

## 1982 No. 192

## UNDER-SHERIFF

Under-Sheriffs (Abolition of Office and Transfer of Functions) Order  
(Northern Ireland) 1982

*Made* . . . . . 21st June 1982

*Coming into operation* . . . . . 1st August 1982

*To be laid before Parliament*

The Lord Chancellor, in exercise of the powers conferred on him by section 104(2) and (3) of the Judicature (Northern Ireland) Act 1978(a), hereby, with the concurrence of the Treasury(b), makes the following Order:—

*Citation and commencement*

1. This Order may be cited as the Under-Sheriffs (Abolition of Office and Transfer of Functions) Order (Northern Ireland) 1982 and shall come into operation on 1st August 1982.

*Abolition of the office of under-sheriff*

2. The office of under-sheriff is hereby abolished.

*Specific amendments*

3. The statutory provisions set out in Schedule 1 shall have effect subject to the amendments there specified, being amendments which—

- (a) transfer to Juries Officers certain functions heretofore exercisable by under-sheriffs;
- (b) transfer to governors of prisons certain other functions heretofore exercisable by under-sheriffs; or
- (c) are otherwise consequential on, or incidental or supplementary to, the abolition of the office of under-sheriff.

*General amendment of references to under-sheriff*

4. Without prejudice to the operation of any specific amendments contained in Schedule 1, for any reference in a statutory provision to an under-sheriff there shall be substituted a reference to a Juries Officer.

*Repeals and Revocations*

5. The statutory provisions mentioned in Schedule 2 are hereby repealed or revoked to the extent specified in the third column of that Schedule.

*Compensation*

6.—(1) An under-sheriff under the age of 70 years whose appointment is terminated shall be paid compensation calculated as follows:

- (a) two weeks' salary for each of the first five years of reckonable service; plus
- (b) three weeks' salary for each of the next five years of reckonable service; plus

(a) 1978 c. 23

(b) See the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670) Article 3(5)

- (c) four weeks' salary for each year of reckonable service after the first ten years; plus
- (d) two weeks' salary for each year of reckonable service after the fortieth birthday;

up to a maximum of two years' salary.

- (2) In this Article "salary" means the salary paid during the last year of service.

Dated 16th June 1982.

*Hailsham of St. Marylebone, C.*

We concur.

*P. L. Brooke*  
*John Selwyn Gummer*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

Dated 21st June 1982.

## SCHEDULE 1

## Article 3

## Amendments

*The Sheriffs Act (Ireland) 1725 (c. 4)*

In section 6—

- (a) for the words “under-sheriff appointed under the Principal Act” substitute the words “Juries Officer”; and
- (b) for the words “under-sheriff”, where they secondly occur, substitute the words “Juries Officer”.

*The Capital Punishment Amendment Act 1868 (c. 24)*

In section 3—

- (a) for the words “under-sheriff”, where they firstly occur, substitute the words “governor of such prison shall be”; and
- (b) for the words “under-sheriff”, where they secondly and thirdly occur, substitute the word “governor”.

In section 4—

- (a) for the words “under-sheriff”, where they firstly and thirdly occur, substitute the word “governor”; and
- (b) for the words “under-sheriff, and the gaoler” substitute the word “governor”.

In sections 5 and 10 for the words “under-sheriff” substitute the word “governor”.

In the Schedule, for the words “under-sheriff”, wherever they occur, substitute the word “governor”.

*The Juries Act (Ireland) 1871 (c. 65)*

In section 18—

- (a) for the words “every sheriff within whose bailiwick” substitute the words “the Juries Officer of the division in which”; and
- (b) for the words “sheriff’s office of the county” substitute the words “office of the Chief Clerk”; and
- (c) for the words “sheriff or his returning officer” substitute the words “Juries Officer”; and
- (d) for the word “sheriff”, where it elsewhere occurs, substitute the words “Juries Officer”.

In sections 20, 22, 30, 38, 41, 42, 43 and 44 for the word “sheriff”, wherever it occurs, substitute the words “Juries Officer”.

*The Juries Procedure (Ireland) Act 1876 (c. 78)*

In sections 4, 6, 17 and 19 for the word “sheriff”, wherever it occurs, substitute the words “Juries Officer”.

In section 7 for the word “sheriffs” substitute the words “Juries Officers”.

*The Sheriffs (Ireland) Act 1920 (c. 26)*

For section 2 substitute—

“2. A sheriff shall have the duty of receiving in the county or county borough for which he acts, and attending upon, the judges of the Crown Court”.

*The Jurors (Service of Summonses) Regulations (Northern Ireland) 1958 (S.R. & O. (N.I.) 1958 No. 1)*

In regulation 2 for the words “Under Sheriff of each county and county borough” substitute the words “Juries Officer”.

In regulations 4, 5, 6 and 7 for the words “Under Sheriff” substitute the words “Juries Officer”.

*The Juries (Northern Ireland) Order 1974 (S.I. 1974/2143 (N.I. 6))*

In Article 5(3) and (4) for the words “under-sheriff” substitute the words “Juries Officer”.

## Repeals and Revocations

Chapter	Short Title	Extent of Repeal or Revocation
1725 c. 4	The Sheriffs Act (Ireland) 1725	<p>In section 6 the words from “in regard to all the duties” to the end.</p> <p>In section 8—</p> <ul style="list-style-type: none"> <li>(a) the words “under-sheriff or”;</li> <li>(b) the words from “and the under-sheriff in case” to “the duties of the High Sheriff”;</li> <li>(c) the words “or under-sheriff” wherever they occur;</li> <li>(d) the words from “and the Lord Lieutenant may also declare” to the end.</li> </ul>
1781 c. 11	The Habeas Corpus Act (Ireland) 1781	Section 14 In section 1 the words “sheriff or sheriffs”.
1835 c. 55	The Sheriffs Act (Ireland) 1835	<p>In section 2 the word “sheriff”.</p> <p>In section 2—</p> <ul style="list-style-type: none"> <li>(a) the words “or under-sheriff” wherever they occur;</li> <li>(b) the words “and shall in the case of an under-sheriff be in the Form No. 2 in the Second Schedule”;</li> <li>(c) the words “in each case”;</li> <li>(d) the words “and in the case of an under-sheriff upon giving such security as is prescribed by Section 4 of the Principal Act”;</li> <li>(e) the words “as the case may be”.</li> </ul> <p>In section 3 the words “or under-sheriff”.</p> <p>In section 5—</p> <ul style="list-style-type: none"> <li>(a) the words “and under-sheriff”;</li> <li>(b) the words “and shall in the case of an under-sheriff be in the Form No. 4 in the Second Schedule”;</li> <li>(c) the words “or under-sheriff”</li> </ul>
1868 c. 24	The Capital Punishment Amendment Act 1868	In section 3 the word “gaoler”.
		In section 11 the words from the beginning to “aforesaid”.
1871 c. 65	The Juries Act (Ireland) 1871	In the Schedule the words “G.H., Gaoler of”.
		In section 3 the definition of “sheriff”.

Chapter	Short Title	Extent of Repeal or Revocation
1920 c. 26	The Sheriffs (Ireland) Act 1920	In section 17 the words "sheriff or other". Sections 1, 4, 5 and 11.
1953 c. 18 (N.I.)	The Prison Act (Northern Ireland) 1953	In section 10(1) the words "or under-sheriffs".
1959 c. 15 (N.I.)	The Coroners Act (Northern Ireland) 1959	In section 46— (a) subsections (1) and (2); (b) in subsection (3) paragraphs (a) and (d).
1964 c. 21 (N.I.)	The Magistrates' Courts Act (Northern Ireland) 1964	In section 2(5) the words "nor act as under-sheriff".
S.I. 1974/2143 (N.I. 6)	The Juries (Northern Ireland) Order 1974	In section 6(1) the words "under-sheriff".
1978 c. 23	The Judicature (Northern Ireland) Act 1978	In Article 6(7) the words "the under-sheriff and (where necessary)".
S.R. 1979 No. 122	The Under-Sheriffs (Discharge of Duties) Order (Northern Ireland) 1979	Section 104(1). The whole Order.
S.I. 1980/397 (N.I. 3)	The County Courts (Northern Ireland) Order 1980	Article 52 In Article 58 the words "and each under-sheriff". In Schedule 1 the entry relating to the Sheriffs (Ireland) Act 1920.

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order abolishes the office of under-sheriff and makes provision for the transfer of certain functions of that office to Juries Officers and other functions to governors of prisons. The Order also makes minor amendments, repeals and revocations consequential upon the abolition of the office of under-sheriff, including the substitution of references to Juries Officers and governors of prisons respectively for references to under-sheriff.

The Order also makes provision for the payment of compensation to an under-sheriff under the age of 70 years whose appointment is terminated.