

*Status: Point in time view as at 14/07/2008.*

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

## SCHEDULES

### SCHEDULE 1

Section 41.

#### APPEALS TO HOUSE OF LORDS IN CERTAIN CRIMINAL MATTERS

- 1 (1) Subject to sub-paragraph (2) an application to the court below for leave to appeal shall be made within the period of [F128] days beginning with the [F2relevant date]; and an application to the House of Lords for such leave shall be made within the period of [F128] days beginning with the date on which the application is refused by the court below.
- [F3(1A) In sub-paragraph (1), “the relevant date” means—
- (a) the date of the decision of the court below, or
  - (b) if later, the date on which that court gives reasons for its decision.]
- (2) F4 . . . The House of Lords or the court below may, upon application made at any time by the defendant, extend the time within which an application may be made by him to that House or that court under sub-paragraph (1).

#### Textual Amendments

- F1** Words in Sch. 1 para. 1(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 105(1)(2)(a), 110(1); S.I. 2005/910, art. 3(x)
- F2** Words in Sch. 1 para. 1(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 105(1)(2)(b), 110(1); S.I. 2005/910, art. 3(x)
- F3** Sch. 1 para. 1(1A) inserted (1.4.2005) by Courts Act 2003 (c. 39), ss. 105(3), 110(1); S.I. 2005/910, art. 3(x)
- F4** Words in Sch. 1 para. 1(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 198(2), Sch. 10; S.I. 2005/910, art. 3(y)

- 2 [F5] .....

#### Textual Amendments

- F5** Sch. 1 para. 2 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110(1), Sch. 8 para. 198(3), Sch. 10; S.I. 2005/910, art. 3(y)

- 3 (1) Without prejudice to any other power to grant bail, a person appealing or applying for leave to appeal from the Court of Appeal or the High Court under section 41 may be admitted to bail by the court below pending the appeal; and in relation to any recognizances to be entered into under [F6Article 148 of the Magistrates’ Courts (Northern Ireland) Order 1981] or under [F7Article 63 of the County Courts (Northern Ireland) Order 1980] any reference in [F7that section or that Article] to the judgment

*Status: Point in time view as at 14/07/2008.*

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

of the Court of Appeal shall be construed as including a reference to the judgment of the House of Lords or, if the case is remitted by that House to the Court of Appeal, to the judgment of that court on the case as so remitted.

- (2) Where application is made to the High Court or the Court of Appeal for leave to appeal, that court may give such directions as it thinks fit for discharging or enlarging any recognizances entered into by the applicant or any surety, under any statutory provision or otherwise, with reference to the proceedings of that court.

#### Textual Amendments

- F6** Words substituted by [S.I. 1981/1675 \(N.I. 26\)](#), s. 170(2), [Sch. 6 para. 55](#)  
**F7** Words substituted by [S.I. 1980/397 \(N.I. 3\)](#), art. 168(2), [Sch. 1 Pt. II](#)

- 4 (1) Where the defendant in any proceedings from which an appeal lies under section 41 would, but for the decision of the court below, be liable to be detained, and immediately after that decision the prosecutor is granted, or gives notice that he intends to apply for, leave to appeal, the court may make an order providing for the detention of the defendant or directing that he shall not be released except on bail, which may be granted by the court as under paragraph 3 so long as any appeal under section 41 is pending.
- (2) An order under sub-paragraph (1) shall (unless the appeal has previously been disposed of) cease to have effect at the expiration of the period for which the defendant would have been liable to be detained but for the decision of the court below.
- (3) Any order made under sub-paragraph (1) for the detention of a defendant who, but for the decision of the court below, would be liable to be detained in pursuance of an order or direction under the Mental Health [<sup>F8</sup>(Northern Ireland) Order 1986 (other than under Article 42, 43 or 45)], shall be an order authorising his continued detention in pursuance of the order or direction under the [<sup>F8</sup>said Order], and the provisions of the [<sup>F8</sup>said Order] with respect to persons so liable (including provisions as to the renewal of authority for detention and the removal or discharge of patients) shall apply accordingly.
- [<sup>F9</sup>(3A) Where an order is made under sub-paragraph (1) in the case of a defendant who, but for the decision of the court below, would be liable to be detained in pursuance of an interim hospital order under Article 45 of the Mental Health (Northern Ireland) Order 1986, the order may, if the court thinks fit, be one authorising his continued detention in hospital and in that event—
- (a) sub-paragraph (2) shall not apply to the order;
  - (b) Part III of that Order shall apply as if he had been ordered under this paragraph to be detained in custody so long as any appeal under section 41 is pending and were detained in pursuance of a transfer direction together with a restriction direction; and
  - (c) if the defendant is detained by virtue of this sub-paragraph and the appeal by the prosecutor succeeds, paragraph (2) of the said Article 45 (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.]

*Status: Point in time view as at 14/07/2008.*

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

- (4) Where the court below has power to make an order under sub-paragraph (1) and either no such order is made or the defendant is released or discharged by virtue of sub-paragraph (2) [<sup>F8</sup>(3) or (3A)] before the appeal is disposed of, the defendant shall not be liable to be again detained as the result of the decision of the House of Lords on the appeal.

#### Textual Amendments

**F8** Words substituted by virtue of S.I. 1986/595 (N.I. 4), arts. 51(6), 136(1), **Sch. 5 Pt. II**

**F9** Sch. 1 para. 4(3A) inserted by S.I. 1986/595 (N.I. 4), arts. 51(6), 136(1), **Sch. 5 Pt. II**

- 5 (1) Where a person subject to a sentence is admitted to bail pending an appeal under section 41, the time during which he is at large after being so admitted shall be disregarded in computing the term of his sentence.
- (2) Subject to sub-paragraph (1), any sentence passed on an appeal under section 41 in substitution for another sentence shall, unless the House of Lords or the court below otherwise directs, begin to run from the time when that other sentence would have begun to run.
- 6 (1) Rules of court may be made—
- (a) for determining the cases in which the powers of the Court of Appeal under section 41 and this Schedule may be exercised by a judge thereof;
  - (b) for prescribing the persons before whom and the manner in which a recognizance shall be entered into, or other security given, where bail is granted to a person under paragraph 3 or 4 pending an appeal under section 41 from a decision of the High Court or Court of Appeal, and the manner in which any such recognizance or security may be enforced;
  - (c) for authorising the recommittal of any person to whom bail is granted.
- (2) A defendant who is detained pending an appeal under section 41 shall not be entitled to be present on the hearing of the appeal or of any proceedings preliminary or incidental thereto except where an order of the House of Lords or rules of court authorise him to be present or where that House or the court below, as the case may be, gives him leave to be present.

## SCHEDULE 2

Section 68.

### DEPARTMENTS OF THE SUPREME COURT

<i>Department</i>	<i>Officer</i>
<b>F10</b>	<b>F10</b>
...	...
The Central Office	Master (Queen's Bench and Appeals)
The Chancery Office	Master (Chancery)

*Status: Point in time view as at 14/07/2008.*

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

The Bankruptcy and Companies Office	Master (Bankruptcy)
The Probate and Matrimonial Office	Master (Probate and Matrimonial)
The Office of Care and Protection	Master (Care and Protection)
The Taxing Office	Master (Taxing Office)
[ <sup>F11</sup> The Official Solicitor's Office]	[ <sup>F11</sup> Official Solicitor]

#### Textual Amendments

**F10** Words in Sch. 2 repealed (15.10.2002) by 2002 c. 26, s. 86, **Sch. 13**; S.R. 2002/319, art. 2, **Sch.**

**F11** Entries added by S.R. 1982/300, art. 2

### SCHEDULE 3

Section 70

#### STATUTORY OFFICES

1. Office	Persons qualified		4. Functions of office
	2. Description	3. Standing	The functions heretofore exercised by the holder of the office of—
F12	F12	F12	F12
...	...	...	...
F12	F12	F12	F12
...	...	...	...
Master (Queen's Bench and Appeals)	F12	[ <sup>F13</sup> 7] years	Registrar of the Supreme Court.
...	...	...	...
F14	F14	F14	F14
Master (Chancery)	F12	[ <sup>F13</sup> 7] years	Chancery and Bankruptcy Registrar in relation to or in connection with Chancery matters.  Chief Clerk in relation to or in connection with Chancery matters other than wardship adoption and company matters.
	...		

*Status: Point in time view as at 14/07/2008.*

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

Master (Bankruptcy)	F12 ...	[ <sup>F13</sup> 7] years	Chancery and Bankruptcy Registrar in relation to or in connection with Bankruptcy matters.  Chief Clerk in relation to or in connection with company matters.
...	...	...	...
F15	F15	F15	F15
Master (Probate and Matrimonial)	F12 ...	[ <sup>F13</sup> 7] years	Chief Probate Registrar
...	...	...	...
F15	F15	F15	F15
Master (Care and Protection)	F12 ...	[ <sup>F13</sup> 7]years	Registrar in Lunacy.  Chief Clerk in relation to or in connection with wardship and adoption.
[ <sup>F16</sup> Master (High Court)]	F16 F12 ...	[ <sup>F16</sup> [ <sup>F13</sup> 7]years]	
...	...	...	...
F17	F17	F17	F17
Master (Taxing Office)	F12 ...	[ <sup>F13</sup> 7] years	Taxing Master.
Master (Enforcement of Judgments)	F12 ...	[ <sup>F13</sup> 7] years	Master for the Enforcement of Judgments.
...	...	...	...
F15	F15	F15	F15
[ <sup>F18</sup> District Judge]	F12 ...  F20 ...	7 years  F20 ...	District Probate Registrar [ <sup>F19</sup> Circuit Registrar.]

#### Textual Amendments

**F12** Words in Sch. 3 repealed (15.10.2002) by 2002 c. 26, ss. 17(1), 86, Sch. 13; S.R. 2002/319, art. 2, Sch.

**F13** Word in Sch. 3 substituted (15.10.2002) by 2002 c. 26, s. 18(9); S.R. 2002/319, art. 2, Sch.

*Status: Point in time view as at 14/07/2008.*

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

- F14** Office “Registrar (Queen's Bench and Appeals)” and the entries relating thereto removed by [S.R. 1983/270, art. 2\(b\)\(ii\)](#)
- F15** Offices “Registrar (Chancery and Bankruptcy)”, “Registrar (Probate and Matrimonial)” and “Judicial Officer (Enforcement of Judgments)” and the entries relating thereto removed by [S.R. 1982/300, art. 3\(b\)](#)
- F16** Words inserted by [S.R. 1983/270, art. 2\(a\)](#)
- F17** Office “Registrar (Care and Protection)” and the entries relating thereto removed by [S.R. 1983/270, art. 2\(b\)](#)
- F18** Words in [Sch. 3](#) substituted (28. 06. 1991) by virtue of [S.R. 1991/230, art. 2](#).
- F19** Words in [Sch. 3](#) inserted (28. 06. 1991) by virtue of [S.R. 1991/230, art. 2](#).
- F20** [Sch. 3](#): entry relating to 'Official Solicitor' repealed (1.5.2004) by [Courts Act 2003 \(c. 39\), ss. 103\(1\), 109\(3\), 110\(1\), Sch. 10; S.I. 2004/1104, art. 3\(e\)\(h\)](#)

## SCHEDULE 4

Section 72(2).

### SUPERANNUATION OF STATUTORY OFFICERS

#### Modifications etc. (not altering text)

- C1** [Sch. 4](#): power to amend conferred by [S.I. 1988/1888 \(N.I. 18\), art. 18\(3\)\(j\)](#)  
[Sch. 4](#): power to modify conferred (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](#)

- 1 In its application to a statutory officer in respect of his service as such the principal civil service pension scheme shall be modified as set out in paragraphs 2 and 3.
- 2 For the purpose of calculating reckonable service (but not qualifying service) any period of service after the commencement of section 70 shall be deemed to be increased by one third; but an officer shall not be deemed by virtue of this paragraph to have more than 40 years' reckonable service.
- 3 Notwithstanding paragraph 2, any lump sum payable in addition to pension under the scheme in respect of a period of actual service not exceeding 12 years shall be calculated in accordance with the following Table, with proportionate adjustment for any fraction of a year's service:—

<i>Length of service</i>	<i>Lump sum</i>
Up to 8 years	Three eightieths of pensionable pay for each year.
9 years	Thirtieth eightieths of pensionable pay.
10 years	Thirty six eightieths of pensionable pay.
11 years	Forty two eightieths of pensionable pay.
12 years	Forty eight eightieths of pensionable pay.

- 4 Expressions used in this Schedule and in the principal civil service pension scheme have the same meaning in this Schedule as in that scheme.

*Status: Point in time view as at 14/07/2008.*

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

## SCHEDULE 5

Section 122(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### 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 Supreme Court 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 Supreme Court 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 Supreme Court, the High Court or the Court of Appeal.
- 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 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	The Crown Court.

*Status: Point in time view as at 14/07/2008.*

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

	court to try persons on indictment.	
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.
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 <sup>M1</sup>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.



*Status: Point in time view as at 14/07/2008.*

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

## PART II

### SPECIFIC AMENDMENTS

#### (1) ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

##### Modifications etc. (not altering text)

- C2** The text of Sch. 5 Pt. II(1) is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

F21  
...

##### Textual Amendments

- F21** Entry relating to [Crown Debts Act 1801 \(c. 90\)](#) repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45\)](#), Sch. 13 Pt. I para. 3, [Sch. 14](#)

#### *The <sup>M2</sup>Writ of Subpoena Act 1805*

##### Marginal Citations

- M2** [1805 c. 92.](#)

In sections 3 and 4 references to a writ of subpoena requiring the appearance of a person to give evidence shall be construed as including references to any summons or order issued by the Crown Court in Northern Ireland for the appearance of a person before it.

#### *The Tumultuous Risings (Ireland) Act 1831 <sup>M3</sup>*

##### Marginal Citations

- M3** [1831 c.44](#)

In section 9 for the words from “the judge, assistant barrister” to “court as aforesaid” substitute the words “any judge of the Crown Court” and for the words from “clerk of the crown, clerk of the peace” to “them forthwith” substitute the words “appropriate officer of that court”.

#### *The Constabulary (Ireland) Act 1836*

F22  
...

##### Textual Amendments

- F22** Entry in Sch. 5 Pt. II repealed (N.I.) (1.4.1999) by [1998 c. 32, s. 74\(2\)\(3\)](#), Sch. 5, [6](#) (with [Sch. 5 para. 1](#)); [S.I. 1999/176](#), [art. 3](#) (with [art. 4](#))

*Status: Point in time view as at 14/07/2008.*

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

### *The Parliamentary Documents Deposit Act 1837<sup>M4</sup>*

#### **Marginal Citations**

**M4** [1837 c.83](#)

For any reference to the clerk of the peace there shall, as respects Northern Ireland, be substituted a reference to the clerk of the district council.

F23

#### **Textual Amendments**

**F23** Sch. 5 Pt. II: Entry relating to the Slave Trade Act 1843 repealed (19.11.1998) by [1998 c. 43, s. 1\(1\)](#), [Sch. 1, Pt. VIII](#)

### *The Lands Clauses Consolidation Act 1845<sup>M5</sup>*

#### **Marginal Citations**

**M5** [1845 c.18](#)

At the end of section 3 add the following definition— “ “Supreme Court” shall mean the Supreme Court of Judicature of Northern Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Northern Ireland. ”.

Section 9 shall, in the case of purchase money or compensation for damage or injury to, lands in Northern Ireland, have effect with the insertion after the words “deposited in the Bank” of the words “or the Supreme Court”.

Section 69 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, or for damage to, lands in Northern Ireland, have effect with the substitution for the words from “be paid into the Bank” to “the said courts” of the words “be paid into the Supreme Court”.

Section 70 shall, in the case of money paid into the Supreme Court, have effect with the substitution for the words from “and until the money” to “annual proceeds thereof paid” of the words “and if, before it is so applied, it is dealt with under section 81 or 82 of the Judicature (Northern Ireland) Act 1978, the annual proceeds thereof shall be paid”.

Section 71 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, or for damage to, lands in Northern Ireland, have effect with the substitution for the words “into the Bank” where they twice occur of the words “into the Supreme Court”.

Section 73 shall, in the case of money payable in respect of the taking, using or interfering with lands in Northern Ireland, have effect with the substitution for the words “into the Bank” where they twice occur of the words “into the Supreme Court”.

Section 76 shall, in the case of, or of an interest in, lands in Northern Ireland that have, or has, been purchased or taken, have effect with the substitution for the words from “to deposit the

---

*Status: Point in time view as at 14/07/2008.*

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

---

purchase money” to the end of the words “to pay into the Supreme Court the purchase money or compensation payable in respect of such lands”.

Section 78 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, lands in Northern Ireland, have effect as if, after the word “so” (in both places where it occurs) there were inserted the words “paid or” and as if for the words from “order such money” to “thereof” (where it last occurs) there were substituted the words “order distribution of the money according to the respective estates, titles or interests of the parties making claim to such money or lands, or any part thereof, and if, before the money is distributed, it is dealt with under section 81 or 82 of the Judicature (Northern Ireland) Act 1978 payment likewise of the dividends thereof”.

Section 84 shall, in the case of lands in Northern Ireland, have effect with the substitution for the words “deposited in the Bank” of the words “paid into the Supreme Court”.

Section 85 shall, in the case of lands in Northern Ireland have effect as if for the words “to deposit in the Bank”, the words “so to be deposited”, the words “for deposit in the Bank”, the words “deposited in the Bank” and the words “such deposit” there were respectively substituted the words “to pay into the Supreme Court”, the words “so to be paid”, the words “for payment into the Supreme Court”, the words “paid into the Supreme Court” and the words “such payment”.

The Act shall, in its application to Northern Ireland, have effect with the substitution for sections 86, 87 and 88 of the following section:—

**“86 Application of Funds in Court.**

Money paid under section 85 of this Act into the Supreme Court shall remain there by way of security to the parties whose lands shall so have been entered upon for the performance of the condition of the bond to be given by the promoters of the undertaking, as hereinbefore mentioned, and, if dealt with under section 81 or 82 of the Judicature (Northern Ireland) Act 1978 shall be accumulated; and upon the condition of such bond being fully performed the High Court may, on the application of the promoters, order it, or the proceeds of the securities in which it has been invested, together with the accumulation thereof, to be paid to the promoters of the undertaking, or if such condition shall not be fully performed it shall be lawful for the said Court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall have been paid.”.

Section 89 shall, in the case of lands in Northern Ireland, have effect as if for the words “deposited the same in the Bank” there were substituted the words “paid the same into the Supreme Court”.

Section 99 shall, in the case of lands in Northern Ireland, have effect with the substitution for the words “and upon payment or deposit in the Bank of the compensation so determined” of the words “and upon payment of the compensation so determined either to the persons entitled thereto or into the Supreme Court”.

Section 100 shall, in the case of lands in Northern Ireland, have effect with the substitution for the words “on deposit thereof in the Bank” of the words “on payment thereof into the Supreme Court”, with the substitution for the words “deposited as aforesaid” of the words “paid into the Supreme Court as aforesaid” and with the substitution for the words from “by payment” to the end of the words “by payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into the Supreme Court”.

*Status: Point in time view as at 14/07/2008.*

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

Section 107 shall, in the case of lands in Northern Ireland over which commonable or other rights subsist, have effect with the substitution for the words “deposit in the Bank in the manner provided in the like case” of the words “payment into the Supreme Court” with the omission of the words “or deposited” and with the substitution for the words “so deposited” of the words “so paid into the Supreme Court”.

Section 109 shall, in the case of lands in Northern Ireland subject to a mortgage, have effect with the substitution for the words “to deposit in the bank, in the manner provided by this Act in like cases” of the words “to pay into the Supreme Court”.

Section 111 shall, in the case of lands in Northern Ireland subject to a mortgage, have effect with the substitution for the words from “to deposit” to “every such payment or deposit” of the words “to pay into the Supreme Court the amount of such value or compensation; and the making of payment to the mortgagee or into the Supreme Court” and for the words “by such payment or deposit” of the words “by payment to the mortgagee or into the Supreme Court”.

Section 113 shall, in the case of lands in Northern Ireland subject to a mortgage, have effect with the substitution for the words from “to pay the amount” to “such payment or deposit” of the words “to pay into the Supreme Court the amount of such value or compensation; and the making of payment to the mortgagee or into the Supreme Court”.

Section 117 shall, in the case of lands in Northern Ireland charged with payments or incumbrances not otherwise provided for in the Act, have effect with the substitution for the words from “to deposit” to “like cases”, of the words “to pay into the Supreme Court the amount of the compensation”.

In Schedule A as it applies to the conveyance of land, or an interest in land, in Northern Ireland, for the words from “Bank” where first occurring to “Chancery” substitute the words “the Supreme Court”.

### *The Indictable Offences Act 1848<sup>M6</sup>*

#### **Marginal Citations**

**M6** [1848 c.42](#)

In sections 12 and 14 for any reference to justices of oyer and terminer or gaol delivery in Northern Ireland, there shall be substituted a reference to the Crown Court there.

F24

#### **Textual Amendments**

**F24** Entries relating to [Trustee Act 1850 \(c. 60\)](#) repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, [Sch. 7](#)

### *The Railways Act (Ireland) 1851<sup>M7</sup>*

#### **Marginal Citations**

**M7** [1851 c.70](#)

*Status: Point in time view as at 14/07/2008.*

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

In section 19 for the words from “into the Bank of Ireland” to “Court of Chancery in Ireland” substitute the words “into the Supreme Court of Judicature of Northern Ireland” and for the words “into the said Bank” substitute the words “into that Court”.

*The Fines Act (Ireland) 1851* <sup>M8</sup>

**Marginal Citations**

**M8** 1851c.90

In section 1 for the words from “the several officers” to “the proceedings” substitute the words “as follows:—

- (a) for a magistrates’ court, the clerk of petty sessions ; and
- (b) for any other court, such person as may be prescribed by the rules regulating the procedure of that court, or if no person is so prescribed, the person charged with the duty of recording the proceedings of the court.”.

F25  
.....

**Textual Amendments**

**F25** Entries in Sch. 5 Pt. II repealed (31.7.1996) by [S.I. 1996/1141](#)(N.I. 6), art. 32(3), Sch. 5; [S.R. 1996/267](#), [art.2](#)

F25  
.....

In section 10 for the words “several assistant barristers, recorders of cities or boroughs and”, the words “assistant barrister, recorder” and the words “assistant barrister or recorder” substitute the words “judge of the Crown Court”.

*The Petty Sessions (Ireland) Act 1851* <sup>M9</sup>

**Marginal Citations**

**M9** 1851 c. 93.

In section 30 for the reference to justices of oyer and terminer and general gaol delivery in Northern Ireland there shall be substituted a reference to the Crown Court there.

F26  
...

**Textual Amendments**

**F26** Entry relating to [Trustee Act 1852 \(c. 55\)](#) ss. 6, 7 repealed by [S.I. 1986/595](#) (N.I. 4), art. 138, [Sch. 7](#)

*Status: Point in time view as at 14/07/2008.*

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

### *The Irish Bankrupt and Insolvent Act 1857<sup>M10</sup>*

#### **Marginal Citations**

**M10** 1857 c. 60.

F27

#### **Textual Amendments**

**F27** First and third entries relating to [Irish Bankrupt and Insolvent Act 1857 \(c. 60\)](#) repealed by [S.I. 1980/561 \(N.I. 4\)](#), [Sch. 3](#)

In section 4 for the definition of “the Court” substitute— “ “the Court” shall mean the High Court of Justice in Northern Ireland; ”.

F27

F28

#### **Textual Amendments**

**F28** Entry relating to [Probates and Letters of Administration Act \(Ireland\) 1857 \(c. 79\)](#) repealed by [S.I. 1979/1575 \(N.I. 14\)](#), [Sch. 3](#)

### *The Landed Estates Court (Ireland) Act 1858<sup>M11</sup>*

#### **Marginal Citations**

**M11** 1858 c. 72.

In section 56 for the words from “into the Bank of Ireland” to “receipt of the money” substitute the words “into the Supreme Court of Judicature of Northern Ireland (“the Supreme Court”) and” ; and the words “into the bank” shall cease to have effect.

In section 57 for the words “into the Bank of Ireland” and “into the said Bank” (wherever they occur) substitute the words “into the Supreme Court”.

In section 66 for the words “the Lord High Chancellor” and “in him” substitute respectively the words “the High Court” and “in it”.

In section 70 for the words from “transferred” to “Chancery in England” substitute the words “paid into the Supreme Court or (where the case may require) the Supreme Court of Judicature of England”; for the words from “and the High Court” to “Rolls” substitute the words “and the High Courts of Justice”; for the words “transferred to the account of the Accountant General of” substitute the words “paid into”; and for the words from “the Act passed” to the end substitute the words “section 63 of the Trustee Act 1925 or section 63 of the Trustee Act (Northern Ireland) 1958”.

*Status: Point in time view as at 14/07/2008.*

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

### *The Railways Act (Ireland) 1860*<sup>M12</sup>

#### **Marginal Citations**

**M12** [1860 c. 97.](#)

In section 2 for the words “depositing in the Bank of Ireland as herein directed” substitute the words “paying into the Supreme Court of Judicature of Northern Ireland”.

In section 4 for the words “deposited as last aforesaid shall remain in the Bank” substitute the words “paid into the Supreme Court is”.

### *The Defence Act 1860*<sup>M13</sup>

#### **Marginal Citations**

**M13** [1860 c.112.](#)

In sections 21 and 22 for the words “the Bank of Ireland” substitute the words “the Supreme Court in Northern Ireland”.

### *The Tramways (Ireland) Act 1860*<sup>M14</sup>

#### **Marginal Citations**

**M14** [1860 c. 152.](#)

In section 29, for paragraphs 1 and 2, substitute—

“1 Within fourteen days after the making of the Order they shall either pay into the Supreme Court a sum equal to five per centum of the estimated cost of the undertaking, or deposit in the Court, or transfer into the name of the Accountant General, Exchequer bills or other Government securities equal to that sum at the price at which such bills or securities were originally purchased by the promoters, which price shall be proved by the broker’s certificate of such purchase:”.

### *The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870*<sup>M15</sup>

#### **Marginal Citations**

**M15** [1870 c. 110.](#)

In section 7 for the words from “in a court of record” to the end substitute the words “in Her Majesty’s High Court of Justice in Northern Ireland”.

In section 13 for the words from the beginning to “Court for Matrimonial Causes and Matters” substitute the words “In exercising the jurisdiction referred to in section 7 the High Court” and for the words from “and to the rules” to the end substitute the words “and to rules of court”.

*Status: Point in time view as at 14/07/2008.*

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

**Textual Amendments**

**F29** Entries relating to [Lunacy Regulation \(Ireland\) Act 1871 \(c. 22\)](#) repealed by [S.I. 1986/595 \(N.I. 4\)](#), [art. 138](#), [Sch. 7](#)

F30

**Textual Amendments**

**F30** Sch. 5 Pt. II: entry relating to the [Juries Act \(Ireland\) 1871](#) repealed (31.7.1996) by [S.I. 1996/1141 \(N.I. 6\)](#), [art. 32\(3\)](#), [Sch. 5](#); [S.R. 1996/267](#), [art. 2](#)

*The Bankruptcy (Ireland) Amendment Act 1872*<sup>M16</sup>

**Marginal Citations**

**M16** [1872 c. 58](#).

In section 4 for the definition of “the Court” substitute—

“ “The Court” shall mean the High Court of Justice in Northern Ireland; ”.

F31

**Textual Amendments**

**F31** Entries relating to [Bankruptcy \(Ireland\) Amendment Act 1872 \(c. 58\)](#), [ss. 57](#) and 124 repealed by [S.I. 1980/561 \(N.I. 4\)](#), [Sch. 3](#)

F31

F32

**Textual Amendments**

**F32** Sch. 5 Pt. 2 Entry relating to [Consolidated Fund \(Permanent Charges Redemption\) Act 1873](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 9 Group 1}

*The Fines Act (Ireland) 1851, Amendment Act 1874*<sup>M17</sup>

**Marginal Citations**

**M17** [1874 c.72](#).



*Status: Point in time view as at 14/07/2008.*

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

In section 2 for the words “assistant barrister, recorder” substitute the words “judge of the Crown Court”.

F33

**Textual Amendments**

**F33** Sch. 5 Pt. 2: entry relating to Explosives Act 1875 repealed (1.12.2006) by [The Manufacture and Storage of Explosives Regulations \(Northern Ireland\) 2006](#) (S.R. 2006/425), reg. 27(1)(2), Sch. 6 para. 11, [Sch. 7 Pt. 1](#) (with reg. 26)

*The Appellate Jurisdiction Act 1876*<sup>M18</sup>

**Marginal Citations**

**M18** [1876 c.59](#).

In section 25 for the words “As to Ireland, the superior courts of law and equity at Dublin:” substitute the words “As to Northern Ireland, Her Majesty’s High Court of Justice in Northern Ireland and Her Majesty’s Court of Appeal in Northern Ireland”.

*The Settled Estates Act 1877*<sup>M19</sup>

**Marginal Citations**

**M19** [1877 c.59](#).

In section 34 for the words “the Bank of Ireland to the account of the Accountant General ex parte the applicant” substitute the words “the Supreme Court to the account of the applicant”.

*The Bills of Sale (Ireland) Act 1879*<sup>M20</sup>

**Marginal Citations**

**M20** [1879 c. 50](#).

In section 4 for the definition of “prescribed” substitute—

“ “prescribed” means prescribed by rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978; ”

For section 13 substitute—

**“13 As to registrar.**

The Master (Queen’s Bench and Appeals) or such other officer serving in the Supreme Court as the Lord Chief Justice may designate shall be the registrar for the purposes of this Act.”.

*Status: Point in time view as at 14/07/2008.*

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

For section 19 substitute—

**“19 Fees.**

Section 116 of the Judicature (Northern Ireland) Act 1978 shall apply to fees under this Act and such fees may be fixed in the manner authorised by that section.”

*The Settled Land Act 1882*<sup>M21</sup>

**Marginal Citations**

**M21** [1882 c.38.](#)

At the end of section 2 as it applies to Northern Ireland add—

“(11) Any reference in the Settled Land Acts 1882 to 1890 to money, securities or proceeds of sale being paid or transferred into court shall be construed as referring to the money, securities or proceeds being paid or transferred into the Supreme Court or any other court that has jurisdiction, and any reference in those Acts to the court in a context referring to the investment or application of money, securities or proceeds of sale paid or transferred into court, shall be construed, in the case of money, securities or proceeds paid or transferred into the Supreme Court, as referring to the High Court, and, in the case of money, securities or proceeds paid into another court, as referring to that other court.”.

*The Land Law (Ireland) Act 1887*<sup>M22</sup>

**Marginal Citations**

**M22** [1887 c.33.](#)

In section 34 in the definition of “prescribed” for the words from “other proceedings” to the end substitute the words “other proceedings means prescribed by rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978 or county court rules, as the case may be;”

*The Deeds of Arrangement Act 1887*<sup>M23</sup>

**Marginal Citations**

**M23** [1887 c. 57.](#)

In section 15(2) for the words “the eighty-fourth section of the Supreme Court of Judicature Act (Ireland) 1877 as regards Ireland” substitute the words “as respects Northern Ireland, section 116 of the Judicature (Northern Ireland) Act 1978”.

*Status: Point in time view as at 14/07/2008.*

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

*The Deeds of Arrangement Amendment Act 1890*<sup>M24</sup>

**Marginal Citations**

**M24** 1890 c.24.

In section 2(7) for the words “the eighty-fourth section of the Supreme Court of Judicature Act (Ireland) 1877” substitute the words “section 116 of the Judicature (Northern Ireland) Act 1978”.

*The Witnesses (Public Inquiries) Protection Act 1892*<sup>M25</sup>

**Marginal Citations**

**M25** 1892 c. 64.

In section 3, as it applies to Northern Ireland, for the words “quarter sessions or assizes” substitute the words “Crown Court”.

*The Life Insurance Companies (Payment into Court) Act 1896*<sup>M26</sup>

**Marginal Citations**

**M26** 1896 c. 8.

In section 3, as it applies to Northern Ireland, for the words from “High Court” to “into the High Court” substitute the words “Supreme Court”.

F34

**Textual Amendments**

**F34** Sch. 5 Pt. II: entry relating to the Town Tenants (Ireland) Act 1906 repealed (1.4.1997) by S.I. 1996/725 (N.I. 5), art. 44(3), **Sch. 4**; S.R. 1997/74, **art.2**

*The Northern Ireland (Miscellaneous Provisions) Act 1932*<sup>M27</sup>

**Marginal Citations**

**M27** 1932 c. 11.

In section 9(3) for the words “under the Landed Estates Court (Ireland) Act 1858 or any Act amending that Act or under the Land Purchase Acts an application is made” substitute the words “an application is made to the High Court or to a county court”.

*Status: Point in time view as at 14/07/2008.*

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

### *The Foreign Judgments (Reciprocal Enforcement) Act 1933* <sup>M28</sup>

#### **Marginal Citations**

**M28** [1933 c. 13](#).

In section 13(b) for the words from “respectively” to the end substitute the words “respectively, references to sections 55 and 116 of the Judicature (Northern Ireland) Act 1978”.

F35  
...

#### **Textual Amendments**

**F35** Sch. 5 Pt. II: the entry relating to the Trade Marks Act 1938 repealed (31.10.1994) by [1994 c. 26, s. 106\(2\)](#), [Sch. 5](#); [S.I. 1994/2550 art. 2](#)

### *The Pensions Appeal Tribunals Act 1943* <sup>M29</sup>

#### **Marginal Citations**

**M29** [1943 c. 39](#).

F36  
.....

#### **Textual Amendments**

**F36** Sch. 5 Pt. 2: entries repealed (6.4.2005) by [Armed Forces \(Pensions and Compensation\) Act 2004 \(c. 32\)](#), ss. 7(4), 8, [Sch. 3](#); [S.I. 2005/356, art. 2\(2\)](#), [Sch. 2](#)

In section 14 for the words from “Lord Chancellor” to the end substitute the words “Lord Chancellor (except the reference in paragraph 7A of the Schedule) there shall be substituted references to the Lord Chief Justice of Northern Ireland”.

F36  
.....

F37  
...

#### **Textual Amendments**

**F37** Entry relating to [Exchange Control Act 1947 \(c. 14\)](#), [Sch. 4 para. 8\(2\)](#) repealed by [Finance Act 1987 \(c. 16, SIF 99:6\)](#), s. 72, [Sch. 16 Pt. XI](#)

F38  
.....

#### **Textual Amendments**

**F38** Entries relating to [Crown Proceedings Act 1947 \(c. 44\)](#) repealed (N.I.) by [S.I. 1981/233, Sch. 1](#)

*Status: Point in time view as at 14/07/2008.*

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

F39

**Textual Amendments**

**F39** Entries relating to [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), [Sch. 9 Pt. II](#)

F40 . . .

**Textual Amendments**

**F40** Sch. 5 Pt. II: Entry relating to the Arbitration Act 1950 repealed (31.1.1997) by [1996 c. 23, s. 107\(2\)](#), [Sch.4; S.I. 1996/3146, art. 3, Sch. 2](#)

*The Maintenance Orders Act 1950<sup>M30</sup>*

**Marginal Citations**

**M30** [1950 c. 37.](#)

F41

**Textual Amendments**

**F41** Sch. 5 Pt. II: entry relating to s. 13(1) of The Maintenance Orders Act 1950 repealed (4.11.1996) by [S.I. 1995/756, art. 15, Sch.](#); [S.R. 1996/297, art. 2\(2\)](#)

In section 25(2) for the words from the beginning to “regulating” substitute the words “Rules made under section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964 may regulate”.

In section 28(1) in the definition of “prescribed” for the words “by the Lord Chief Justice of Northern Ireland under this Act” substitute the words “under section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964”.

*The Administration of Justice Act 1956<sup>M31</sup>*

**Marginal Citations**

**M31** [1956 c. 46.](#)

In Part I of Schedule 1 after paragraph 4 insert—

*“ Bail in Admiralty matters*

**4A** In any proceedings in the High Court under this Part of this Schedule, bail may be taken to answer the judgement of the High Court (or of the Court of Appeal or House

*Status: Point in time view as at 14/07/2008.*

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

of Lords on an appeal from that judgement) and the High Court may withhold the release of any property under its arrest until such bail has been given.”.

*The Geneva Conventions Act 1957* <sup>M32</sup>

**Marginal Citations**

**M32** 1957 c. 52.

In section 4(1) as substituted by section 52 of, and Schedule 5 to, the <sup>M33</sup>Criminal Appeal Act 1968, for the words “the Court of Criminal Appeal in Northern Ireland” substitute the words “the Court of Appeal in Northern Ireland”.

**Marginal Citations**

**M33** 1968 c. 19.

*The Administration of Justice Act 1960* <sup>M34</sup>

**Marginal Citations**

**M34** 1960 c. 65.

In paragraph 2 of Schedule 2 for the word “accordingly” substitute the words “as references to a court of the High Court of Justice in Northern Ireland consisting of two or more judges”.

*The Professions Supplementary to Medicine Act 1960* <sup>M35</sup>

**Marginal Citations**

**M35** 1960 c. 66.

In paragraph 2(2) of Schedule 2 after the words “Supreme Court of Judicature (Consolidation) Act 1925” insert the words “, of section 67 of the Judicature (Northern Ireland) Act 1978”.

*The Veterinary Surgeons Act 1966* <sup>M36</sup>

**Marginal Citations**

**M36** 1966 c. 36.

In paragraph 4(2) of Schedule 2 after the words “Supreme Court of Judicature (Consolidation) Act 1925” insert the words “, of section 67 of the Judicature (Northern Ireland) Act 1978”.

*Status: Point in time view as at 14/07/2008.*

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

*The Arbitration (International Investment Disputes) Act 1966*<sup>M37</sup>

**Marginal Citations**

**M37** 1966 c. 41.

In section 8(b) for the words “section 7 of the Northern Ireland Act 1962” substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

... F42

**Textual Amendments**

**F42** Entries relating to [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#) repealed by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\)](#), s. 51(2), [Sch. 5](#)

*The Family Law Reform Act 1969*<sup>M38</sup>

**Marginal Citations**

**M38** 1969 c. 46.

In section 6(7) for the words “or under any corresponding enactment of the Parliament of Northern Ireland” substitute the words “or under section 27 of the Judicature (Northern Ireland) Act 1978”.

*The Administration of Justice Act 1969*<sup>M39</sup>

**Marginal Citations**

**M39** 1969 c. 58.

In section 16(1) for the words from “sections 3” to “1877” substitute the words “section 3 of the Judicature Act 1925 there shall be substituted a reference to sections 6 and 7 of the Judicature (Northern Ireland) Act 1978”.

In sections 20(5) and 21(4) for the words “section 7 of the Northern Ireland Act 1962” substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

*The Taxes Management Act 1970*<sup>M40</sup>

**Marginal Citations**

**M40** 1970 c. 9.

In sections 58(2) and 59(5) for the words “section 1 of the Northern Ireland Act 1962” substitute the words “section 42 of the Judicature (Northern Ireland) Act 1978”.

... F43

*Status: Point in time view as at 14/07/2008.*

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

**Textual Amendments**

**F43** Entry relating to [Income and Corporation Taxes Act 1970 \(c. 10\)](#), [s. 413\(6\)](#) repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, [Sch. 31](#)

*The Administration of Justice Act 1970<sup>M41</sup>*

**Marginal Citations**

**M41** [1970 c. 31](#).

In section 34(2) for the words “section 7 of the Northern Ireland Act 1962” substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

*The Misuse of Drugs Act 1971<sup>M42</sup>*

**Marginal Citations**

**M42** [1971 c. 38](#).

In paragraph 5(2) of Schedule 3 after the words “Supreme Court of Judicature (Consolidation) Act 1925” insert the words “, of section 67 of the Judicature (Northern Ireland) Act 1978”.

*<sup>F44</sup>The Tribunals and Inquiries Act 1971<sup>M43</sup>*

**Textual Amendments**

**F44** Entry in Sch. 5 Pt. II relating to [Tribunals and Inquiries Act 1971](#) repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(2), 19(2), [Sch. 4 Pt. I](#)

**Marginal Citations**

**M43** [1971 c. 62](#).

**F44**  
 . . .

*<sup>F45</sup>The Administration of Justice Act 1973*

**Textual Amendments**

**F45** Entry relating to [Administration of Justice Act 1973 \(c. 15\)](#) repealed by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\)](#), [Sch. 5](#)

**F45**  
 . . .



*Status: Point in time view as at 14/07/2008.*

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

*F46 The Social Security (Northern Ireland) Act 1975 M44*

**Textual Amendments**

**F46** Sch. 5 Pt. II: the enactment constituting the amendment to the Social Security (Northern Ireland) Act 1975 is repealed (1.7.1992) by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9\)](#), ss. 3, 7(2), [Sch.1](#) (with s. 5(2))

**Marginal Citations**

**M44** 1975 c. 15.

F46

...

*The House of Commons Disqualification Act 1975 M45*

**Marginal Citations**

**M45** 1975 c. 24.

In section 1(3) in the definition of “civil service of the Crown” after the words “Northern Ireland” insert the words “, the Northern Ireland Court Service”.

In Part I of Schedule 1 for the words from “or Temporary County Court Judge” to “deputy of such a Judge” substitute the words “or deputy County Court Judge in Northern Ireland”.

In Part III of Schedule 1 the entry relating to an officer of or attached to the Supreme Court of Northern Ireland shall cease to have effect and at the appropriate place in alphabetical order insert—

“ Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978. ”.

*The Northern Ireland Assembly Disqualification Act 1975 M46*

**Marginal Citations**

**M46** 1972 c. 25.

In section 1(2) in the definition of “civil service of the Crown” after the words “Northern Ireland” insert the words “, the Northern Ireland Court Service”.

In Part I of Schedule 1 for the words from “Temporary County Court Judge” to “deputy of such a Judge” substitute the words “or deputy County Court Judge in Northern Ireland”.

In Part III of Schedule 1 the entry relating to an officer of or attached to the Supreme Court of Northern Ireland shall cease to have effect and at the appropriate place in alphabetical order insert— “ Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978. ”.

*The Northern Ireland (Emergency Provisions) Act 1978*

F47

.....

*Status: Point in time view as at 14/07/2008.*

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

### Textual Amendments

**F47** Sch. 5 Pt. II, the entry relating to the Northern Ireland (Emergency Provisions) Act 1978 repealed (27.8.1991) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 24, SIF 39:1\)](#), **ss. 69()**, 70(4), Sch.8

## (2) ACTS OF THE IRISH PARLIAMENT AND PARLIAMENT OF NORTHERN IRELAND

### Modifications etc. (not altering text)

**C3** The text of Sch. 5 Pt. II(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

### *The Habeas Corpus Act (Ireland) 1781* <sup>M47</sup>

### Marginal Citations

**M47** [1781 c. 11 \(Ir.\)](#).

In section 2 for the words from “in the court of the King’s bench” to “case shall require” substitute the words “in the Crown Court”.

In section 8 for the words “judge of assize” substitute the words “judge of the Crown Court”.

### *The Bankruptcy Amendment Act (Northern Ireland) 1929* <sup>M48</sup>

### Marginal Citations

**M48** [1929 c. 1. \(N.I.\)](#).

In section 21(1) for the words from the beginning to “providing” substitute the words “Rules of Court may provide” and for the words from the end of paragraph (b) onwards substitute the words “and may provide for any matters for which provision may be necessary in order to give full effect to this section and prescribe anything which is to be prescribed thereunder”.

In section 28(1)—

(a) in the definition of “The court” for the words from “a judge” to the end substitute the words “the High Court” ;

(b) in the definition of “Prescribed” for the words from “section sixty-one” to the end substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

*Status: Point in time view as at 14/07/2008.*

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

*The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929*<sup>M49</sup>

**Marginal Citations**

**M49** 1929 c. 21 (N.I.).

In section 7(3) for the words from “such division or court of the Supreme Court” to the end substitute the words “the Court of Appeal and the decision of that Court shall be final”.

*The Planning and Housing Act (Northern Ireland) 1931*<sup>M50</sup>

**Marginal Citations**

**M50** 1931 c. 12. (N.I.).

In section 34(4) and (5) for the words “Supreme Court” wherever they occur substitute the words “Court of Appeal”.

In section 45(3) for the words “Supreme Court” substitute the words “High Court”.

*The Evidence Act (Northern Ireland) 1939*<sup>M51</sup>

**Marginal Citations**

**M51** 1939 c. 12. (N.I.).

In section 5(1) after the words “rules of court” insert the words “and county court rules”.

*The Matrimonial Causes Act (Northern Ireland) 1939*<sup>M52</sup>

**Marginal Citations**

**M52** 1939 c. 13. (N.I.).

In the long title and in section 1 for the words “Supreme Court” substitute the words “High Court”.

In section 4(1)(a) for sub-paragraph (i) substitute—  
“(i) an order of the High Court; or”.

For section 27(2) substitute—

“(2) Rules of court may be made under section 55 of the Judicature (Northern Ireland) Act 1978 for prescribing anything which by this Act is to be prescribed”.

In section 30(1) for the definition of “High Court” substitute— “ “High Court” includes the Master (Probate and Matrimonial) exercising such jurisdiction of the court as may be prescribed in that behalf by rules made under section 55 of the Judicature (Northern Ireland) Act 1978 ”.

In section 30(1) in the definition of “Presentation” for the words “Principal Probate Registry” substitute the words “Probate and Matrimonial Office”.

*Status: Point in time view as at 14/07/2008.*

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

*The Landlord and Tenant (War Damage) Act (Northern Ireland) 1941*<sup>M53</sup>

**Marginal Citations**

**M53** 1941 c. 9. (N.I.).

For section 33(7) substitute—

“(7) If any party to any proceedings in the county court under this Act is dissatisfied with the order, determination, direction or decision of the court he may appeal therefrom to the High Court”

In section 38(1) in the definition of “rules of court” for the words from “require” to the end substitute the words “require, rules under section 55 of the Judicature (Northern Ireland) Act 1978,”.

*The Criminal Justice Act (Northern Ireland) 1945*<sup>M54</sup>

**Marginal Citations**

**M54** 1945 c. 15. (N.I.).

In section 35(1) for the words “a court of assize or of quarter sessions” substitute the words “the Crown Court or a county court”.

In section 35(7) for the words “the rules under this Act” substitute the words “Crown Court rules”.

F48

**Textual Amendments**

**F48** Sch. 5 Pt. II: entry relating to the Probation Act (Northern Ireland) 1950 repealed (1.1.1998) by [S.I. 1996/3160](#) (NI 24) art. 58(3), Sch. 7; [S.R. 1997/523](#), [art. 2\(k\)](#)

*The Prison Act (Northern Ireland) 1953*<sup>M55</sup>

**Marginal Citations**

**M55** 1953 c. 18. (N.I.).

In section 6 for the words “a court of assize or quarter sessions” substitute the words “the Crown Court”.

*Status: Point in time view as at 14/07/2008.*

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

*The Administration of Justice Act (Northern Ireland) 1954*<sup>M56</sup>

**Marginal Citations**

**M56** 1954 c. 9. (N.I.).

For section 11 substitute—

**“11 Local custody and control of courthouse accommodation.**

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

In section 14(1) for the words from the beginning to “on behalf of the Ministry” substitute the words “The Lord Chancellor” and for the word “Ministry” where it twice occurs substitute the words “Lord Chancellor”.

*The Interpretation Act (Northern Ireland) 1954*<sup>M57</sup>

**Marginal Citations**

**M57** 1954 c. 33. (N.I.).

In section 21—

(a) in subsection (2) for the words “Ministry of Finance” substitute the word “Treasury”;

(b) for subsection (4) substitute—

“(4) In any enactment—

“rules of court” shall mean rules of court made, or having effect as if made, under section 55 of the Judicature (Northern Ireland) Act 1978;

“Crown Court rules” shall mean rules made under section 52 of the Judicature (Northern Ireland) Act 1978.”;

(c) in subsection (6) after paragraph (a) insert—

“(aa) in relation to the Crown Court, references to the Crown Court rules;”.

In section 42—

(a) in subsection (1) for the definition of “county court” substitute—

““Crown Court” shall mean Her Majesty’s Crown Court in Northern Ireland;

“county court” shall mean a county court held for a division under the County Courts Act (Northern Ireland) 1959;”;

(b) in subsection (3) for the definition of “Probate Judge” substitute—

““Probate Judge” shall mean the Judge of the High Court to whom probate business and matters are for the time being assigned.”.

*Status: Point in time view as at 14/07/2008.*

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

*The Trustee Act (Northern Ireland) 1958* <sup>M58</sup>

**Marginal Citations**

**M58** 1958 c. 23. (N.I.).

In sections 35(9) and 57(4) for the words “Lord Cheif Justice or Registrar in Lunacy” substitute the words “High Court or the Master (Care and Protection)”.

In section 67 omit the definition of “pay” and at the end of section 66 add—

- “(3) Any reference in this Act to paying money or securities into court shall be construed as referring to paying the money or transferring or depositing the securities into or in the Supreme Court or into or in the county court that has jurisdiction, and any reference in this Act to payment of money or securities into court shall be construed—
- (a) with reference to an order of the High Court, as referring to payment of the money or transfer or deposit of the securities into or in the Supreme Court; and
  - (b) with reference to an order of a county court, as referring to payment of money or transfer or deposit of the securities into or in the court.”.

*The Coroners Act (Northern Ireland) 1959* <sup>M59</sup>

**Marginal Citations**

**M59** 1959 c. 15. (N.I.).

In section 1, for the words from the beginning to “responsible” substitute the words “The Lord Chancellor shall be responsible”.

[<sup>F49</sup>In section 2(1), for the words from the beginning to “may appoint” substitute the words “The Lord Chancellor may appoint” and for the words from “the Minister, after” to the end substitute the words “the Lord Chancellor, after consultation with the Treasury, may determine and may also, in exercise of his powers under section 69 of the Judicature (Northern Ireland) Act 1978, appoint coroner’s officers and other officers to assist coroners”.]

**Textual Amendments**

**F49** Sch. 5 Pt. II: entry relating to ss. 2(1)(2), 3, 6(2) repealed (3.4.2006 in regard to s. 2(2) and 12.4.2010 otherwise) by 2002 c. 26, ss. 86, 87(1), **Sch. 13**; S.R. 2006/124, art. 2, **Sch.**; S.R. 2010/113, art. 2, Sch. para. 21(i)

[<sup>F49</sup>In sections 2(2) and 3 for the word “Minister” substitute the words “Lord Chancellor”.]

...

In section 5 for the words from “moneys” to the end substitute the words “moneys provided by the Parliament of the United Kingdom”.

In section 6(2) for the word “Minister” where it twice occurs substitute the words “Lord Chancellor”.

*Status: Point in time view as at 14/07/2008.*

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

In sections 11(3), 26 and 27(2) for the word “Ministry” wherever it occurs substitute the words “Lord Chancellor”.

In section 36(1) for the words from the beginning to the end of paragraph (a) substitute—

- (“1) The Lord Chancellor may by rules—
- (a) made after consultation with the Treasury, make provision with respect to the records, accounts and returns which the Lord Chancellor may require coroners to keep and submit to him and with respect to information to be supplied by coroners;”.

For section 36(2) substitute—

- “(2) The Lord Chancellor may with the consent of the Minister of the Civil Service determine—
- (a) the salaries or fees and superannuation to be paid to coroners and to registered medical practitioners employed under section 27(2);
  - (b) the fees and allowances payable to person assisting at the post-mortem examinations;
  - (c) the allowances payable to witnesses under this Act.”.

*The County Courts Act (Northern Ireland) 1959<sup>M60</sup>*

**Marginal Citations**

**M60** 1959 c. 25. (N.I.).

F50

**Textual Amendments**

**F50** Entries relating to [County Courts Act \(Northern Ireland\) 1959 \(c. 25\)](#) (N.I.), ss. 3(1), 5, 6(2), 6(4)(a), 33(3)(a), 36, 38, 55, 63, 71(3), 114, 142(1), 144, 145(1), 146, 147, 152(1) repealed by [S.I. 1980/397](#) (N.I. 3), [art. 69\(2\)](#), [Sch. 3](#)

F51

**Textual Amendments**

**F51** Sch. 5 Pt. II: entry relating to s. 105 repealed (15.10.2002 in regard to s. 105(3) and 3.4.2006 in regard to s. 105) by [2002 c. 26, s. 86, Sch. 13](#); [S.R. 2002/319, art. 2, Sch.](#); [S.R. 2006/124, art. 2, Sch.](#)

For section 106 substitute—

**“106 Salaries and allowances of judges.**

- (1) There shall be paid to each judge such salary as may be determined by the Lord Chancellor with the consent of the Minister for the Civil Service.
- (2) The salary payable to any judge shall begin from the date on which the judge takes the oaths required by section 105(3).

*Status: Point in time view as at 14/07/2008.*

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

- (3) The Lord Chancellor with the approval of the Minister for the Civil Service may allow to any judge, for the purposes of defraying his travelling and subsistence expenses, such sum as appears reasonable.”.

F52

#### Textual Amendments

**F52** Entries relating to [County Courts Act \(Northern Ireland\) 1959 \(c. 25\)](#) (N.I.), ss. 3(1), 5, 6(2), 6(4)(a), 33(3)(a), 36, 38, 55, 63, 71(3), 114, 142(1), 144, 145(1), 146, 147, 152(1) repealed by [S.I. 1980/397](#) (N.I. 3), [art. 69\(2\)](#), [Sch. 3](#)

In section 116—

- (a) for the words “Ministry of Finance” wherever they occur substitute the words “Minister for the Civil Service”;
- (b) for the word “Minister” wherever it occurs substitute the words “Lord Chancellor”;
- (c) for the word “Governor” in subsection (4) substitute the words “Lord Chancellor”.

In sections 123(2), 125(3) and 126, for the words “Ministry of Finance” wherever they occur substitute the words “Minister for the Civil Service”.

In section 132 for the word “Ministry” substitute the words “Lord Chancellor”.

For section 134 substitute—

#### “134 Evidence of health.

Before recommending any person to Her Majesty for appointment as a county court judge, the Lord Chancellor shall take steps to satisfy himself that that person’s health is satisfactory.”.

In section 136 for the words from the beginning to the beginning of paragraph (a) substitute the words “There shall be charged on and paid out of the Consolidated Fund of the United Kingdom” and for the words “Ministry of Finance” substitute the word “Treasury”.

In section 137 for the words from “provided by” to “all expenses” substitute the words “provided by the Parliament of the United Kingdom all expenses”.

F53

#### Textual Amendments

**F53** Entries relating to [County Courts Act \(Northern Ireland\) 1959 \(c. 25\)](#) (N.I.), ss. 3(1), 5, 6(2), 6(4)(a), 33(3)(a), 36, 38, 55, 63, 71(3), 114, 142(1), 144, 145(1), 146, 147, 152(1) repealed by [S.I. 1980/397](#) (N.I. 3), [art. 69\(2\)](#), [Sch. 3](#)



*Status: Point in time view as at 14/07/2008.*

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

### *The Resident Magistrates' Pensions Act (Northern Ireland) 1960<sup>M61</sup>*

#### **Marginal Citations**

**M61** 1960 c. 2.(N.I.).

In section 1 for the words from “on attaining the age of seventy years” to the end substitute the words “at the end of the completed year of service in which he attains the age of seventy; but where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age, not exceeding seventy-two, as the Lord Chancellor thinks fit”.

... F54

#### **Textual Amendments**

**F54** Entries relating to [Companies Act \(Northern Ireland\) 1960 \(c. 22\)](#) (N.I.), ss. 349(9), 389(1)(3) repealed by S.I. 1986/1035 (N.I. 9), art. 24, [Sch. 2](#)

... F55

#### **Textual Amendments**

**F55** Entries relating to [Mental Health Act \(Northern Ireland\) 1961 \(c. 15\)](#) (N.I.), ss. 1(1)(f), 25, 45, 48(1), 55(1), 56(6), 59(2)(a)–(c), 63(2), 69(1)(d), 73(1), 74, 79(4), 87(1)(2), 101(8)(a), 111(2), 117(2) repealed by S.I. 1986/595 (N.I. 4), art. 138, [Sch. 7](#)

### *The Electoral Law Act (Northern Ireland) 1962<sup>M62</sup>*

#### **Marginal Citations**

**M62** 1962 c. 14.(N.I.).

For section 72(2) substitute—

“(2) An election court for the trial of petitions relating to parliamentary elections (in this Act referred to as a “parliamentary election court”) shall consist of the two judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978.”.

In section 83(2), (3) and (4) for the words “Supreme Court” substitute the words “Court of Appeal”.

In paragraph 17(2) of Schedule 3, for the words “Supreme Court” substitute the words “Court of Appeal”.

... F56

*Status: Point in time view as at 14/07/2008.*

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

**Textual Amendments**

**F56** Entries relating to [County Courts Appeals Act \(Northern Ireland\) 1964 \(c. 3\)](#) (N.I.) repealed by [S.I. 1980/397](#) (N.I. 3), art. 69(2), [Sch. 3](#)

*The Magistrates’ Courts Act (Northern Ireland) 1964<sup>M63</sup>*

**Marginal Citations**

**M63** [1964 c. 21.](#) (N.I.).

For section 3 substitute—

**“3 Justices of the peace.**

Justices of the peace shall be appointed in accordance with section 103 of the Judicature (Northern Ireland) Act 1978.”.

In section 6(1) for the words from “member of” to the end substitute the words “member of the Northern Ireland Court Service, notary public or commissioner for oaths”.

F57  
...

**Textual Amendments**

**F57** Sch. 5 Pt. II: entry relating to s. 7 repealed (15.10.2002) by [2002 c. 26, s. 86, Sch. 13](#); [S.R. 2002/319, art. 2 Sch.](#)

In section 10(1) for the word “Governor” wherever it occurs substitute the words “Lord Chancellor” and for the words “being persons who are eligible for appointment as, or have previously been, resident magistrates”.

F58  
.....

**Textual Amendments**

**F58** Sch. 5 Pt. II: entry relating to s. 11 repealed (3.4.2006) by [2002 c. 26, ss. 86, 87\(1\), Sch. 13](#); [S.R. 2006/124, art. 2, Sch.](#)

In section 12(1) for the words from the beginning to “the salaries” substitute the words “make an application for the judicial review to the Minister for the Civil Service, determine the salaries”.

F59  
...

**Textual Amendments**

**F59** Entries relating to [Magistrates' Courts Act \(Northern Ireland\) 1964 \(c. 21\)](#) (N.I.) (except the entries relating to ss. 3, 6(1), 7, 10(1), 11, 12(1) and 168(2) ) repealed by [S.I. 1981/1675](#) (N.I. 26), [Sch. 7](#)

For section 168, substitute—

*Status: Point in time view as at 14/07/2008.*

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

**“168 Expenses.**

- (1) .....
- (2) There shall be charged on and paid out of the Consolidated Fund of the United Kingdom the salaries payable to resident magistrates under this Act or the Resident Magistrates (Belfast) Act 1911.
- (3) .....”

*The Lands Tribunal and Compensation Act (Northern Ireland) 1964* <sup>M64</sup>

**Marginal Citations**

**M64** 1964 c. 29.(N.I.).

F60

**Textual Amendments**

**F60** Sch. 5 Pt. II: entry relating to s. 2 repealed (3.4.2006) by 2002 c. 26, ss. 86, 87(1), Sch. 13; S.R. 2006/124, art. 2, Sch.

*The Charities Act (Northern Ireland) 1964* <sup>M65</sup>

**Marginal Citations**

**M65** 1964 c. 33.(N.I.).

In section 30(1) for the words “The chief registrar of the Principal Probate Registry of the High Court” substitute the words “The Master (Probate and Matrimonial)” and for the words from “that Registry” to the end substitute the words “the Probate and Matrimonial Office, or of which a copy has been forwarded to him from a branch office of that Office.”.

F61

**Textual Amendments**

**F61** Entries relating to [Legal Aid and Advice Act \(Northern Ireland\) 1965 \(c. 8\)](#) (N.I.) repealed by [S.I. 1981/228 \(N.I. 8\)](#), art. 42(4), [Sch. 4](#)

**Textual Amendments**

**F61** Entries relating to [Legal Aid and Advice Act \(Northern Ireland\) 1965 \(c. 8\)](#) (N.I.) repealed by [S.I. 1981/228 \(N.I. 8\)](#), art. 42(4), [Sch. 4](#)

*Status: Point in time view as at 14/07/2008.*

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

*The Maintenance and Affiliation Orders Act (Northern Ireland) 1966*<sup>M66</sup>

**Marginal Citations**

**M66** 1966 c. 35.(N.I.).

In section 10(2) after paragraph (e) insert—

“(f) section 27 of the Judicature (Northern Ireland) Act 1978”

.....  
 F62

**Textual Amendments**

**F62** Entry relating to [Building Societies Act \(Northern Ireland\) 1967 \(c. 31\)](#) (N.I.) s. 98 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120(2)(3), **Sch. 19 Pt. III**

**Textual Amendments**

**F62** Entry relating to [Building Societies Act \(Northern Ireland\) 1967 \(c. 31\)](#) (N.I.) s. 98 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120(2)(3), **Sch. 19 Pt. III**

*The Costs in Criminal Cases Act (Northern Ireland) 1968*<sup>M67</sup>

**Marginal Citations**

**M67** 1968 c. 10.(N.I.).

In section 4 for the words “Court of Criminal Appeal” wherever they occur substitute the words “Court of Appeal”.

For section 7 substitute—

**“7 Rules relating to costs.**

Rules of court, Crown Court rules, county court rules and magistrates’ court rules may provide for the rates or scales of payment of costs under section 2 to 5 in so far as those sections relate to costs in the Court of Appeal, the Crown Court, county courts and magistrates’ courts respectively.”.

*The Treatment of Offenders Act (Northern Ireland) 1968*<sup>M68</sup>

**Marginal Citations**

**M68** 1968 c. 29 (N.I.)

In sections 19(4), 20(3), 21(3), 25 and 29(1) for the words “a court of assize or county court” wherever they occur substitute the words “the Crown Court”.

*Status: Point in time view as at 14/07/2008.*

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

In section 19(4) for the words “the judge of the court of assize or county court, as the case may be” substitute the words “the judge of the Crown Court”.

In section 20(1) for the words from “any court of assize” to “brought or” substitute the words “the Crown Court or”.

In section 20(5) for the words “sentenced or ordered to be detained” substitute the word “tried”.

In section 21(1) for the words “or county borough” substitute the words “court division”.

In section 21(2) for the words “High Court judge or a county court judge” substitute the words “judge of the Crown Court”.

F63  
...

#### Textual Amendments

**F63** Entry relating to [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29\)](#) (N.I.), s. 25(3) repealed by [S.I. 1989/1344 \(N.I. 15\)](#), art. 14(2), [Sch. 2](#)

#### *The Children and Young Persons Act (Northern Ireland) 1968*<sup>M69</sup>

#### Marginal Citations

**M69** [1968 c. 34 \(N.I.\)](#).

F64  
...

#### Textual Amendments

**F64** Sch. 5 Pt. II: entries repealed (31.1.1999) by [S.I. 1998/1504 \(N.I. 9\)](#), arts. 1(2), 65(2), [Sch. 6](#); [S.R. 1999/25](#), [art. 2\(d\)](#)

F64  
...

F64  
...

F64  
...

F65  
...

#### Textual Amendments

**F65** Sch. 5 Pt. II: entries repealed (15.6.2005) by [2002 c. 26](#), ss. 86, 87(1), [Sch. 13](#); [S.R. 2005/281](#), [art. 3](#), [Sch. 2](#)

F66  
...

*Status: Point in time view as at 14/07/2008.*

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

**Textual Amendments**

**F66** Sch. 5 Pt. II: entry repealed (4.11.1996) by [S.I. 1995/755 \(N.I. 2\)](#), [arts. 1\(2\), 185\(2\)](#), [Sch. 10](#) (with [Sch. 8 para. 1\(1\), 23\(4\)](#)); [S.R. 1996/297](#), [art. 2\(2\)](#)

F65  
...

In Schedule 2—

F65  
...

(b) [<sup>F67</sup>in paragraphs 1(3) and 8 for the word “Ministry” wherever it occurs substitute the words “Lord Chancellor”];

**Textual Amendments**

**F67** Sch. 5 Pt. II: entry relating to Sch. 2 para. 1(3) repealed (15.6.2005) by [2002 c. 26, ss. 86, 87\(1\)](#), [Sch. 13](#); [S.R. 2005/281](#), [art. 3](#), [Sch. 2](#)

F65  
...

F68  
...

**Textual Amendments**

**F68** Sch. 5 Pt. II: entry relating to Sch. 2 para. 2(2) repealed (15.10.2002) by [2002 c. 26, s. 86](#), [Sch. 13](#); [S.R. 2002/319](#), [art. 2 Sch.](#)

F65  
...

(f) at the end of paragraph 8 add—

“(d) be subject to annulment in pursuance of resolution if either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instrument Act 1946 shall apply accordingly.”

*The Grand Jury (Abolition) Act (Northern Ireland) 1969*<sup>M70</sup>

**Marginal Citations**

**M70** [1969 c. 15.\(N.I.\)](#).

In section 2(1) for the words “a court of assize or to a county court” substitute the words “the Crown Court”.

In section 2(2)(c) for the words “Court of Criminal Appeal” substitute the words “Court of Appeal”.

In section 2(2)(e) for the words “Supreme Court or a county court judge” substitute the words “High Court, Court of Appeal or Crown Court”.

*Status: Point in time view as at 14/07/2008.*

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

In section 2(3) for the words “a court of assize or a county court” substitute the words “the Crown Court”.

*The Judgments (Enforcement) Act (Northern Ireland) 1969*<sup>M71</sup>

**Marginal Citations**

**M71** 1969 c. 30 (N.I.).

F69 . . . F70

**Textual Amendments**

**F69** Entries relating to [Judgments \(Enforcement\) Act \(Northern Ireland\) 1969 \(c. 30\)](#) (N.I.), except those relating to s. 128(1) and Pt. II of Sch. 4 to that Act repealed by S.I. 1981/226 (N.I. 6), [Sch. 4](#)

**F70** Entry relating to [Judgments \(Enforcement\) Act \(Northern Ireland\) 1969 \(c. 30\)](#) (N.I.) s. 128(1) repealed by S.I. 1981/233, [Sch. 1 Pt. I](#)

. . . F69

. . .

In Part II of Schedule 4 in the amendment to the <sup>M72</sup>Irish Bankrupt and Insolvent Act 1857 for the word “regulations” substitute the word “rules”.

**Marginal Citations**

**M72** 1857 c. 60.

*The Nurses and Midwives Act (Northern Ireland) 1970*<sup>M73</sup>

**Marginal Citations**

**M73** 1970 c. 11 (N.I.).

In section 46(3) for the words “The Attendance of Witnesses Act 1854” substitute the words “Section 67 of the Judicature (Northern Ireland) Act 1978”.

*The Registration of Deeds Act (Northern Ireland) 1970*<sup>M74</sup>

**Marginal Citations**

**M74** 1970 c. 25 (N.I.).

In section 3(7) for the words “Supreme Court” substitute the words “High Court or the Court of Appeal”.

*Status: Point in time view as at 14/07/2008.*

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

*The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971* <sup>M75</sup>

**Marginal Citations**

**M75** 1971 c. 7 (N.I.).

In sections 5(4) and 11(4) for the words “Registrar of the Department for the Affairs of Patients (Northern Ireland)” substitute the words “Master (Care and Protection)”.

In section 5(7) for the words “Lord Chief Justice” wherever occurring substitute the words “the High Court”. <sup>F71</sup>

**Textual Amendments**

**F71** Entry relating to [Licensing Act \(Northern Ireland\) 1971 \(c. 13\)](#) (N.I.) repealed by [S.I. 1990/594 \(N.I. 6\)](#), art. 90(4), [Sch. 13](#)

...

*The Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971* <sup>M76</sup>

**Marginal Citations**

**M76** 1971 c. 30 (N.I.).

In section 3 for the words “rules made under section 13” substitute the words “Judgement Enforcement Rules”.

In section 9(3) for the words “a Judge of the High Court” substitute the words “the Court of Appeal”.

In section 9(4) for the words “Judge of the High Court” substitute the words “High Court or the Court of Appeal”.

In section 16(1)—

- (a) in the definition of “appropriate authority” for the words “Minister of Home Affairs” substitute the words “Lord Chancellor”;
- (b) in the definition of “Master” for the words “for the enforcement of judgements” substitute the words “(Enforcement of Judgements)” and for the words “designated officer” substitute the words “Judicial Officer (Enforcement of Judgements)”.

(3) **Orders in Council**

**Modifications etc. (not altering text)**

**C4** The text of Sch. 5 Pt. II(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991



*Status: Point in time view as at 14/07/2008.*

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

**Modifications etc. (not altering text)**

- C4** The text of Sch. 5 Pt. II(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

*The Northern Ireland (Crown Proceedings) Order 1949*<sup>M77</sup>

**Marginal Citations**

**M77** [S.I. 1949/1836](#).

In Article 3(3) for the words from the beginning to “1897” substitute the words “The expression “rules of court” shall mean rules made under section 55 of the Judicature (Northern Ireland) Act 1978”.

*The Prosecution of Offences (Northern Ireland) Order 1972*<sup>M78</sup>

**Marginal Citations**

**M78** [S.I. 1972/538 \(N.I. 1\)](#).

In Article 4(10)(a), before the words “any county court or” insert the words “the Crown Court or in”.

In Article 5(1)(g) for the words “certiorari, mandamus, prohibition or other prerogative order or injunction” substitute the words “judicial review”.

*[<sup>F72</sup> The Health and Personal Social Services (Northern Ireland) Order 1972*<sup>M79</sup>

**Textual Amendments**

**F72** Sch. 5 Pt. II: entry repealed (N.I.) (2.4.2001) by [2001 c. 3 \(N.I.\)](#), s. 60, [Sch. 5](#); [S.R. 2001/128](#), art. 2(4), [Sch.](#)

**Marginal Citations**

**M79** [S.I. 1972/1265 \(N.I. 14\)](#).

In paragraph 4 of Schedule 11 Part I, for the words “Supreme Court” substitute the words “Court of Appeal”.]

“division” means a county court division within the meaning of the County Courts Act (Northern Ireland) 1959;

“the Juries Officer” in relation to a division means such officer of the Northern Ireland Court Service as the Lord Chancellor may designate to be the Juries Officer for that division.

*Status: Point in time view as at 14/07/2008.*

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

In Article 4(2) for the words from the beginning to “area who” substitute the words “The Chief Electoral Officer shall arrange to be sent to the Juries Officer for each division a list of those Persons selected who reside in the division and the Juries Officer”.

In Article 4(3)(b), (6) (where it first occurs) and 9(c) and Article 5(3) for the word “area” substitute the word “division”.

In Article 4(4) and (5) for the words “Area Provisional Jurors List” substitute the words “list referred to in paragraph (2)”.

In Articles 4(5), (6) and (7) and 5(3) and (4) for the word “Area” wherever it occurs substitute the word “Divisional”.

In Schedule 2—

- (a) at the end of the entry relating to officers of the Northern Ireland Office add the words “and officers of the Lord Chancellor’s Office certified by the Lord Chancellor to be so engaged”.
- (b) after that entry insert—  
“Members of the Northern Ireland Court Service.”;
- (c) after the entry relating to members and staff of the Police Authority for Northern Ireland insert—  
“Members and staff of the Police Complaints Board for Northern Ireland”;
- (d) after the entry relating to persons in the Northern Ireland Civil Service insert—  
“The Chief Electoral Officer for Northern Ireland and persons appointed to assist him.”

...

*The Treatment of Offenders (Northern Ireland) Order 1976*<sup>M80</sup>

**Marginal Citations**

**M80** S.I. 1976/226 (N.I. 4).

In Articles <sup>F74</sup> . . . , 5(3)(a), <sup>F74</sup> . . . <sup>F74</sup> . . . <sup>F74</sup> . . . <sup>F74</sup> . . . for the words “a court of assize or county court” wherever they occur substitute the words “the Crown Court”.

**Textual Amendments**

**F74** Sch. 5 Pt. II: entries relating to arts. 2, 9, 10, 14 and 15 of the Treatment of Offenders (Northern Ireland) Order 1976 repealed (1.1.1998) by S.I. 1996/3160, art. 58(3), **Sch. 7**

In Article 3(4) for the words “a court of assize or county court” substitute the words “the Crown Court”.

In Article 3(5) for the words “a court under paragraph (4), that court” substitute the words “under paragraph (4), the Crown Court”.

In Article 5(1)(b) for the words “or county borough” substitute the words “court division”.

*Status: Point in time view as at 14/07/2008.*

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

In Article 5(3)(b) for the words “the court referred to in sub-paragraph (a)” substitute the words “the Crown Court”.

In Article 5(4) for the words “such court of assize or county court as it considers convenient” substitute the words “the Crown Court”.

In Articles 9(3)(b), 9(4), 10(2) and 10(3) for the words “the court of assize or county court, as the case may be” wherever they occur substitute the words “the Crown Court”.

In Article 9(4) for the words “that court of assize or county court” substitute the words “the Crown Court”.<sup>F75</sup> . . .

#### Textual Amendments

**F75** Entry relating to Treatment of Offenders (Northern Ireland) Order 1976, art. 14 repealed by [S.I. 1989/1344 \(N.I. 15\)](#), art. 14(2), [Sch. 2](#)

In Article 15(3) for the words “the court of assize or county court” substitute the words “the Crown Court” and for the words “the court of assize or county court, as the case may be” substitute the words “that court”.

#### *The Solicitors (Northern Ireland) Order 1976<sup>M81</sup>*

#### Marginal Citations

**M81** [S.I. 1976/582 \(N.I. 12\)](#).

**F76** . . .

#### Textual Amendments

**F76** Entry relating to Solicitors (Northern Ireland) Order 1976, articles 15(1), 37(2), 64(1)(a) and 64(2) repealed by [S.I. 1989/1343 \(N.I. 14\)](#), art. 27(3), [Sch. 4](#)

In Article 75(3) for the words “section 7 of the Northern Ireland Act 1962” substitute “section 55 of the Judicature (Northern Ireland) Act 1978”.

In Article 81(a) for the words “the Court of Criminal Appeal” substitute the words “the Crown Court”.

#### *The Sexual Offences (Northern Ireland) Order 1978<sup>M82</sup>*

#### Marginal Citations

**M82** [S.I. 1978/460 \(N.I. 5\)](#).

In Articles 6(2) and 8(3) for the words “county court or the High Court” substitute the words “Crown Court”.

In Articles 6(4) and 7(2) for the words “Court of Criminal Appeal” wherever they occur substitute the words “Court of Appeal”.

*Status: Point in time view as at 14/07/2008.**Changes to legislation: Judicature (Northern Ireland) Act 1978 is up to date with all changes known to be in force on or before 28 May 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)*

## SCHEDULE 6

Section 122(1).

## TRANSITIONAL PROVISIONS

## PART I

## GENERAL

- 1 (1) Proceedings instituted or being carried on heretofore in a court mentioned in the first column of the Table below or in or before any division, judge, office or officer of any such court may hereafter be continued and determined before the court specified opposite such court in the second column of that Table or in or before the appropriate division, judge, office or officer of that court; and any order, writ, summons, warrant, recognizance, notice, grant of legal aid, process, proceeding or document relating to or affecting such proceedings shall have effect accordingly.
- (2) Nothing in sub-paragraph (1) affects the power of any court mentioned in the second column of the Table below to make any order in the proceedings which it is otherwise authorised to make.

TABLE

<i>First column</i>	<i>Second column</i>
1.The Supreme Court of Judicature of Northern Ireland.	The Supreme Court.
2.Her Majesty’s Court of Appeal in Northern Ireland.	The Court of Appeal.
3.The Court of Criminal Appeal in Northern Ireland.	The Court of Appeal.
4.Her Majesty’s High Court of Justice in Northern Ireland sitting otherwise than as a court of assize.	The High Court.

- 2 Any order or appointment made, direction or authority given or thing done which—
- (a) was heretofore in force with respect to any property under the control or management of the Lord Chief Justice or the High Court or any division, judge, office or officer thereof; and
  - (b) could have been made, given or done under any provision of this Act if that provision had been in force at the material time;
- shall continue to have effect as if made, given or done under that provision.
- 3 Every rule of court made or deemed to have been made under section 7 of the <sup>M83</sup>Northern Ireland Act 1962 and not revoked before the commencement of section 55 shall have effect as if made under that section and may be varied or revoked accordingly.

*Status: Point in time view as at 14/07/2008.*

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

**Marginal Citations**

**M83** 1962 c. 32.

- 4 General orders made by the Lord Chief Justice under section 118 of the <sup>M84</sup>Lunacy Regulation (Ireland) Act 1871 which were in force immediately before the commencement of section 28 shall be deemed to be rules of court and shall continue in force until amended or revoked by such rules.

**Marginal Citations**

**M84** 1871 c. 22.

- 5 All forms and methods of civil and criminal procedure and practice which were heretofore in force in the High Court of Justice in Northern Ireland, the Court of Appeal in Northern Ireland or the Court of Criminal Appeal, and which are not inconsistent with this Act or with the rules of court, may continue to be used in the High Court and the Court of Appeal in the cases and for the purposes in and for which they were used heretofore but with such modifications as may appear necessary in consequence of this Act.
- 6 Until the coming into force of section 69(1)—
- (a) <sup>F77</sup> .....
  - (b) any person heretofore holding office or serving in or in connection with—
    - (i) a court mentioned in the first column of the Table mentioned in paragraph 1 shall except as provided by Part VI of this Act or Part III of this Schedule, continue in corresponding office or service in or in connection with the court specified opposite that court in the second column of that Table as if he had been appointed under sub-paragraph (a) upon the terms and conditions on which he heretofore held office or served;
    - (ii) county courts, magistrates' courts, the Enforcement of Judgments Office or coroners' courts shall continue to do so as if he had been appointed under sub-paragraph (a) upon the terms and conditions on which he heretofore held office;
    - (iii) county courts shall be deemed to be an officer of the Crown Court.

**Textual Amendments**

**F77** Sch. 6 para. 6(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 40(2), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 12(a), 30(c)

- 7 In so far as any instrument made or other thing done under a statutory provision repealed by this Act could have been made or done under a corresponding provision of this Act then it shall on the commencement of the relevant provision of this Act have effect as if done under that provision.
- 8 Until the issue of commissions of the peace by virtue of section 103 any person authorised to act as a justice of the peace in any county or county borough which includes the whole or any part of a county court division shall be deemed to be a

*Status: Point in time view as at 14/07/2008.*

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

justice of the peace duly appointed to a commission issued for that division under that section.

- 9 Until an order under section 68(3) comes into force in relation to any place in which heretofore there was established a district probate registry, that registry shall continue in existence and—
- (a) shall be deemed to be a branch office of the Probate and Matrimonial Office;
  - (b) may transact such of the business of that Office as may be specified in directions given by the Lord Chancellor [<sup>F78</sup>after consultation with the Lord Chief Justice]; and
  - (c) may be placed under the supervision of a circuit registrar.

#### Textual Amendments

**F78** Words in Sch. 6 para. 9(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 40(3); S.I. 2006/1014, {art. 2(a), Sch. 1 para. 12(a)}

- [<sup>F79</sup>9A The Lord Chief Justice may nominate any of the following to exercise his functions under paragraph 9—
- (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

**F79** Sch. 6 para. 9A inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 40(4); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)

- 10 This Part and Parts II and III of this Schedule apply subject to the express provisions of this Act.

## PART II

### THE CROWN COURT

- 11 (1) For the purpose of enabling indictable proceedings instituted before the commencement of Part IV of this Act to be continued thereafter, and for preserving in other respects the continuity of the administration of justice, the Crown Court shall be treated as succeeding to, and being the same court as, all courts of assize and county courts when exercising jurisdiction in or in relation to such proceedings.
- (2) Any order, writ, summons, warrant, recognizance, notice, grant of legal aid or other proceeding or document shall have effect in accordance with sub-paragraph (1) and shall be construed, unless the context otherwise requires, in accordance with the Table in paragraph 2 of Part I of Schedule 5.
- (3) <sup>F80</sup> .....

*Status: Point in time view as at 14/07/2008.*

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

#### Textual Amendments

**F80** Sch. 6 para. 11(3) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 40(5), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 12(a), 30(c)

- 12 Any indictable proceeding the hearing of which has begun but is not completed before the commencement of Part IV of this Act before a court of assize or county court shall be continued and disposed of as if this Act had not been passed.
- 13 Nothing in this Act shall affect any order made before the commencement of Part IV of this Act for the payment of costs under the <sup>M85</sup>Costs in Criminal Cases Act (Northern Ireland) 1968, and any such costs shall be taxable and recoverable as if this Act had not been passed.

#### Marginal Citations

**M85** 1968 c. 10 (N.I.)

- 14 **F81** .....

#### Textual Amendments

**F81** Sch. 6 para. 14 repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 40(5), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 12(a), 30(c)

- 15 (1) Subject to any provision made by rules of court, and to sub-paragraph (2) below—
- (a) any civil proceedings (including civil bill appeals) which had been begun in a court of assize before the commencement of Part IV of this Act may be continued thereafter in the High Court as if they had been begun in the High Court, and
  - (b) any act, judgment or order in civil proceedings in a court of assize shall be treated as having been done, given or made in accordance with the rules applicable to proceedings in the High Court, other than in a court of assize.
- (2) Any civil proceedings in a court of assize the hearing of which has begun but is not completed before the commencement of Part IV of this Act shall be continued and disposed of as if this Act had not passed.
- 16 (1) The Lord Chief Justice may, if it appears to him expedient, give directions as to the conduct of any civil proceedings begun in a court of assize or any indictable proceedings instituted before the commencement of Part IV of this Act if in his opinion the direction is required to meet any difficulty arising from the commencement of that Part.
- (2) The preceding provisions of this Part shall have effect subject to any direction under this paragraph.
  - (3) A direction under this paragraph may relate either to a specified proceeding, or to proceedings of a specified class or description.

*Status: Point in time view as at 14/07/2008.*

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

### PART III

#### STATUTORY OFFICERS

17 F82 .....

#### Textual Amendments

**F82** Sch. 6 para. 17 repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 40(5), **Sch. 18 Pt. 3**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 12(a), 30(c)

18 Notwithstanding the provisions of section 70(2), a person who heretofore held any office in the Supreme Court shall be qualified for appointment to any office listed in column 1 of Schedule 3.

#### SCHEDULE 7

Section 122(2)

#### REPEALS

#### Modifications etc. (not altering text)

**C5** 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

### PART I

#### ACTS OF THE PARLIAMENT OF ENGLAND, GREAT BRITAIN AND THE UNITED KINGDOM

Chapter	Short Title	Extent of Repeal
4 Edw. 3. (1330).	The Statute made at Westminster in the Fourth Year of the Reign of King Edward the Third after the Conquest.	Chapter II as it applies to Northern Ireland.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act 1800.	In Article VIII of the Treaty of Union as set out in section 1 the words from “that from” to “Court of Chancery in Ireland; and”.
41 Geo. 3. c. 88.	The Judges’ Lodgings (Ireland) Act 1801.	The whole Act.
44 Geo. 3. c. 102.	The Habeas Corpus Act 1804.	In section 1 as it applies to Northern Ireland the words



*Status: Point in time view as at 14/07/2008.*

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

		from “or any justice of oyer” to “baron as aforesaid” and the words “or any sitting of nisi prius”.
50 Geo. 3. c. 102.	The Unlawful Oaths (Ireland) Act 1810.	Sections 8 and 9.
55 Geo. 3. c. 157.	The Evidence (Ireland) Act 1815.	The whole Act.
57 Geo. 3. c. 56.	The Recognizances (Ireland) Act 1817.	The whole Act.
60 Geo. 3. & 1 Geo. 4. c. 4.	The Pleading in Misdemeanor Act 1819.	The whole Act as it applies to Northern Ireland.
1 Geo. 4. c. 5.	The Transfer of Stock (Ireland) Act 1820.	The whole Act.
1 & 2 Geo. 4. c. 36.	The Public Notaries (Ireland) Act 1821.	The whole Act.
1 & 2 Geo. 4. c. 53.	The Common Law Procedure (Ireland) Act 1821.	The whole Act.
1 & 2 Geo. 4. c. 54.	The Clerk of Assize (Ireland) Act 1821.	The whole Act.
4 Geo. 4. c. 61.	The Court of Chancery (Ireland) Act 1823.	The whole Act.
4 Geo. 4. c. 89.	The Law Costs (Ireland) Act 1823.	The whole Act.
5 Geo. 4. c. 111.	The Crown Debts Act 1824.	The whole Act as it applies to Northern Ireland.
6 Geo. 4. c. 51.	The Assizes (Ireland) Act 1825.	The whole Act.
9 Geo. 4. c. 54.	The Criminal Law (Ireland) Act 1828.	Sections 22, 26, 27 and 34.
11 Geo. 4 & 1 Will. 4. c. 65.	The Infants Property Act 1830.	In section 14 as it applies to Northern Ireland the words “and lord chancellor intrusted as aforesaid, respectively”.
2 & 3 Will. 4. c. 48.	The Clerk of the Crown (Ireland) Act 1832.	The whole Act.
4 & 5 Will. 4. c. 78.	The Chancery (Ireland) Act 1834.	The whole Act.
5 & 6 Will. 4. c. 16.	The Chancery (Ireland) Act 1835.	The whole Act.
5 & 6 Will. 4. c. 26.	The Assizes (Ireland) Act 1835.	The whole Act.

*Status: Point in time view as at 14/07/2008.*

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

5 & 6 Will. 4. c. 55.	The Sheriffs (Ireland) Act 1835.	Sections 6, 11 to 17, 23, 24 and 39 to 41.
6 & 7 Will. 4. c. 74.	The Court of Chancery (Ireland) Act 1836.	The whole Act.
1 & 2 Vict. c. 56.	The Poor Relief (Ireland) Act 1838.	Sections 114 to 116.
3 & 4 Vict c. 105.	The Debtors (Ireland) Act 1840.	The whole Act.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act 1840.	Sections 22, 51, 130 and 139.
3 & 4 Vict. c. 109.	The Counties and Boroughs (Ireland) Act 1840.	In section 1, the words from “and shall” to “common boundary” and the words from “Provided also,” to the end.
5 & 6 Vict c. 69.	The Perpetuation of Testimony Act 1842.	The whole Act as it applies to Northern Ireland.
5 & 6 Vict c. 94.	The Defence Act 1842.	Section 29 as it applies to Northern Ireland.
5 & 6 Vict. c. 97.	The Limitation of Actions and Costs Act 1842.	The whole Act as it applies to Northern Ireland.
6 & 7 Vict. c. 85.	The Evidence Act 1843.	Section 2 as it applies to Northern Ireland.
6 & 7 Vict. c. 98.	The Slave Trade Act 1843.	In section 4 as it applies to Northern Ireland the words from “or information” to “Queen’s Bench”, the words “or informations respectively” and the words “in Her Majesty’s said Court of Queen’s Bench”.
7 & 8 Vict. c. 107.	The Common Law Offices (Ireland) Act 1844.	The whole Act.
8 & 9 Vict. c. 115.	The Chancery Taxing Master (Ireland) Act 1845.	The whole Act.
11 & 12 Vict. c. 132.	The Taxing Masters (Ireland) Act 1848.	The whole Act.
12 & 13 Vict. c. 105.	The Renewable Leasehold Conversion Act 1949.	Section 21.
13 & 14 Vict. c. 73.	The Attachment of Goods (Ireland) Act 1850.	The whole Act.
14 & 15 Vict. c. 20.	The Fee-Farm Rents (Ireland) Act 1851.	In section 1, the words from “and save and except” to the end of the section.

*Status: Point in time view as at 14/07/2008.*

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

14 & 15 Vict. c. 70.	The Railways Act (Ireland) 1851.	Section 25.
14 & 15 Vict. c. 90.	The Fines Act (Ireland) 1851.	In section 2 the words from “And in order” to the end.  In section 4, from the beginning of paragraph 4 to the end of the section.  Section 9.
14 & 15 Vict. c. 99.	The Evidence Act 1851.	Section 6 as it applies to Northern Ireland.
14 & 15 Vict. c. 100.	The Criminal Procedure Act 1851.	Section 27 as it applies to Northern Ireland.
15 & 16 Vict. c. 55.	The Trustee Act 1852.	Sections 10 and 11 as they apply to Northern Ireland.
16 & 17 Vict. c. 113.	The Common Law Procedure Amendment Act (Ireland) 1853.	The whole Act.
17 & 18 Vict. c. 34.	The Attendance of Witnesses Act 1854.	The whole Act so far as it authorises the issue of procees by the High Court.
17 & 18 Vict. c. 38.	The Gaming Houses Act 1854.	Section 12 as it applies to Northern Ireland.
17 & 18 Vict. c. 94.	The Public Revenue and Consolidated Fund Charges Act 1854.	In Schedule B the entries relating to the salaries of registrars to the judges, Ireland and to lodging money for judges at assizes (Ireland).
19 & 20 Vict. c. 77.	The Chancery Recievers (Ireland) Act 1856.	The whole Act.
19 & 20 Vict. c. 92.	The Chancery Appeal Court (Ireland) Act 1856.	The whole Act.
19 & 20 Vict. c. 102.	The Common Law Procedure Amendment Act (Ireland) 1856.	The whole Act.
20 & 21 Vict. c. 60.	The Irish Bankrupt and Insolvent Act 1857.	Sections 11, 23, 25, 26, 28, 29, 36, 41, 49, 51, 52, 78, 86, 366, 367 and 369.  In section 370 in the paragraph beginning “Fourth” the words from “before a notary” to “in England”.  Sections 372 to 375.

*Status: Point in time view as at 14/07/2008.*

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

20 & 21 Vict. c. 79.	The Probates and Letters of Administration Act (Ireland) 1857.	Sections 6, 16 to 18, 23 to 29, 32, 34, 36, 41, 69, 109, 114 and 115. Schedule A.
21 & 22 Vict. c. 27.	The Chancery Amendment Act 1858.	The whole Act as it applies to Northern Ireland.
21 & 22 Vict. c. 72.	The Landed Estates Court (Ireland) Act 1858.	Sections 37, 40, 55, 65, 74, 75, 77, 78, 86 and 89. Schedule A.
22 & 23 Vict. c. 21.	The Queen’s Remembrancer Act 1859.	Section 15 as it applies to Northern Ireland.
22 & 23 Vict.c. 31.	The Court of Probate Act (Ireland) 1859.	Sections 1, 3, 4, 9, 20 and 31.
23 & 24 Vict. c. 38.	The Law of Property Amendment Act 1860.	Section 10 as it applies to Northern Ireland.
23 & 24 Vict. c. 97.	The Railways Act (Ireland) 1860.	Section 3.  In section 4 the words from “and the money so deposited” to “accummulated”. Section 7.
23 & 24 Vict. c. 154.	The Landlord and Tenant Law Amendment Act Ireland 1860.	Sections 70 and 71.
27 & 28 Vict. c. 7.	The Bills of Exchange (Ireland) Act 1864.	The whole Act.
30 & 31 Vict. c. 44.	The Chancery (Ireland) Act 1867.	The whole Act.
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act 1867.	The whole Act.
30 & 31 Vict. c. 129.	The Chancery and Common Law Offices (Ireland) Act 1867.	The whole Act.
31 & 32 Vict. c. 20.	The Legitimacy Declaration Act (Ireland) 1868.	Sections 3, 4, 5 and 7.
31 & 32 Vict. c. 70.	The Railways Traverse Act 1868.	The whole Act as it applies to Northern Ireland.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act 1868.	The whole Act as it applies to Northern Ireland.
33 & 34 Vict. c. 110.	The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870.	Sections 8, 10, 11, 12, 14 to 17, 23, 28 and 29.

*Status: Point in time view as at 14/07/2008.*

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

34 & 35 Vict. c. 22.	The Lunacy Regulation (Ireland) Act 1871.	<p>In section 2 the definition of “the registrar”.</p> <p>Section 16.</p> <p>In section 17 the words from “or where the judge” to “required”.</p> <p>Section 24.</p> <p>In section 41 the words “and the Bank of Ireland”.</p> <p>In section 49, the words “and the Bank of Ireland” and the words from “in the same manner” to “entered in the Court of Chancery”.</p> <p>Section 55(6).</p> <p>In section 105 the words from “provided” to the end.</p> <p>Section 108.</p> <p>In section 110 the words “of the Court of Chancery” where last occurring.</p> <p>Section 112.</p> <p>In section 114 the words from “and also” where first occurring to “Ireland”.</p> <p>In section 118 the words from “and, so far” to the end.</p>
34 & 35 Vict. c. 49.	The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1871.	Sections 3, 9, 11 to 14 and 20.
34 & 35 Vict. c. 65.	The Juries Act (Ireland) 1871.	<p>In section 3 the definitions of “court” and “judge”.</p> <p>In section 18 the words “at any general sessions of the peace” and the words “and in respect of the panels for the assizes, in the office of the returning officer in Dublin”.</p> <p>Sections 32, 48 and 51.</p>
35 & 36 Vict. c. 58.	The Bankruptcy (Ireland) Amendment Act 1872.	Sections 8, 10, 11 and 13 to 16.
35 & 36 Vict. c. 75.	The Commissioners for Oaths (Ireland) Act 1872.	The whole Act.

*Status: Point in time view as at 14/07/2008.*

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

39 & 40 Vict. c. 28.	The Court of Admiralty (Ireland) Amendment Act 1876.	The whole Act.
40 & 41 Vict. c. 11.	The Jurisdiction in Rating Act 1877.	In section 3 the words from “As to Ireland” to “Dublin; and”.
40 & 41 Vict. c. 18.	The Settled Estates Act 1877.	Section 42 as it applies to Northern Ireland.
40 & 41 Vict. c. 56.	The County Officers and Courts (Ireland) Act 1877.	The whole Act.
40 & 41 Vict. c. 57.	The Supreme Court of Judicature Act (Ireland) 1877.	The whole Act.
41 & 42 Vict. c. 69.	The Petty Sessions Clerks and Fines (Ireland) Act 1878.	Section 9.
42 & 43 Vict. c. 50.	The Bills of Sale (Ireland) Act 1879.	Sections 17 and 21.
42 & 43 Vict. c. 75.	The Parliamentary Elections and Corrupt Practices Act 1879.	The whole Act as it applies to Northern Ireland.
44 & 45 Vict. c. 41.	The Conveyancing Act 1881.	Sections 48(5), 69(3) and (7) and 72(3) and (5) as they apply to Northern Ireland.
45 & 46 Vict. c. 29.	The County Court Amendment (Ireland) Act 1882.	The whole Act.
45 & 46 Vict. c. 38.	The Settled Land Act 1882.	Section 65(3) and (4) as it applies to Northern Ireland.
45 & 46 Vict. c. 61.	The Bills of Exchange Act 1882.	Section 70 as it applies to Northern Ireland.
45 & 46 Vict. c. 70.	The Supreme Court of Judicature (Ireland) Act 1882.	The whole Act.
45 & 46 Vict. c. 72.	The Revenue, Friendly Societies and National Debt Act 1882.	Section 25 as it applies to Northern Ireland.
48 & 49 Vict. c. 73.	The Purchase of land (Ireland) Act 1885.	Section 19.
49 & 50 Vict. c. 27.	The Guardianship of Infants Act 1886.	In section 9 as it applies to Northern Ireland the words from “Any application” to the end.  In section 10 as it applies to Northern Ireland the words

*Status: Point in time view as at 14/07/2008.*

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

		from “In Ireland an appeal” to the end.
		Section 11 as it applies to Northern Ireland.
50 & 51 Vict. c. 6.	The Supreme Court of Judicature (Ireland) Act 1887.	The whole Act.
50 & 51 Vict. c. 33.	The Land Law (Ireland) Act 1887.	Section 7.
50 & 51 Vict. c. 57.	The Deeds of Arrangement Act 1887.	Section 18 as it applies to Northern Ireland.
51 & 52 Vict. c. 27.	The Supreme Court of Judicature (Ireland) Amendment Act 1888.	The whole Act.
52 & 53 Vict. c. 48.	The County Court Appeals (Ireland) Act 1889.	The whole Act.
52 & 53 Vict. c. 63.	The Interpretation Act 1889.	In section 13, paragraph (4), (5) and (14) as they apply to Northern Ireland.
53 & 54 Vict. c. 24.	The Deeds of Arrangement Amendment Act 1890.	Section 3 as it applies to Northern Ireland.
59 & 60 Vict. c. 8.	The Life Insurance Companies (Payment into Court) Act 1896.	In section 4 as it applies to Northern Ireland the words “or the Palatine Court, as the case may be”.
60 & 61 Vict. c. 17.	The Supreme Court of Judicature (Ireland) Act 1897.	The whole Act.
60 & 61 Vict. c. 20.	The Quarter Sessions Jurors (Ireland) Act 1897.	The whole Act.
60 & 61 Vict. c. 66.	The Supreme Court of Judicature (Ireland) (No. 2) Act 1897.	The whole Act.
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act 1898.	In section 69 the word “assizes” and the words “justices, general, quarter or petty sessions”.
1 Edw. 7. c. 17.	The Lunacy (Ireland) Act 1901.	The whole Act.
6 & 7 Geo. 5. c. 46.	The Law and Procedure (Emergency Provisions) (Ireland) Act 1916.	The whole Act.
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act 1920.	Sections 38 and 40.

*Status: Point in time view as at 14/07/2008.*

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

		In section 4(1) the words from “Provided that” to the end.
		Sections 44, 46 and 50.
		Schedule 7.
10 & 11 Geo. 5. c. 81.	The Administration of Justice Act 1920.	Sections 11 and 12(2) as they apply to Northern Ireland.
13 Geo. 5. Sess. 2. c. 2.	The Irish Free State (Consequential Provisions) Act 1922.	Paragraph 6 of Schedule 1.
16 & 17 Geo. 5. c. 44.	The Supreme Court of Judicature of Northern Ireland Act 1926.	The whole Act.
22 & 23 Geo. 5. c. 11.	The Northern Ireland (Miscellaneous Provisions) Act 1932.	Section 5.
25 & 26 Geo. 5. c. 21.	The Northern Ireland Land Purchase (Winding Up) Act 1935.	Sections 2, 6(3), 7(1)(a), 8 and 9(4).
6 & 7 Geo. 6. c. 2.	The Supreme Court (Northern Ireland) Act 1942.	The whole Act.
8 & 9 Geo. 6. c. 12.	The Northern Ireland (Miscellaneous Provisions) Act 1945.	Section 8.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	Section 111(1) and (4) as it applies to Northern Ireland. Section 160 as it applies to Northern Ireland.
14 Geo. 6. c. 27.	The Arbitration Act 1950	Section 42(4).
14 Geo. 6. c. 37.	The Maintenance Orders Act 1950.	Section 13(2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 12.	The Judicial Offices (Salaries etc.) Act 1952.	Section 4(2).
2 & 3 Eliz. 2. c. 38.	The Supreme Court Officers (Pensions) Act 1954.	Section 4.
3 & 4 Eliz. 2. c. 8.	The Northern Ireland Act 1955.	Section 2.
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act 1956.	In Part I of Schedule 1, paragraph 2 and in paragraph 3 the words “or the local court” wherever they occur and the words “or (where it has such jurisdiction)



*Status: Point in time view as at 14/07/2008.*

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

8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	the local court” in subparagraph (4). Sections 1 to 6, 9, 13, 15, 16, 17(1), (3) and (4) and 18(3) as they apply to Northern Ireland. In Schedule 2, paragraphs 1 and 3 in Part I and Part II except so much thereof as modifies sections 12 and 14.
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	Sections 1 to 5 and 7 to 11. Schedule 1.
1965 c. 2.	The Administration of Justice Act 1965.	Sections 30, 32 and 33.
1967 c. 80.	The Criminal Justice Act 1967.	Section 106(3)(d). In Schedule 4, paragraphs 25 and 27, and in paragraph 26 the words “and also as it applies to Northern Ireland”.
1968 c. 5.	The Administration of Justice Act 1968.	Section 1(1)(d) and (6).
1968 c. 21.	The Criminal Appeal (Northern Ireland) Act 1968.	In section 14(2) the words from “The powers of” to the end. In section 30(2) the words “of Appeal”. In section 46(2)(b) the words “of assize or county court” in the second place where they occur. Section 49(1). In section 49(3) the words “under section 7(1) of the said Act of 1962 by virtue of subsection (1) of this section”. In section 50(1) the definitions of “county court”, “the Lord Chief Justice” and “the Supreme Court”. In section 53(1) the words in brackets. Section 53(2).

---

*Status: Point in time view as at 14/07/2008.*

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

---

		Section 54.
		Part I of Schedule 3.
		Schedules 4 and 5.
1968 c. 63.	The Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968.	In section 4(2) the words “a Divisional Court of the Queen’s Bench Division of”.
1969 c. 12.	The Genocide Act 1969.	Section 1(5).
1969 c. 58.	The Administration of Justice Act 1969.	In section 12, as it applies to Northern Ireland, subsection (2)(b) and in subsection (8) the words “or commissioner” and “or paragraph (b)”.
		Section 16(2).
		In Schedule 1 the entry relating to the Northern Ireland Act 1962.
1970 c. 9.	The Taxes Management Act 1970.	In Schedule 4, paragraph 13.
1973 c. 15.	The Administration of Justice Act 1973.	In section 18(2)(b) the words “a divisional court of the Queen’s Bench Division of”.
1973 c. 36.	The Northern Ireland Constitution Act 1973.	In paragraph 2 of Schedule 3 the words “the Court of Criminal Appeal in Northern Ireland”.
1974 c. 6.	The Biological Weapons Act 1974.	Section 2(2).
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part III of Schedule 1 the entry relating to an officer of or attached to the Supreme Court of Northern Ireland.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part III of Schedule 1 the entry relating to an officer of or attached to the Supreme Court of Northern Ireland.
1975 c.34.	The Evidence (Proceedings in Other Jurisdictions) Act 1975.	In section 4 the words “and High Court of Justice in Northern Ireland”.
1977 c. 38.	The Administration of Justice Act 1977.	In Part III of Schedule 2, paragraph 12.
1978 c. 5.	The Northern Ireland (Emergency Provisions) Act 1978.	Section 34(1).

---

*Status: Point in time view as at 14/07/2008.*

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

## PART II

### ACTS OF THE IRISH PARLIAMENT AND PARLIAMENT OF NORTHERN IRELAND.

10 Chas. 1. Sess. 2 c. 14 (Ir.).	The Demise of the Crown Act (Ireland) 1634.	The whole Act.
10 Chas. 1. Sess. 3 c. 13(Ir.).	The Forcible Entry Act (Ireland) 1634.	Section 3.
10 Chas. 1. Sess. 3 c. 18 (Ir.).	The Oaths Act (Ireland) 1634.	The whole Act.
7 Will. 3. c. 12. (Ir.).	The Statute of Frauds (Ireland) 1695.	Sections 10, 11 and 14.
7 Will. 3. c. 13. (Ir.).	The Sheriffs Act (Ireland) 1695.	The whole Act.
1 Geo. 2. c. 8. (Ir.).	The Privilege of Parliament Act (Ireland) 1727.	In section 1 the words from “at Dublin” to “courts of appeal”.
9 Geo. 2. c. 7. (Ir.).	The Land Improvement Act (Ireland) 1735.	Un section 1 the words from “in the manner following” to the end of the section.
19 Geo. 2. c. 12 (Ir.).	An Act for the better regulating of Corporations.	The whole Act.
1 Geo. 3. c. 17. (Ir.).	The Expiring Laws Act (Ireland) 1761.	Section 10.
3 Geo. 3. c. 28. (Ir.).	The Criminal Justice Act (Ireland) 1763.	The whole Act.
11 & 12 Geo. 3. c. 34 (Ir.).	The Criminal Justice (Venue) Act (Ireland) 1771.	The whole Act.
21 & 22 Geo. 3. c. 11 (Ir.).	The Habeas Corpus Act (Ireland) 1781.	Sections 6, 9, 11 and 12.
21 & 22 Geo. 3. c. 51 (Ir.).	The Criminal Justice (Venue) Act (Ireland) 1781.	The whole Act.
25 Geo. 3. c. 36 (Ir.).	The Sheriffs Act (Ireland) 1785.	Sections 2 to 4.
36 Geo. 3. c. 26 (Ir.).	The Judges Salaries Act (Ireland) 1796.	The whole Act.
38 Geo. 3. c. 2 (Ir.).	The Quo Warranto Act (Ireland) 1798.	The whole Act.
40 Geo. 3. c. 38 (Ir.).	The Act of Union (Ireland) 1800.	In Article VIII of the Treaty of Union as set out in section 1 the words from “that from” to “chancery in Ireland; and”.

*Status: Point in time view as at 14/07/2008.*

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

40 Geo. 3. c. 69 (Ir.).	The Judicial Salaries and Pensions Act (Ireland) 1800	The whole Act.
14 — 15 Geo. 5. c. 21 (N.I.).	The Industrial Assurance Act (Northern Ireland) 1924.	Section 7(1)(c).
14 — 15 Geo. 5. c. 27 (N.I.).	The Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924.	In section 9(2) the words from “whether” to the end.
16 — 17 Geo. 5. c. 15 (N.I.).	The Jury Laws Amendment Act (Northern Ireland) Act 1926.	In section 14(1) the words “or section forty-eight” and the words “or under section nine of the Petty Sessions Clerks and Fines (Ireland) Act 1878”. Section 14(2).
20 Geo. 5. c. 1 (N.I.).	The Bankruptcy Amendment Act (Northern Ireland) 1929.	In section 21(10) the words from ““the court”” to “1897”.  In section 28(1) in the definition of “Official Assignee” the words from “as amended” to the end.
21 — 22 Geo. 5. c. 12 (N.I.).	The Planning and Housing Act (Northern Ireland) 1931.	Section 47(1).
21 — 22 Geo. 5. c. 14 (N.I.).	The Wild Birds Protection Act (Northern Ireland) 1931.	Section 14(2).
23 — 24 Geo. 5. c. 16 (N.I.).	The Probates and Letters of Administration Act (Northern Ireland) 1933.	Section 3.
1 Edw. 8 — 1 Geo. 6. c. 9 (N.I.).	The Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937.	Section 18.
2 — 3 Geo. 6. c. 12 (N.I.).	The Evidence Act (Northern Ireland) 1939.	In section 6(1) the definition of “rules of court”.
4 — 5 Geo. 6. c. 9.	The Prevention of Fraud (Investments) Act (Northern Ireland) 1940.	Section 4(3).
1945 c. 15 (N.I.).	The Criminal Justice Act (Northern Ireland) 1945.	In section 7(1) the words “county or” wherever they occur and the words from “Provided that” to the end.  In sections 30(1) and 33(4) the word “Criminal” wherever it occurs after “of”.
1945 c. 16 (N.I.).	The Indictments Act (Northern Ireland) 1945.	As from such date as is referred to in section 52(2) of

---

*Status: Point in time view as at 14/07/2008.*

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

---

1954 c. 9 (N.I.).	The Administration of Justice Act (Northern Ireland) 1954.	<p>this Act, sections 1 and 2 and in section 7 the words “or the rules made thereunder”.</p> <p>Section 12.</p> <p>In section 13(1) and (2) the words “(whether in the same or another county)”.</p> <p>Section 13(6).</p> <p>In section 16(1) the word “(Ulster)”.</p> <p>Section 16(2).</p> <p>Section 17.</p> <p>Section 22.</p> <p>Section 24.</p> <p>Section 26.</p> <p>Section 29.</p>
1954 c. 33 (N.I.).	The Interpretation Act (Northern Ireland) 1954.	<p>In section 21—</p> <p>(a) in subsection (1) the word “fees” ;</p> <p>(b) in subsection (2), paragraph (b) ;</p> <p>(c) in subsection (6) in paragraph (a) the words “or the Court of Criminal Appeal” and in paragraph (b) the words “and to courts of quarter sessions”.</p> <p>In section 42(1) the definition of “court of quarter sessions”.</p> <p>In section 42(2) the words “a court of quarter sessions”, the words “court of quarter sessions” wherever they occur and the words “or court of quarter sessions”.</p> <p>In section 42(3) in the definition of “county court judge” the words “a chairman of a court of quarter sessions, and” and the words from “holding” to the end.</p>

---

*Status: Point in time view as at 14/07/2008.*

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

---

		In section 42(4) the definition of “assizes”.
		In section 46(1) in the definition of “Lands Clauses Acts” the words “, the Railways Traverse Act, 1868”.
1959 c. 15 (N.I.).	The Coroners Act (Northern Ireland) 1959.	Section 4.
		In section 40 the definitions of “appointed day”, “council”, “county”, “maintenance and equipment”, “Ministry” and “Minister”.
1959 c. 25 (N.I.).	The County Courts Act (Northern Ireland) 1959.	In section 3(1) the words “by the Ministry”.
		Section 3(2).
		Section 6(2)(b) and (c).
		Section 7.
		In section 10(4) the words from “Except” to “1956”.
		Section 14.
		In section 16 the words “Chancery Division of the”.
		In section 21(2) the words “to proceedings in any Admiralty cause or matter, or”.
		Sections 39 to 42.
		Section 45.
		Section 50.
		In section 71(1)(b) the words in brackets.
		Section 98.
		Section 99(3).
		Sections 100 and 101.
		Sections 108 to 110.
		In section 111(1) the words from the beginning to “1954”.
		Sections 112 and 113.

*Status: Point in time view as at 14/07/2008.*

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

		Section 115.
		Section 116(2) and (3).
		Section 118.
		Section 137(b) and (c).
		Section 138.
		In section 145(2) the words “or a court of assize”.
		Section 146(1).
		In section 147(b)(ii) the words “and by leave of the judge of any action in which the sum claimed or the amount involved does not exceed fifty pounds”.
		In section 147(b)(iii) the words “Queen’s Bench Division of the”.
		Section 147(c) and (e)(ii).
		In section 148 the words from “and all order as to fees” to “as to costs or fees” and the words “costs and fees”.
		In section 150 the words “Chancery Division of the”.
		In section 152(1) the definitions of “Minister” and “Ministry” and in the definition of “prescribed” the words “or by regulations made under subsection (10) of section one hundred and eight,”.
		Section 154(2).
		Schedules 1 and 3.
1960 c. 22 (N.I.).	The Companies Act (Northern Ireland) 1960.	Section 349(7).
1961 c. 15 (N.I.).	The Mental Health Act (Northern Ireland) 1961.	In section 113(1) the definitions of “the Department for the Affairs of Mental Patients” and “Lord Chief Justice”.
		Section 117.

---

*Status: Point in time view as at 14/07/2008.*

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

---

1962 c. 14 (N.I.).	The Electoral Law Act (Northern Ireland) 1962.	<p>Section 43(4).</p> <p>Section 72(4).</p> <p>Section 83(5).</p> <p>In Schedule 8, paragraph 3(1) and (3).</p>
1964 c. 3 (N.I.).	The County Courts Appeals Act (Northern Ireland) 1964.	<p>In section 2(1) the words from “made otherwise than” to “Act of 1959”.</p> <p>In section 3(1) the words “judge of assize or”.</p> <p>Section 5(a)(ii).</p> <p>Section 6.</p> <p>In Schedule 1 the amendment to the Town Tenants Act (Ireland) Act 1906.</p>
1964 c. 13 (N.I.).	The Agricultural Marketing Act (Northern Ireland) 1964.	Section 13(6)(b).
1964 c. 21 (N.I.).	The Magistrates’ Courts Act (Northern Ireland) 1964.	<p>Sections 4 and 5.</p> <p>In section 7 the words from “so, however, that” to the end.</p> <p>Section 8.</p> <p>In section 13(2) the words “, subject to section 3(4),”.</p> <p>Section 14(2).</p> <p>In section 22 the words “by the Ministry”.</p> <p>In section 23—</p> <p>(a) subsection (3);</p> <p>(b) in subsection (7) the words “or (3)” and “and fees”;</p> <p>(c) subsections (8) and (9).</p> <p>In section 24(a) the word “fees”.</p> <p>In section 25(1) the words “of the Ministry”.</p> <p>Section 25(3).</p>



*Status: Point in time view as at 14/07/2008.*

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

		<p>In section 26(1) the words “and fees”.</p> <p>Sections 27 to 29.</p> <p>Section 32(5).</p> <p>Section 47.</p> <p>In section 48(1) the words “the crown and peace for the county or county borough in or for which”, the word “sat”, the words “end of the assize or” and the word “county” where it next occurs.</p> <p>Section 151.</p>
1964 c. 21 (N.I.)— <i>cont.</i>	The Magistrates’ Courts Act (Northern Ireland) 1964— <i>cont.</i>	<p>In section 152(1)(b) the words from the beginning to “section 151(3)”.</p> <p>In section 169(1) the definition of “Minister” and “Ministry”.</p> <p>Section 169(3).</p> <p>Section 173(2).</p> <p>Schedule 1.</p> <p>In Schedule 6 the entries relating to the Education Act (Northern Ireland) 1947, the National Assistance Act (Northern Ireland) 1948 and the Road Traffic Act (Northern Ireland) 1955.</p>
1964 c. 30 (N.I.).	The County Courts (Amendment) Act (Northern Ireland) 1964.	<p>In section 1 the words from “in proceedings brought” to “Part V of the principal Act and” and the words from “after section 40(3)” to “and” (where it appears before the words “after section 44(4)”).</p> <p>Sections 4 and 5.</p>
1967 c. 18 (N.I.).	The Criminal Law Act (Northern Ireland) 1967.	<p>Section 8.</p> <p>In section 12(1) the words “and to subsection (2)”.</p>

---

*Status: Point in time view as at 14/07/2008.*

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

---

		Section 12(2).
1968 c. 6 (N.I.).	The Insurance Companies Act (Northern Ireland) 1968.	Section 55(2).  So much of Schedule 5 as relates to section 7(1)(c) of the Industrial Assurance Act (Northern Ireland) 1924.
1968 c. 10 (N.I.).	The Costs in Criminal Cases Act (Northern Ireland) 1968.	Section 3(7)(a)(ii).
1968 c. 29 (N.I.).	The Treatment of Offenders Act (Northern Ireland) 1968.	Section 20(2).  In section 20(3)(a) the words from “having power” to “order for detention,” and “by that court of assize or county court”.  Section 20(4).  In section 21(2) the words “(2) or”.  In section 21(3) the words from “having jurisdiction in that place” to the end.
	In section 25(3) the words “as the case may be”.	
		Section 26(1).  In section 29(1) and (4) the word “Criminal” wherever it occurs after “of”.
1968 c. 34 (N.I.).	The Children and Young Persons Act (Northern Ireland) 1968.	In section 178(4) the words “county or county borough which consists of or includes the”.
1969 c. 15 (N.I.)	The Grand Jury (Abolition) Act (Northern Ireland) 1969.	In section 2(2), the words from “or, in the case of” to the end.
		Sections 2(7) and 3(3).
1969 c. 30 (N.I.).	The Judgements (Enforcement) Act (Northern Ireland) 1969.	Sections 5 to 7.  In section 18 the words “fixed by regulations”.  In section 19(1) the words “so fixed”.  Section 30.

*Status: Point in time view as at 14/07/2008.*

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

		In section 40(3) the words “and approved by the Minister of Finance”.
		In section 43(4)(a) the words “a judge of”.
		In section 52(1)(b) the words “a judge of” and “judge or”.
		In sections 52(3), 56(2) and 70(2) the words “a judge of”.
		Section 62(c).
		In section 91 the words “a judge of” where they twice occur and the words “judge or”.
		In sections 92(1) and 94 the words “a judge of”.
		In section 113(1) the words “appointed under section 3(2)”.
		In section 114(1) the words “or regulations”.
		In section 116(1) the words “a judge of”.
		Sections 118 and 119.
		In section 129(1)—
		(a) in the definition of “court” the words “a judge of”;
		(b) the definitions of “the Minister”, “the Ministry” and “regulations”.
		Section 133(2).
		In Schedule 4, Part II, the entry relating to section 70 of the Landlord and Tenant Law Amendment Act Ireland 1860.
1970 c. 2 (N.I.).	The Road Traffic Act (Northern Ireland) 1970.	Section 87(2).
1971 c. 30 (N.I.).	The Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971	In section 9(2) the words “a judge of”.
		Section 13(1).
		Section 14.

*Status: Point in time view as at 14/07/2008.*

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

		In section 17(1) and (2) the words “subject to subsection (3)”. Section 17(3). Section 5(6).
1971 c. 36 (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	Section 5(6).
1972 c. 6 (N.I.).	The Evidence of Alibi Act (Northern Ireland) 1972.	Section 1(1)(b).

### PART III

#### ORDERS IN COUNCIL

<b>Year and Number</b>	<b>Short Title</b>	<b>Extent of Repeal</b>
S.R. — O. 1921/1802.	The Supreme Court of Judicature (Northern Ireland) Order 1921.	Articles 3 and 5 to 9.
S.R. — O. 1922/79.	The Government of Ireland (Supreme Court Matters, etc.) Order 1922.	Articles 5, 6(a), (b) and (d) and 7 to 11.
S.R. — O. 1927/342.	The Supreme Court of Judicature (Northern Ireland) Order 1927.	The whole Order.
S.I. 1971/875.	The Northern Ireland (Remittal and Removal of Proceedings) Order 1971.	The whole Order.
S.I. 1972/965 (N.I. 5).	The County Courts (Additional Sittings) (Northern Ireland) Order 1972.	The whole Order.
S.I. 1973/2163.	The Northern Ireland (Modification of Enactments —No.1) Order 1973.	Article 6(2), (4) and (6)(b).  Article 14(4) and (5).  In Schedule 1 the entries relating to the Fines (Ireland) Act 1851, the Coroners Act (Northern Ireland) 1959, the County Courts Act (Northern Ireland) 1959, the Magistrates’ Courts Act (Northern Ireland) 1964, Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 and the Judgements

*Status: Point in time view as at 14/07/2008.*

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

		(Enforcement) Act (Northern Ireland) 1969.
S.I. 1973/2163.— <i>cont.</i>	The Northern Ireland (Modification of Enactments—No.1) Order 1973— <i>cont.</i>	<p>In Schedule 2 the entries relating to the Coroners Act (Northern Ireland) 1959, the County Courts Act (Northern Ireland) 1959, the Magistrates’ Courts Act (Northern Ireland) 1964, and the Children and Young Persons Act (Northern Ireland) 1968.</p> <p>In Schedule 3 the entries relating to the Fines Act (Ireland) 1851 and the County Courts Act (Northern Ireland) 1959.</p> <p>In Schedule 4 the entries relating to the County Courts Act (Northern Ireland) 1959 and the Judgements (Enforcement) Act (Northern Ireland) 1969.</p> <p>In Schedule 5 paragraphs 1, 6, 9, 25, 28, 38(d) and (e), 43, 44, 49, 57(d) and 60.</p>
S.I. 1974/2143 (N.I. 6).	The Juries (Northern Ireland) Order 1974.	<p>In Article 2(2) in the definition of “jury service” the words “under-sheriff” and the words “or any division thereof”.</p> <p>In Schedule 4, paragraph 6.</p>
S.I. 1975/816 (N.I. 7).	The Administration of Justice (Northern Ireland) Order 1975.	<p>Article 2(2)(b).</p> <p>Articles 3 to 7, 9, 11 and 13.</p> <p>Schedule 2.</p>
S.I. 1975/1503 (N.I. 15).	The Social Securities Pensions (Northern Ireland) Order 1975.	In Schedule 5, paragraph 4.
S.I. 1976/226 (N.I. 4).	The Treatment of Offenders (Northern Ireland) Order 1976.	Article 3(6).
S.I. 1976/582 (N.I. 12).	The Solicitors (Northern Ireland) Order 1976.	In Articles 15(1) and 37(2) the words “or any court, division or judge thereof”.

---

*Status: Point in time view as at 14/07/2008.*

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

---

S.I. 1977/1251 (N.I. 18).	The Fatal Accidents (Northern Ireland) Order 1977.	Article 78(5). Articles 79 and 80. In Schedule 1, paragraph 4.
---------------------------	--	--

---

**Status:**

Point in time view as at 14/07/2008.

**Changes to legislation:**

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