

SCHEDULES.

SEVENTH SCHEDULE

Sections 39 and 46.

PART I

SUPREME COURT OF JUDICATURE OF SOUTHERN IRELAND

- 1 (1) His Majesty's High Court of Justice in Southern Ireland shall consist of seven judges, namely, the Lord Chief Justice of Southern Ireland, who shall be president thereof, and six puisne judges, or, so long as the existing Master of the Rolls retains his office, the Master of the Rolls and five puisne judges.
- (2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Southern Ireland for the purposes of his powers and duties in relation to land purchase.
- 2 (1) His Majesty's Court of Appeal in Southern Ireland shall consist of the Lord Chief Justice of Southern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal:

Provided that, so long as the existing Master of the Rolls retains his office, he shall ex officio be a member of the Court of Appeal.
- (2) The Lord Chief Justice of Southern Ireland may request any judge of the High Court of Justice in Southern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Southern Ireland, and any judge whose attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal.

PART II

SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND

- 1 (1) His Majesty's High Court of Justice in Northern Ireland shall consist of three judges, namely, the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two puisne judges.
- (2) The Judicial Commissioner of the Land Commission shall, by virtue of his office, be an additional judge of the High Court of Justice in Northern Ireland for the purposes of his powers and duties in relation to land purchase.
- 2 (1) His Majesty's Court of Appeal in Northern Ireland shall consist of the Lord Chief Justice of Northern Ireland, who shall be president thereof, and two ordinary judges, who shall be known as Lords Justices of Appeal.
- (3) The Lord Chief Justice of Northern Ireland may request any Judge of the High Court of Justice in Northern Ireland to attend at any time for the purpose of sitting as an additional judge of the Court of Appeal in Northern Ireland, and any judge whose

attendance is so requested shall attend accordingly, and while attending shall be deemed to be an additional judge of that Court of Appeal.

PART III

TRANSITORY PROVISIONS

1 All the existing judges of the Supreme Court of Judicature in Ireland, other than the Lord Chancellor, shall, as from the appointed day, be transferred to and become judges holding corresponding offices in the Supreme Court of Southern Ireland :

Provided that—

- (a) if any such judge not less than one month before the appointed day notifies to the Lord Chancellor of Ireland his desire to be transferred to the Supreme Court of Northern Ireland, he shall, if the Lord Chancellor and the Lord Chief Justice of Northern Ireland approve, be transferred to and become a judge of that Court instead of a judge of the Supreme Court of Southern Ireland; and
- (b) if any such judge so notifies to the Lord Chancellor of Ireland his desire to retire instead of being so transferred, His Majesty may, if he thinks fit, notwithstanding that such judge has not completed the period of service entitling him to a pension, grant to him such pension, not exceeding the pension; to which he would on that completion have been entitled, as His Majesty thinks fit;
- (c) the existing Lord Chief Justice of Ireland, if he becomes Lord Chief Justice of Southern Ireland, shall, so long as he holds that office, be entitled to retain the rank and title of Lord Chief Justice of Ireland, and to exercise any jurisdiction in respect of and on behalf of His Majesty as a visitor to any college or other charitable foundation exerciseable by him on the appointed day ;
- (d) the Lord Chief Justice of Northern Ireland shall be appointed not less than one month before the appointed day.

2 If by reason of such transfers the number of judges of the Supreme Court of Southern Ireland or of the Supreme Court of Northern Ireland is greater than the number provided by this Act as the number of judges of those courts respectively, no new judge of that court shall be appointed until the number of the judges thereof has been reduced below such number as aforesaid.

3 Subject to the provisions of this Schedule with respect to the existing solicitors, all existing officers of or attached to the Supreme Court of Judicature in Ireland (including the Registrar in Lunacy and the officers employed in his office) shall, as from the appointed day, be transferred to and become officers holding corresponding offices in or attached to the Supreme Court of Southern Ireland :

Provided that—

- (a) if any such officer not less than one month before the appointed day notifies to the Lord Chancellor his desire to be transferred to the Supreme Court of Northern Ireland or to the High Court of Appeal for Ireland, he shall, if the Lord Chancellor and the Lord Chief Justices of Southern Ireland and Northern Ireland approve, be transferred to and become an officer of or attached to the Supreme Court of Northern Ireland, or the High Court of Appeal for Ireland; and

Status: This is the original version (as it was originally enacted).

(b) any such officer, if concerned wholly with functions of the Lord Chancellor which are retained by the Lord Chancellor, shall remain an officer of the Lord Chancellor, and, if concerned wholly or mainly with functions of the Lord Chancellor or Master of the Rolls which are by this Act transferred to the Lord Lieutenant, shall become an officer attached to the Lord Lieutenant, and shall hold office by the same tenure and upon the same terms and conditions by and upon which he holds office on the appointed day, and any question as to whether any such officer is wholly or mainly so concerned shall be determined by the Lord Lieutenant.

4 All existing members of the Irish Bar shall, as from the appointed day, become members both of the Bar of Southern Ireland and of the Bar of Northern Ireland, and shall have right of audience in the Supreme Court both of Southern Ireland and of Northern Ireland.

5 All existing solicitors of the Supreme Court of Judicature in Ireland shall, as from the appointed day, become solicitors of the Supreme Court both of Southern Ireland and of Northern Ireland and of the High Court of Appeal for Ireland.

6 Any person who on the appointed day is apprenticed to a solicitor of the Supreme Court of Judicature in Ireland shall, if he is thereafter admitted to be a solicitor of the Supreme Court of Southern Ireland or Northern Ireland, become, by virtue of such admission, a solicitor of, the Supreme Court of Northern Ireland or Southern Ireland and of the_ High Court of Appeal for Ireland.

7 All proceedings, whether civil or criminal, which are pending in the Supreme Court of Judicature in Ireland at the appointed day, including proceedings in which a judgment or order has been given or made but not enforced, shall be transferred either to the Supreme Court of Southern Ireland or the Supreme Court of Northern Ireland in accordance with the following rules :—

(1) If the parties agree, the proceeding, unless it relates to land, shall be transferred to the court so agreed upon.

(2) If the proceeding relates to land, it shall be transferred to the court within the jurisdiction of which the land is situate :

Provided that, if the land is situate partly in Southern Ireland and partly in Northern Ireland, the proceeding shall be transferred, so far as it relates to land in Southern Ireland, to the Supreme Court of Southern Ireland, and, so far as it relates to land in Northern Ireland, to the Supreme Court of Northern Ireland, unless the proceeding is one with which either court would have jurisdiction to deal, in which case the proceeding shall be transferred in accordance with the rules applicable to proceedings other than those relating to land.

(3) In any other case, the proceeding shall be transferred to the Supreme Court of Southern Ireland, unless the plaintiff or other person by whom the proceeding was instituted gives notice to the other party or parties of his desire to have it transferred to the Supreme Court of Northern Ireland, in which case it shall be transferred to the Supreme Court of Northern Ireland, provided that any other party, if he objects to the transfer of the proceeding to the Supreme Court of Northern Ireland, may apply to the High Court of Appeal for Ireland, and that court shall have jurisdiction to determine to which of the courts the proceeding is to be transferred, and the decision of the High Court of Appeal for Ireland in the matter shall be final.

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Where a case is transferred under the foregoing rules to either court, proceedings thereon shall be continued as if the case had originated in and the previous proceedings had been taken in that court.