- (a) wholly or partly for or in connection with the sittings of any court of justice (including retiring rooms for the presiding judge or magistrate, retiring or refreshment rooms for ...^{F3} jurors, members of the legal profession, litigants and witnesses and places for the temporary detention of prisoners); or
- (b) by any officer of any such court; or
- (c) for or in connection with the transaction of any business by law assigned to or usually transacted in or by any office or officer of any such court, or by law assigned to any under-sheriff, both during the sitting of such court and at all other times, whether such business is court business or not;

together with all fixtures, fittings and furniture contained in, or usually held, used, occupied or enjoyed in connection with such accommodation;

“courtroom” means any room or premises rented to a council, pursuant to section seventy-seven of the Grand Jury (Ireland) Act, 1836 , or section eight of the Petty Sessions (Ireland) Act, 1851 , as from time to time in force, for the holding of petty sessions;

“maintenance and equipment” includes the provision and repair of all necessary fixtures, fittings and furniture, the supply of heating and lighting, and the provision of all necessary services, including cleaning.

F3 1974 NI 6

2 Ministry to be responsible, in place of county councils, for future provision and maintenance of courthouses. **N.I.**

- (1) Subject to the provisions of this Act, each council shall, in consideration of—
 - (a) the transfer to the Ministry of Home Affairs (in this Act referred to as “the Ministry”) of courthouses pursuant to the provisions of this Part of this Act; and
 - (b) the payment into the Exchequer of the funds referred to in Part II of this Act and the repeal of any enactment requiring any part of those funds to be paid to any council;

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be relieved, as from the appointed day, of its functions, with respect to the provision, maintenance and equipment of courthouses and, as from that day, those functions shall be transferred to the Ministry and the Ministry shall be the authority responsible for the maintenance and equipment of courthouse accommodation, and for providing with the approval of the Ministry of Finance^{F4} such new or additional courthouse accommodation as is necessary for the proper administration of justice.

- (2) The Ministry shall have and may exercise all such powers as are necessary for or incidental to the carrying out of its functions under this Part of this Act or to enable it to discharge its responsibilities as aforesaid.
- (3) Where it appears to the Ministry to be necessary or expedient for the purpose of this Act that any land should be acquired, the Ministry may, with the approval of the Ministry of Finance^{F4}, acquire by agreement that land and any easement or right in or over any land adjacent thereto.
- (4) The Ministry, with the approval of the Ministry of Finance^{F4}, may, in whatsoever manner it may think fit, dispose of any premises which in the opinion of the Ministry are no longer necessary for courthouse accommodation, so, however, that where the Ministry so disposes of any premises before the day falling ten years after the appointed day and does not provide or has not provided other courthouse accommodation in lieu thereof the Ministry may pay the proceeds of such disposal to the council in whom such premises were vested immediately before the appointed day.

F4 Now Treasury, SI 1973/2163

Modifications etc. (not altering text)

- C3** *S. 2(1): functions transferred from Treasury or Minister for the Civil Service to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(4)(a) (with arts. 15(6), 28-31); S.I. 2010/977, art. 1(2)*
- C4** *S. 2(3): functions transferred from Treasury or Minister for the Civil Service to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(4)(a) (with arts. 15(6), 28-31); S.I. 2010/977, art. 1(2)*
- C5** *S. 2(4): functions transferred from Treasury or Minister for the Civil Service to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(4)(a) (with arts. 15(6), 28-31); S.I. 2010/977, art. 1(2)*

Ss. 3, 4 spent

5 Supplementary provisions as to transfer of courthouses and courtrooms. N.I.

- (1) The Ministry may require a council to deliver to it, within such reasonable time as the Ministry may specify, a statement setting out full particulars of all estates and interests in or attaching to courthouses and courtrooms owned by or let to the council and of all property, rights and liabilities held, enjoyed or incurred in connection therewith, and may require such further information to be supplied and documents (including plans, title deeds, agreements and other documents) to be handed over to the Ministry as may appear to the Ministry to be necessary for the due transfer of any property, rights or liabilities under this Part of this Act.

Status: Point in time view as at 01/01/2006.

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- (2) Where, with the permission of the Ministry, the council retains after the appointed day possession of any document relating to the title to, or to the tenancy of, or to the control or management of, any courthouse or courtroom or to any right or liability connected therewith, the council shall be deemed to have given to the Ministry an acknowledgment in writing to production of that document and to delivery of copies thereof and an undertaking in writing for the safe custody thereof, and section nine of the Conveyancing and Law of Property Act, 1881, shall, notwithstanding anything in sub-section (13) thereof, apply to that acknowledgment and undertaking.
- (3) In the construction and for the purposes of any enactment, judgment, decree, order, award, deed or other instrument or document (including a policy of insurance) passed or made before the appointed day in relation to any courthouse or other property, rights or liabilities transferred under this Part of this Act, references to the council from whom such property, rights and liabilities are transferred shall be construed as references to the Ministry.
- (4) Without prejudice to the generality of the preceding provisions of this section—
- (a) where any property or right transferred under this Part of this Act or the title to any such property or right is entered on any register kept in pursuance of any enactment, the name of the Ministry shall at its request be substituted for that of the council on such register and it shall be the duty of the person keeping such register to comply with such request and to take such other action as may be necessary on his part to give effect to any transfer effected under this Part of this Act;
 - (b) where under this Part of this Act any right or liability of a council becomes a right or liability of the Ministry, the Ministry and all other persons shall, as from the appointed day, have the like rights, powers and remedies for ascertaining, perfecting and enforcing that right or liability as if the right or liability had remained a right or liability of the council;

Para. (c) spent

- (5) Any question as to whether any property, right or liability has been or will be transferred under this Part of this Act and any dispute arising between the Ministry and a council with respect to any courthouse or courtroom (including a dispute arising with respect to apportionment of liabilities) may in accordance with county court rules be referred to and determined by the judge of the county court having jurisdiction in the area in which the courthouse concerned is situated, and the determination of such judge on such reference shall be final.

S. 6 rep. by SLR 1976

7 **Prison accommodation in Belfast.** **N.I.**

Subs. (1)#(3) spent; subs. (4)(5) rep. by SLR 1976; subs. (6)(7) spent

- (8) As from the appointed day the Ministry shall be responsible pursuant to section three of the Prison Act (Northern Ireland), 1953, for providing and maintaining within the county borough of Belfast such accommodation as appears to the Ministry to be necessary for the temporary detention of persons awaiting trial or sentence.

Subs. (9) spent

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act (Northern Ireland) 1954. (See end of Document for details)

8 Prison accommodation in Londonderry. N.I.

Subs. (1) spent; subs. (2)(3) rep. by SLR 1976

- (4) As from the appointed day the Ministry shall be responsible pursuant to section three of the Prison Act (Northern Ireland), 1953, for providing and maintaining within the county borough of Londonderry such accommodation as appears to the Ministry to be necessary for the temporary detention of persons awaiting trial or sentence.

S. 9 spent

10 Provisions for the charging of capital expenditure on courthouses. N.I.

- (1) There shall be [^{F5} defrayed out of money provided by the Parliament of the United Kingdom such sums as the Secretary of State, with the approval of the Treasury], may determine to be necessary for the acquisition of land or buildings or of any estate or interest therein for use as courthouse accommodation or for the erection, improvement, alteration, enlargement, furnishing or equipment of courthouses or of other premises used or to be used as courthouse accommodation:

Proviso rep. by SI 1973/2163

Subs. (2)(3) rep. by SI 1973/2163

F5 SI 1973/2163

[^{F6}11 Local custody and control of courthouse accommodation. N.I.

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

F6 1978 c. 23

S. 12 rep. by SLR 1976; 1978 c. 23

13 Non-availability of suitable courthouse accommodation. N.I.

- (1) Where for any reason suitable accommodation is not for the time being available for the purposes of a particular sitting of any court, the judge of that court or the person who is to act as the judge of that court may, at any time after it comes to his knowledge that such accommodation is not or will not be so available, direct that sitting to be held at some other convenient place ...^{F7} at which suitable accommodation is available.
- (2) Where during the sitting of any court accommodation ceases to be available or becomes unsuitable for the purposes of such sitting, the judge of the court may adjourn the remainder of the sitting to any other convenient place ...^{F7} at which suitable accommodation is available.
- (3) A judge exercising any power of adjournment conferred by this section may give directions as to the manner in which and the persons to whom notice of such adjournment is to be given and it shall be the duty of all persons to whom such directions are given to comply therewith.
- (4) Any judgment delivered or decree or other order made and any other action taken at a sitting adjourned or directed to be held elsewhere under this section shall have

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the same force and effect as if made at a sitting which had not been so adjourned or directed to be held elsewhere.

- (5) References in this section to a judge include, in relation to courts of summary jurisdiction, references to a resident magistrate.

Subs. (6) rep. by SI 1973/2163; 1978 c. 23

F7 1978 c. 23

14 Power to grant licence for use of courthouse accommodation. **N.I.**

- (1) [^{F8} The Lord Chancellor] may licence any person to use for any purpose the whole or any part of any courthouse accommodation for any period or periods at such charge and on such conditions as may be thought proper, so, however, that, notwithstanding anything contained in the terms of the licence or in any enactment,—
- (a) the licence shall not operate by way of tenancy nor so as to create the relationship of landlord and tenant; and
 - (b) the licence shall not be made for any period or in any circumstances which would interfere with or prejudice the use of the courthouse accommodation as courthouse accommodation or interfere with or prejudice any council in the exercise of their functions; and
 - (c) the licence may be determined by [^{F8} the Lord Chancellor] at any time without notice and without payment of compensation where it appears to [^{F8} the Lord Chancellor] to be necessary to do so.
- (2) All moneys received for any licence under this section shall be appropriated in aid of the moneys provided by Parliament for the purpose of this Act.
- (3) Any licensee or other person who fails to vacate courthouse accommodation required for the sitting of any court or who obstructs or impedes the sitting of any court shall be guilty of contempt of that court and the court may impose on him a fine of such amount as the court thinks proper.

F8 1978 c. 23

15 Saving for judicial control of courts. **N.I.**

- (1) Nothing in this Part of this Act shall prejudice or affect the control of any judge or resident magistrate over the conduct of the business of his court.
- (2) Any caretaker or other officer who is engaged on duties relating to any court sitting or about to sit in any courthouse provided or maintained under this Act shall observe and obey all directions given to him by the judge or resident magistrate presiding over that court.

16 Application of Part I. **N.I.**

- (1) Nothing in this Part of this Act shall apply to or affect the Royal Courts of Justice ...^{F9}.

Subs. (2) rep. by SLR 1973; 1978 c. 23

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act (Northern Ireland) 1954. (See end of Document for details)

F9 1978 c. 23

PART II **N.I.**

FUNDS, FINES AND COSTS

S. 17 rep. by 1967 c. 6 (NI); 1970 c. 9 (NI); 1978 c. 23

S. 18 rep. by 1983 NI 8

19 **Payments to Petty Sessions Clerks (NI) Fund.** **N.I.**

Subs. (1) rep. by SLR 1976; subs. (2)(3) spent

- (4) Except where some other provision of this Act otherwise provides, all sums which but for the passing of this section would have been paid to the credit of the Petty Sessions Clerks (Northern Ireland) Fund shall be paid into the [^{F10} Consolidated Fund of the United Kingdom].

Subs. (5) spent

F10 SI 1973/2163

20 **Application of fines.** **N.I.**

- ^{F11}(1) Save as is otherwise provided under this section, all fines within the meaning of this section which are imposed or levied by any court after the appointed day shall be paid into or disposed of for the benefit of the [^{F12} Consolidated Fund of the United Kingdom] in such manner as the Ministry of Finance^{F13} may direct and, notwithstanding any enactment to the contrary, no part of any such fine shall be paid or allowed to any prosecutor, informer or other person or paid into any fund.

Subs. (2) spent

- (3) Where after the appointed day any fine is remitted in whole or in part after it has been paid into or disposed of for the benefit of the [^{F12} Consolidated Fund of the United Kingdom], the fine or the portion thereof so remitted (as the case may be) may be repaid out of the [^{F12} Consolidated Fund of the United Kingdom].
- (4) For any reference to the Fines Act (Ireland), 1851, in any enactment directing fines to be applied in the manner directed by that Act there shall be substituted a reference to this section.

- (5) In this section—

“fine” includes every fine, amerciament, penalty and forfeited recognizance other than—

- (i) a fine imposed for an offence [^{F14} to which section 203 of the Fisheries Act (Northern Ireland) 1966 applies], or under the Foyle Fisheries Act (Northern Ireland), 1952 ;
- (ii) ^{F15}a fine which under the provisions of any enactment for the time being in force relating to any matter with respect to which the Parliament of Northern Ireland

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- has not power to make laws is required to be paid into the ...^{F16} [^{F12} Consolidated Fund of the United Kingdom] or to any fund or person;
- (iii) any fine, penalty or other sum payable under the provisions of any enactment relating to duties or taxes under the control of the Commissioners of Customs and Excise;
 - (iv) any sum recoverable at the suit of a common informer;
 - (v) any sums which pursuant to any enactment are directed to be paid to or for the benefit of an aggrieved or injured party or a party described in similar terms or to or for the benefit of the family or relatives of any such party or of a person dying in consequence of an act or event which constituted or was the occasion of the offence;
 - (vi) any sums which pursuant to any enactment are directed to be applied in making good any default or in repairing any damage or paying or reimbursing any expenses (including costs); or
 - (vii) any sums which are directed to be paid to any person pursuant to any enactment referring in terms to awarding or reimbursing a loss or to damages, compensation or satisfaction for loss, damage, injury or wrong.
- (6) Any enactment contained in a local Act which is inconsistent with the provisions of this section shall cease to have effect.

F11 1962 c. 14 (NI); 1967 c. 27 (NI); 1976 NI 13; 1980 NI 11

F12 SI 1973/2163

F13 Now Treasury, SI 1973/2163

F14 1966 c. 17 (NI)

F15 1980 c. 9

F16 1980 NI 6

S. 21 rep. by 1954 c. 33 (NI)

PART III **N.I.**

OFFICIALS

S. 22 rep. by 1978 c. 23

S. 23 spent

S. 24 rep. by 1978 c. 23

S. 25 rep. by 1964 c. 21 (NI)

S. 26 rep. by 1978 c. 23

PART IV **N.I.**

MISCELLANEOUS AND GENERAL

S. 27, with Schedule 6, effects amendments.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act (Northern Ireland) 1954. (See end of Document for details)

28 Interpretation. N.I.

(1) In this Act, except so far as the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say:—

“appointed day” means the first day of April, nineteen hundred and fifty-four;

Definition spent

“Dogs Acts Account” means the account to which the proceeds or the sale of dog licences and stamps issued in connection therewith are paid under the Dogs Regulation (Ireland) Acts, 1865 and 1919, as amended by section one of the Petty Sessions Fees and Administration Act (Northern Ireland), 1923 ;

“enactment” includes any provision in any Act (whether public general, local or private) and a provision in any Order in Council, order, regulation, rule, bye-law, scheme or other instrument made under any Act;

“functions” includes both powers and duties.

Subs. (2)(3) rep. by 1954 c. 33 (NI)

S. 29 rep. by 1978 c. 23

30 Short title. N.I.

This Act may be cited as the Administration of Justice Act (Northern Ireland), 1954.

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N.I.

First, Second, Third, Fourth and Fifth Schedules - spent

N.I.

Sixth Schedule - Amendments

N.I.

Seventh Schedule rep. by SLR 1973

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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