



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART VI

DEPARTMENTS AND OFFICERS

68 Departments.

- (1) There shall be established the departments of the [^{F1}Court of Judicature] specified in the first column of Schedule 2.
- (2) The business to be assigned to each department shall—
 - (a) be prescribed by rules of court; and
 - (b) subject to any directions given by the [^{F2}Lord Chief Justice] under subsection (4), be transacted under the supervision of the [^{F3}officer] specified in relation to that department in the second column of Schedule 2.
- (3) The Lord Chancellor may by order made after consultation with the Lord Chief Justice establish at such place as may be specified in the order a branch office of the Probate and Matrimonial Office which—
 - (a) may transact such of the business of that Office as may be so specified; and
 - (b) shall, subject to subsection (4), be under the supervision of a circuit registrar.
- [^{F4}(4) The officer supervising a department shall discharge his functions in accordance with directions given by the [^{F5}Lord Chief Justice].]
- (5) The Lord Chancellor may by order made after consultation with the Lord Chief Justice at any time modify Schedule 2 by—
 - (a) removing any department and any entry relating thereto from that Schedule;
 - (b) adding any department and any entry relating thereto to that Schedule;
 - (c) amending the name of any department or amending any entry relating to any department in that Schedule.
- (6) An order under subsection (5) may make provision for any incidental, consequential, transitional or supplementary matters for which it appears to the Lord Chancellor to be necessary or expedient for the purpose of the order to provide, and may amend or

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

repeal any statutory provision (including any provision of this Act) so far as may be necessary or expedient in consequence of the order.

[^{F6}(7) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

- F1 Words in s. 68(1) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 6(1)**; S.I. 2009/1604, **art. 2(d)**
- F2 Words in s. 68(2)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 33(2)**; S. I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
- F3 Word in s. 68(2)(b) substituted (1.5.2004) by Courts Act 2003 (c. 39), **ss. 103(5)(a)**, 110(1); S.I. 2004/1104, **art. 3(e)**
- F4 S. 68(4) substituted (1.5.2004) by Courts Act 2003 (c. 39), **ss. 103(5)(b)**, 110(1); S.I. 2004/1104, **art. 3(e)**
- F5 Words in s. 68(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 33(3)**; S. I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)
- F6 S. 68(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), **Sch. 5 para. 33(4)**; S.I. 2006/1014, **art. 2(a)**, **Sch. 1 para. 12(a)**

Modifications etc. (not altering text)

- C1 S. 68(3) transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **art. 1(2)**, **Sch. 17 para. 6(f)** (with arts. 28-31)
- C2 S. 68(5)(6) transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), **art. 1(2)**, **Sch. 17 para. 6(f)** (with arts. 28-31)

[^{F7}68A [^{F8}Department of Justice's duty]

(1) The Lord Chancellor is under a duty to ensure that there is an efficient and effective system to support the carrying on of the business of—

- (a) the [^{F9}Court of Judicature],
- (b) county courts,
- (c) magistrates' courts, and
- (d) coroners' courts,

and that appropriate services are provided for those courts.

(2) The Lord Chancellor must, within 18 months of the coming into force of this section, and afterwards annually, prepare and lay before [^{F10}the Northern Ireland Assembly] a report as to the way in which he has discharged his duty under subsection (1).]

[^{F11}(3) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (2) in relation to the laying of a report as it applies in relation to the laying of a statutory document under an enactment.]

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

Textual Amendments

- F7** S. 68A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 10, 148\(1\)](#); S.I. 2006/1014, [art. 2\(a\)](#), [Sch. 1 para. 6](#)
- F8** Words in s. 68A 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. 18\(a\)](#) (with arts. 28-31)
- F9** Words in s. 68(1)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 6](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F10** Words in s. 68A(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. 18\(b\)](#) (with arts. 28-31)
- F11** S. 68A(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 18 para. 18\(c\)](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C3** S. 68A transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [art. 1\(2\)](#), [Sch. 17 para. 6\(f\)](#) (with arts. 28-31)

69 ^{F12}**General Functions of the Department of Justice in relation to Courts and Judgments]**

^{F13}(1) The functions of the Department of Justice include—

- (a) facilitating the conduct of the business of the following courts, namely—
 - (i) the Court of Judicature;
 - (ii) county courts;
 - (iii) magistrates’ courts; and
 - (iv) coroners’ courts;
- (b) giving effect to judgments to which the Judgments Enforcement (Northern Ireland) Order 1981 applies; and
- (c) discharging such other functions in relation to the courts mentioned in paragraph (a) or the enforcement of the judgments mentioned in paragraph (b) as are conferred on, or transferred to, it or any civil servants in the Department of Justice by or under this Act or any other statutory provision.]

^{F14}(2)

^{F14}(3)

(4) The functions exercisable ^{F15}... under subsection (1) shall include the functions heretofore exercisable by—

- (a) the officers and other persons employed in the ^{F16}Court of Judicature];
- (b) the persons employed in the county court service by virtue of section 108 of the ^{M1}County Courts Act (Northern Ireland) 1959 or any other officer of a county court;
- (c) clerks of petty sessions and persons employed in the offices of clerks of petty sessions;
- (d) the Enforcement of Judgments Office; and
- (e) the officers of coroners’ courts,

other than those functions which by or under this Act become the functions of statutory officers.

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

(5) ^{F17}

^{F18}(6)

Textual Amendments

- F12** S. 69 heading substituted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 5(2)(a)** (with arts. 5-7)
- F13** S. 69(1) substituted (12.4.2010) by The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 5(2)(b)** (with arts. 5-7)
- F14** S. 69(2)(3) omitted (12.4.2010) by virtue of The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 5(2)(c)** (with arts. 5-7)
- F15** Words in s. 69(4) omitted (12.4.2010) by virtue of The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 5(2)(d)** (with arts. 5-7)
- F16** Words in s. 69(1)(a)(i)(4)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 6(1)**; S.I. 2009/1604, **art. 2(d)**
- F17** S. 69(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 5 Group 11}
- F18** S. 69(6) omitted (12.4.2010) by virtue of The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010/133), art. 1, **Sch. para. 5(2)(e)** (with arts. 5-7)

Marginal Citations

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

70 Appointment and qualification of statutory officers.

[^{F19}(1) Appointments to the offices listed in column 1 of Schedule 3 shall be made by the Northern Ireland Judicial Appointments Commission after consultation with the Lord Chief Justice; and persons holding such offices are in this Act referred to as “statutory officers”.

(1A) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to statutory officers.

(1B) The terms and conditions of service for statutory officers are to be determined by the Lord Chancellor with the concurrence of the Treasury.]

[^{F20}(1C) Any salary or other amounts payable under subsection (1B) shall be paid by the Department of Justice.]

(2) Subject to subsection (3), a person shall not be qualified for appointment to any of the offices listed in column 1 of Schedule 3 unless [^{F21}he is—

- (a) a barrister or solicitor ^{F22} . . . who has at least the number of years’ standing specified in relation to that office in column 3 of that Schedule; or
- (b) the holder of any other office so listed.]

(3) In exceptional circumstances, where it appears to the [^{F23}Commission] that a suitable appointment cannot be made in accordance with the provisions of subsection (2) and Schedule 3, [^{F24}it] may, notwithstanding those provisions, after consultation with the Lord Chief Justice, appoint any barrister, solicitor or other person whom

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

[^{F24}it] considers to be suitable for appointment having regard to his knowledge and experience.

- (4) Without prejudice to section 68, the functions of the holder of each office listed in column 1 of Schedule 3 shall include the functions specified in relation to that office in column 4 of that Schedule (being functions heretofore exercised by the holder of the office or offices so specified) and accordingly—
- (a) for a reference in any statutory provision relating to those functions to any office listed in column 4 of Schedule 3 or to the holder of any such office there shall be substituted a reference to the appropriate corresponding office listed in column 1 of that Schedule or to the holder of that office, as the case may be; and
 - (b) the offices specified in column 4 of Schedule 3 are hereby abolished.
- (5) The [^{F25}Department of Justice] may by order made after consultation with the Lord Chief Justice at any time modify Schedule 3 by:—
- (a) removing any office and any entry relating thereto from that Schedule;
 - (b) adding any office and any entry relating thereto to that Schedule;
 - (c) amending the title of any office or amending any entry relating to any office in that Schedule.
- (6) An order under subsection (5) may make provision for any incidental, consequential, transitional or supplementary matters for which it appears to the [^{F26}Department of Justice] to be necessary or expedient for the purpose of the order to provide and may amend or repeal any statutory provision (including any provision of this Act) so far as may be necessary or expedient in consequence of the order.

Subordinate Legislation Made

P1 S. 70(5)(6) power exercised (03.06.1991) by [S.R. 1991/230](#)

Textual Amendments

- F19 S. 70(1)-(1B) substituted for s. 70(1) (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 15\(2\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F20 S. 70(1C) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 18 para. 19](#) (with arts. 28-31)
- F21 Words in s. 70(2) substituted (15.10.2002) by [2002 c. 26, s. 18\(8\)](#); [S.R. 2002/319, art. 2, Sch.](#)
- F22 Words in s. 70(2)(a) repealed (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 109\(3\), 110\(1\), Sch. 10](#); [S.I. 2004/1104, art. 3\(h\)\(i\)](#)
- F23 Word in s. 70(3) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 15\(3\)\(a\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F24 Word in s. 70(3) substituted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\), s. 5\(7\), Sch. 4 para. 15\(3\)\(b\)](#) (with [Sch. 5 para. 16](#)); [S.I. 2010/812, art. 2](#)
- F25 Words in s. 70(5) substituted (N.I.) (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 5\(1\)](#); [S.R. 2010/147, art. 2\(2\)](#)
- F26 Words in s. 70(6) substituted (N.I.) (12.4.2010) by [Department of Justice Act \(Northern Ireland\) 2010 \(c. 3\), s. 3\(2\), Sch. para. 5\(2\)](#); [S.R. 2010/147, art. 2\(2\)](#)

71 Tenure of office of statutory officers.

- (1) ^{F27}

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

(2) ^{F27}

[^{F28}(3) A statutory officer shall vacate office on the day on which the officer attains the age of 75.]

(4) ^{F27}

Textual Amendments

F27 S. 71(1)(2)(4) repealed (3.4.2006) by 2002 c. 26, ss. 86, 87(1), Sch. 13; S.R. 2006/124, **art. 2**, Sch. para. 11(f)

F28 S. 71(3) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 15** (with Sch. 1 para. 43)

72 Superannuation of statutory officers.

(1) A statutory officer shall be deemed for the purposes of section 1 of the ^{M2}Superannuation Act 1972 to be employed in the civil service of the state and, subject to the following provisions of this section, the principal civil service pension scheme within the meaning of section 2 of that Act shall apply to him accordingly.

(2) In its application to a statutory officer in respect of his service as such the principal civil service pension scheme shall have effect subject to the modifications set out in Schedule 4.

(3) Subsection (2) shall not apply to a statutory officer appointed by virtue of section 70(3) unless the Lord Chancellor, with the concurrence of the Minister for the Civil Service, so directs.

[^{F29}(4) This section does not apply to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]

Textual Amendments

F29 S. 72(4) added (31.3.1995) by 1993 c. 8, ss. 31, **Sch. 8 para.14**; S.I. 1995/631, **art. 2**

Modifications etc. (not altering text)

C4 S. 72(2): power to amend conferred by S.I. 1986/1888 (N.I. 18), **art. 18(3)(j)**

S. 72(2): power to modify conferred (N.I.) (7.2.1994) by 1993 c. 49, ss. 182, 183, 184, 186(2), **Sch. 5 Pt. II para. 17(2)(3)(j)**; S.R. 1994/17, **art. 2**

Marginal Citations

M2 1972 c. 11.

[^{F30}73 Restrictions on practice.

(1) ^{F31} . . . A statutory officer shall not either directly or indirectly practise as a barrister or solicitor or as an agent for a solicitor.

(2) ^{F31}

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

Textual Amendments

F30 S. 73 substituted by S.R. 1982/300, **art. 5(1)**

F31 S. 73(2) and word repealed (1.5.2004) by Courts Act 2003 (c. 39), ss. 103(6), 109(3), 110(1), **Sch. 10**; S.I. 2004/1104, **art. 3(e)**

74 Deputies and temporary appointments.

[^{F32}(1) In order to facilitate the disposal of business, the Northern Ireland Judicial Appointments Commission may, after consultation with the Lord Chief Justice, appoint a suitably qualified person—

- (a) to act as a deputy for any statutory officer, or
- (b) to act as a temporary additional statutory officer,

during such period or on such occasions as the Commission determines with the agreement of the [^{F33}Department of Justice] .

(1A) The [^{F34}Department of Justice] must consult the Lord Chief Justice before giving its agreement to a period or occasion under subsection (1).

(1B) The Lord Chief Justice must be consulted before a determination (or a revision of a determination) is made under Part 3 of Schedule 3 to the Justice (Northern Ireland) Act 2002 in relation to deputies for statutory officers or temporary additional statutory officers.]

(2) A person acting in an office by virtue of an appointment under subsection (1) shall have all the powers of a person permanently appointed to that office.

(3) Where anything is for the time being authorised or required by this Act or any other statutory provision to be done to or by a particular statutory officer and—

- (a) that statutory officer is not available because of absence or other reason and no person may, by virtue of subsections (1) and (2), exercise his powers; or
- (b) his office is vacant,

then it may, unless the [^{F35}Lord Chief Justice] otherwise directs, be done during such unavailability or vacancy to or by any other statutory officer.

(4) Where for any purpose it is necessary for a judge of the High Court or the Court of Appeal to sit outside Belfast, he may, with the approval of the Lord Chief Justice, appoint a judge's registrar.

(5) [^{F36}The Department of Justice shall pay] to any person appointed under this section such remuneration and allowances [^{F37}as the Lord Chancellor may], with the consent of the Minister for the Civil Service, determine.

Textual Amendments

F32 S. 74(1)-(1B) substituted for s. 74(1) (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 16(2)** (with **Sch. 5 para. 16**); S.I. 2010/812, **art. 2**

F33 Words in s. 74(1) substituted (N.I.) (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 5(3)**; S.R. 2010/147, **art. 2(2)**

F34 Words in s. 74(1A) substituted (N.I.) (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), s. 3(2), **Sch. para. 5(4)**; S.R. 2010/147, **art. 2(2)**

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

- F35** Words in s. 74(3) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), s. 5(7), **Sch. 4 para. 16(3)** (with **Sch. 5 para. 16**); S.I. 2010/812, art. 2
- F36** Words in s. 74(5) 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. 20(a)** (with arts. 28-31)
- F37** Words in s. 74(5) 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. 20(b)** (with arts. 28-31)

Modifications etc. (not altering text)

- C5** S. 74(5) transfer of functions (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 17 para. 6(g)** (with arts. 28-31)

[^{F38}75 **Official Solicitor.**

[^{F39}(1) The Lord Chancellor, after consultation with the Lord Chief Justice, may appoint as Official Solicitor to the [^{F40}Court of Judicature] a person who is—

- (a) a solicitor of the [^{F40}Court of Judicature] of at least 7 years' standing, or
(b) a member of the Bar of Northern Ireland of at least 7 years' standing.]

(2) The Official Solicitor shall have such powers and perform such duties as may be prescribed and as may be conferred or imposed on him—

- (a) by or under this or any other Act; or
(b) by or in accordance with any direction given by the [^{F41}Lord Chief Justice].

[The Lord Chief Justice may nominate any of the following to exercise his functions
^{F42}(2A) under subsection (2)(b)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
(b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

(3) ^{F43}

(4) The court may, in accordance with rules of court, order the costs of the Official Solicitor in respect of any business done by him to be paid out of any fund the subject of the proceedings or by any party to the proceedings and such costs shall be ascertained on taxation or measured.

(5) Where any powers or duties have been or are hereafter conferred on the Official Solicitor then, unless and until the court or a judge otherwise directs in any particular case, those powers may be exercised and those duties shall be performed by the holder of the office for the time being, and no further order or appointment shall be necessary by reason only that the person on whom the powers and duties were conferred or imposed has died or ceased to hold office.]

[^{F44}(6) The Official Solicitor shall hold and vacate office in accordance with the terms of his appointment (which may include provision about retirement, dismissal or resignation).

(7) The Lord Chancellor may pay to the Official Solicitor such remuneration and allowances as the Lord Chancellor may determine with the consent of the Treasury.

(8) Service as the Official Solicitor is employment in the civil service [^{F45}of Northern Ireland for the purposes of Article 3 of the Superannuation (Northern Ireland) Order 1972].

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

- (9) While the office of Official Solicitor is vacant or the Official Solicitor is unable or unwilling to act, the Lord Chancellor may, after consultation with the Lord Chief Justice, appoint a person as temporary Official Solicitor; and the temporary Official Solicitor—
- (a) may be appointed only if qualified for appointment as Official Solicitor,
 - (b) shall have all the powers and duties of the Official Solicitor, and
 - (c) may be paid remuneration and allowances by the Lord Chancellor with the consent of the Treasury.]

Textual Amendments

- F38** S. 75 substituted by [S.R. 1982/300, art. 4](#)
- F39** S. 75(1) substituted (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 103\(3\), 110\(1\)](#); [S.I. 2004/1104, art. 3\(e\)](#)
- F40** Words in s. 75(1)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 6\(1\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F41** Words in s. 75(2)(b) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(2\), 148\(1\), Sch. 5 para. 35\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 12(a)
- F42** S. 75(2A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(2\), 148\(1\), Sch. 5 para. 35\(3\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 12(a)
- F43** S. 75(3) repealed (1.10.2003) by [2002 c. 26, ss. 86, 87\(1\), Sch. 13](#); [S.R. 2003/416, art. 2\(2\)](#)
- F44** S. 75(6)-(9) inserted (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 103\(4\), 110\(1\)](#); [S.I. 2004/1104, art. 3\(e\)](#)
- F45** Words in s. 75(8) 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. 21](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C6** S. 75(1) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C7** S. 75(7) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C8** S. 75(7) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(4\)\(b\)](#) (with arts. 15(6), arts. 28-31)
- C9** S. 75(9) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C10** S. 75(9)(c) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(4\)\(b\)](#) (with arts. 15(6), arts. 28-31)

76 Property held by officers.

Any property whatsoever held in his official capacity by any of the following, that is to say—

- (a) a statutory officer;
- (b) the Accountant General of the ^{F46}Court of Judicature];
- (c) ^{F47}the Official Solicitor;]
- (d) any ^{F48}person designated as a chief clerk under Article 2(2) of the County Courts (Northern Ireland) Order 1980 or appointed as a clerk of petty sessions under Article 2(4) of the Magistrates' Courts (Northern Ireland) Order 1981];
- (e) any person appointed by the High Court to hold the property for the purposes of or in connection with any proceedings,

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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

shall, on his dying, becoming bankrupt, ceasing to hold office or ceasing to act for the purposes of or in connection with any such proceedings, vest in the person appointed to succeed him without any conveyance, assignment or transfer.

Textual Amendments

- F46** Words in s. 76(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F47** S. 76(c) revived (1.5.2004) by [Courts Act 2003 \(c. 39\)](#), [ss. 103\(7\)](#), 110(1) (with s. 103(8)); S.I. 2004/1104, [art. 3\(e\)](#)
- F48** Words in s. 76(d) substituted (12.4.2010) by [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\)](#), [art. 1](#), [Sch. para. 5\(3\)](#) (with [arts. 5-7](#))

Changes to legislation:

Judicature (Northern Ireland) Act 1978, Part VI is up to date with all changes known to be in force on or before 28 February 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.

[View outstanding changes](#)

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\(1\)](#)