



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART IX

INFERIOR COURTS

County courts

95, 96.^{F1}

Textual Amendments

F1 Ss. 95, 96, 97(1) repealed by S.I. 1980/397 (N.I. 3), art. 69(2), Sch. 3

97 Civil jurisdiction exercisable by circuit registrars.

(1)^{F2}

(2) [^{F3}The Department of Justice may by order]—

- (a) direct that [^{F4}Articles 62(1), (2) and (3), 67(1)(a) and 72(3) of the Magistrates' Courts (Northern Ireland) Order 1981] (which impose financial limits on the jurisdiction of courts of summary jurisdiction in debt and ejection proceedings) shall have effect with the substitution for the sums for the time being specified in those provisions of such higher sums as may be specified in the Order;
- (b) abolish any civil jurisdiction exercisable by courts of summary jurisdiction;
- (c) confer on circuit registrars any civil jurisdiction additional to that for the time being exercisable by them under or by virtue of any statutory provision.

(3) An [^{F5}order] under subsection (2) may make such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of any statutory provision) as appear to [^{F6}the Department of Justice] to be necessary or proper for giving full effect to the provisions of the Order.

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

^{F7}(4)

Textual Amendments

- F2** Ss. 95, 96, 97(1) repealed by S.I. 1980/397 (N.I. 3), art. 69(2), **Sch. 3**
- F3** Words in s. 97(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **Sch. 18 para. 24(a)** (with arts. 28-31)
- F4** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 52**
- F5** Word in s. 97(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **Sch. 18 para. 24(b)(i)** (with arts. 28-31)
- F6** Words in s. 97(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **Sch. 18 para. 24(b)(ii)** (with arts. 28-31)
- F7** S. 97(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **Sch. 18 para. 24(c)** (with arts. 28-31)

98 Appointment and assignment of county court judges.

For section 102 of the County Courts Act (Northern Ireland) 1959 ^{M1} there shall be substituted the following section—

“102 Appointment and assignment of judges.

- (1) Her Majesty may appoint as judges such qualified persons as may be recommended to Her by the Lord Chancellor.
- (2) A judge shall sit in the county court in accordance with directions given by the Lord Chancellor.
- (3) A judge may, in accordance with such directions, sit as a judge for any division.
- (4) Subject to subsections (2) and (3), the Lord Chancellor shall assign one judge to each division and may from time to time vary any such assignment.
- (5) The judge assigned to the division which is or includes—
 - (a) the area of the city of Belfast shall be styled the Recorder of Belfast;
 - (b) the area of the city of Londonderry shall be styled the Recorder of Londonderry.”

Modifications etc. (not altering text)

- C1** The text of ss. 98, 99, 100, Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M1** 1959 c. 25 (N.I.)

99 Qualifications of county court judges and deputy judges.

^{F8}(1)

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(2) For section 107 of the County Courts Act (Northern Ireland) 1959 there shall be substituted the following section—

“107 Deputy judges.

- (1) The Lord Chancellor may appoint as deputy judge—
 - (a) a person who has previously held the office as judge;
 - (b) a person who has practised for not less than ten years at the Bar of Northern Ireland;
 - (c) a resident magistrate;
 - (d) a solicitor who has practised for not less than ten years as a solicitor in Northern Ireland.
- (2) The appointment of a person as a deputy judge shall specify the term for which he is appointed.
- (3) Subject to subsection (4), the Lord Chancellor may, with the agreement of the deputy judge, from time to time extend, for such period as he thinks appropriate, the term for which the deputy judge is appointed.
- (4) Except where an appointment is made under subsection (1)(a), neither the initial term for which a deputy judge is appointed nor any extension of that term under subsection (3) shall be such as to continue his appointment as a deputy judge after the end of the completed year of service in which he attains the age of seventy-two years.
- (5) A deputy judge shall, while he is so acting, have the like authority, jurisdiction, powers and privileges as a judge in all respects.
- (6) Where the hearing of any proceedings duly commenced before any deputy judge is adjourned or judgement is reserved therein, that deputy judge shall, notwithstanding anything in subsection (2) or (4), have power to resume the hearing and determine the proceedings or, as the case may be, to deliver the judgement so reserved.
- (7) There shall be paid to every deputy judge, except a resident magistrate, such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.”

Textual Amendments

F8 S. 99(1) repealed (15.10.2002) by 2002 c. 26, s. 86, **Sch. 13**; S.R. 2002/319, art. 2, **Sch.**

Modifications etc. (not altering text)

C2 The text of ss. 98, 99, 100, Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Changes to legislation:

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

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

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