

Changes to legislation: *Judicature (Northern Ireland) Act 1978, Part I is up to date with all changes known to be in force on or before 21 April 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*

SCHEDULES

^{F1}SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Textual Amendments

- F1** Sch. 5 entries repealed (15.10.2002 for specified purposes, 3.4.2006 for specified purposes, 12.4.2010 for specified purposes) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), [Sch. 13](#); [S.R. 2002/319](#), art. 2, [Sch.](#); [S.R. 2006/124](#), art. 2, [Sch. para. 11\(f\)](#); [S.R. 2010/113](#), art. 2, [Sch. para. 21\(i\)](#)

PART I

GENERAL AMENDMENTS

- 1 (1) Except where the contrary is expressly provided by or under this Act, references in any statutory provision to, or which are by virtue of any statutory provision heretofore in force to be construed as references to, the [^{F1}Court of Judicature] of Judicature of Northern Ireland, the High Court of Justice in Northern Ireland or the Court of Appeal in Northern Ireland or to divisions, judges, offices or officers of any such court, shall be construed, respectively, as references to the [^{F1}Court of Judicature] exclusive of the Crown Court, the High Court or the Court of Appeal as constituted under this Act and to the divisions, judges, offices or officers of those courts by which or by whom any jurisdiction or business to which the reference relates is for the time being to be exercised or transacted, whether by virtue of this Act or of any other statutory provision.
- (2) The reference in sub-paragraph (1) to business to be transacted includes a reference to any matter requiring the concurrence, approval, advice or consent of a judge or of more than one judge of the [^{F1}Court of Judicature], the High Court or the Court of Appeal.

Textual Amendments

- F1** Words in Sch. 5 para. 1(1)(2) 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\(d\)](#)

- 2 (1) In any statutory provision whether passed or made before, on or after the coming into operation of Part IV of this Act, for any reference or expression in the first column of the Table below there shall, in relation to Northern Ireland, be substituted the relevant reference or expression in the second column of the Table.
- (2) Sub-paragraph (1) shall not apply where the context otherwise requires and in particular shall not apply in relation to a sentence imposed, or other things done, by

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a court before the coming into operation of Part IV of this Act or to any reference to records of any court.

TABLE

<i>Reference</i>		<i>Substituted reference</i>
1.	Court of gaol delivery or of oyer and terminer.	The Crown Court.
2.	Court of assize, or assizes, where the context does not relate to civil jurisdiction.	The Crown Court
3.	Court of assize, or assizes, where the context relates either to criminal or civil jurisdiction.	The Crown Court or the High Court or, as the case may be, the High Court and not the Crown Court.
4.	The county court where the context relates to the jurisdiction of that court to try persons on indictment.	The Crown Court.
5.	Judge, justice or commissioner of assize, or judge acting during assizes.	The Crown Court or the High Court or both, according as the reference is to criminal jurisdiction or civil jurisdiction or to both.
6.	County court judge or recorder where the context relates to the jurisdiction of the county court to try persons on indictment.	The Crown Court.
7.	Clerk of the Crown and peace where the context relates to the jurisdiction of the county court to try persons on indictment or to the criminal jurisdiction of courts of assize.	The appropriate officer of the Crown Court.
8.	Other officer in the county court service for Northern Ireland whose duties related exclusively to the criminal jurisdiction of courts of assize.	The appropriate officer of the Crown Court.

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9. Clerk of the court where the court is the Crown Court. The appropriate officer of the Crown Court.

3 References in any statutory provision to rules made under section 7 of the ^{M1}Northern Ireland Act 1962 or which are by virtue of any statutory provision heretofore in force to be construed as references to such rules shall be construed as references to rules of court made under section 55 of this Act.

Marginal Citations

M1 1962 c. 30.

4 Paragraphs 1 to 3 apply subject to the provisions of this Act and, in particular, do not prejudice the operation of any specific amendments contained in this Schedule.

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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\(1\)](#)