



# Northern Ireland Act 1947

1947 CHAPTER 37 10 and 11 Geo 6

An Act to enlarge the legislative power of the Parliament of Northern Ireland in respect of certain matters and, in connection therewith, to remove doubts regarding the validity of certain laws made by that Parliament; to validate the Fire Services (Emergency Provisions) Act (Northern Ireland) 1942; to apply Part III of the Requisitioned Land and War Works Act 1945, to Northern Ireland; to extend section two of the Northern Ireland (Miscellaneous Provisions) Act 1945; and for purposes connected with the matters aforesaid. [31st July 1947]

## *Enlargement of legislative power of the Parliament of Northern Ireland*

1 ..... F1

### **Textual Amendments**

F1 S. 1 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pts. I, II](#)

2 ..... F2

### **Textual Amendments**

F2 S. 2 repealed by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 4 Pt. IV](#)

3—7. .... F3

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1947. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 3–7 repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

**8 Cesser of reservation of registration of deeds.**

(1) The registration of deeds shall cease to be a reserved matter for the purposes of the principal Act, and accordingly,—

- (a) ..... **F4**
- (b) the public services in connection with the administration of the registration of deeds in Northern Ireland shall, by virtue of this section, be transferred from the Government of the United Kingdom to the Government of Northern Ireland and shall cease to be reserved services and shall become Irish services;
- (c) the members of the staff of the Registry of Deeds for Northern Ireland shall become officers of the Government of Northern Ireland; and
- (d) so much of any Act passed after the appointed day as relates to the registration of deeds in Northern Ireland or to the registration of other instruments of the doing of any other thing at the said Registry shall, notwithstanding that that Act was so passed, be deemed, for the purposes of section six of the principal Act, to be a provision of an Act passed before that day:

Provided that no person becoming an officer of the Government of Northern Ireland by virtue of this subsection shall be in a worse position as respects tenure of office, remuneration or superannuation rights than he would have been if he had not become an officer of the Government of Northern Ireland, and any question arising under the preceding provisions of this proviso shall, in default of agreement, be referred to and determined by [<sup>F5</sup>a referee appointed by the Lord Chief Justice of Northern Ireland] whose determination shall be final and conclusive.

(2) ..... **F6**

(3) This section shall come into operation on such date as His Majesty may by Order in Council appoint.

**Textual Amendments**

**F4** S. 8(1)(a) repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**F5** Words substituted by Superannuation Act 1972 (c. 11), s. 27(2)

**F6** S. 8(2) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I without prejudice as to Orders already made

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

**C1** 1.4.1948 appointed under s. 8(3) by S.I. 1948/346, (Rev. XVI, p. 1042: 1948 I, p. 3165) art. 1

**9 Cesser of reservation of registration of title to land in Northern Ireland.**

(1) The reservation, by section forty-seven of the principal Act, of matters relating to the Supreme Court shall cease to be treated as extending to the registration of title to land in Northern Ireland, and paragraph (14) of section four and subsection (8) of section eight of that Act shall have effect accordingly, and,—

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- (a) the public services in connection with the administration of the registration of title to such land shall, by virtue of this section, be transferred from the Government of the United Kingdom to the Government of Northern Ireland and shall cease to be reserved services and shall become Irish services;
- (b) the Registrar of Titles in Northern Ireland and the officers and clerks attached to the central office shall cease to be officers of the Supreme Court and shall become officers of the Government of Northern Ireland; and
- (c) section thirty-two of the <sup>M1</sup>Northern Ireland Land Act 1925 (which contains provisions with respect to the registration of the ownership of certain land in Northern Ireland), section nine of the <sup>M2</sup>Northern Ireland (Miscellaneous Provisions) Act 1945 (which contains provisions with respect to charges on land in Northern Ireland), and so much of any other Act passed after the appointed day as relates to the registration of title to land in Northern Ireland shall, notwithstanding that those Acts were so passed, be deemed, for the purposes of section six of the principal Act, to be provisions of Acts passed before that day:

Provided that no person becoming an officer of the Government of Northern Ireland by virtue of this subsection shall be in a worse position as respects tenure of office, remuneration or superannuation rights than he would have been if he had not become an officer of the Government of Northern Ireland, and any question arising under the preceding provisions of this proviso shall, in default of agreement, be referred to and determined by [<sup>F7</sup>a referee appointed by the Lord Chief Justice of Northern Ireland] whose determination shall be final and conclusive.

- (2) ..... <sup>F8</sup>
- (3) ..... <sup>F9</sup>
- (4) The provisions of the <sup>M3</sup>Northern Ireland Land Purchase (Winding Up) Act 1935 specified in the first column of the First Schedule to this Act shall have effect subject to the amendments specified in relation to those provisions in the second column of that Schedule (being amendments consequential on the provisions of paragraph (b) of subsection (1) of this section).
- (5) In this section—
  - (a) references to the registration of title to land in Northern Ireland shall be construed as including references to the registration of estates and interests in, rights and easements over, and charges and burdens on such land and the discharge of matters registered or capable of being registered as affecting such land;
  - (b) the expression “central office” means the central office in the City of Belfast established under section four of the <sup>M4</sup>Local Registration of Title (Ireland) Act 1891 for the purposes of the registers kept under that Act; and
  - (c) the expressions “Supreme Court” and “High Court” mean respectively the Supreme Court of Judicature of Northern Ireland and His Majesty’s High Court of Justice in Northern Ireland.
- (6) Paragraph (2) of Article 7 of the Government of Ireland (Supreme Court Matters, etc.) Order 1922 (which defines the expression “Registrar of Titles in Northern Ireland” for the purposes of Part III of that Order) shall have effect with the omission of the words “of the Supreme Court of Judicature of Northern Ireland.”

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- (7) This section shall come into operation on such day as His Majesty may by Order in Council appoint.

#### Textual Amendments

- F7** Words substituted by [Superannuation Act 1972 \(c. 11\)](#), **s. 27(2)**  
**F8** [S. 9\(2\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**  
**F9** [S. 9\(3\)](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I** without prejudice to Orders already made

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

- C2** 1.4.1948 appointed under s. 9(7) by [S.I. 1948/345](#) (Rev. XVI, p. 1036; 1948I, p. 3159), art. 1

#### Marginal Citations

- M1** 1925 c. 34.  
**M2** 1945 c. 12.  
**M3** 1935 c. 21.  
**M4** 1891 c. 66.

**10, 11.** ..... **F10**

#### Textual Amendments

- F10** [Ss. 10, 11](#) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

*Application of Part III of Requisitioned Land and War Works Act 1945 to Northern Ireland*

## **12 Application of Part III of Requisitioned Land and War Works Act 1945 to Northern Ireland. 8 & 9 Geo. c. 43.**

- (1) Part III of the Requisitioned Land and War Works Act 1945 (which provides for the stopping up and diversion of highways stopped up or diverted in the exercise of emergency powers and for the retention of railways, tramways, etc., on highways where the highways are not stopped up or diverted, subject, however, to the publication of proposals in that behalf and the reference thereof to the War Works Commission in certain cases) shall apply to Northern Ireland subject to the modifications set out in the Second Schedule to this Act, and accordingly,—
- (a) so much of subsection (2) of section sixty-one of that Act (which contains provisions with respect to the application of that Act to Northern Ireland) as provides that the said Part III shall not apply to Northern Ireland shall cease to have effect; and
  - (b) in subsection (8) of that section, after the words “For any reference to the Minister of Agriculture and Fisheries” there shall be inserted the words “(other than the reference in Part III of this Act)”.
- (2) Any increase, by virtue of this section, in the sums which under the <sup>M5</sup>Requisitioned Land and War Works Act 1945 are defrayed out of moneys provided by the Parliament of the United Kingdom shall be defrayed out of moneys so provided.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1947. (See end of Document for details)*

#### Marginal Citations

M5 1945 c. 43.

### 13 Extension of power of Governor to effect consequential transfers of functions.

Subsection (1) of section two of the Northern Ireland (Miscellaneous Provisions) Act, 1945 (which empowers the Governor of Northern Ireland, upon the transfer, by or under an Act of the Parliament of Northern Ireland, of functions from one department of the Government of Northern Ireland or Minister of Northern Ireland to another such department or Minister, to effect, with the consent of the Secretary of State, a consequential transfer of functions conferred on the first-mentioned department or Minister by or under an Act of the Parliament of the United Kingdom) shall have effect —

- (a) with the substitution, for the words “from a department of the Government of Northern Ireland or a Minister of Northern Ireland to another such department or Minister”, of the words “from one authority or person to another”; and
- (b) with the substitution, for the words “the first-mentioned department or Minister” and the words “the last-mentioned department of Minister”, of the words “the one” and the words “the other”, respectively.

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

C3 The text of s. 13 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.

### *Supplementary*

### 14 Interpretation.

- (1) In this Act the expression “the principal Act” means the <sup>M6</sup>Government of Ireland Act 1920 and the expressions “public inland transport facilities” and “port facilities” mean, in relation to a law made by the Parliament of Northern Ireland, such facilities as defined by that law; and expressions used in this Act to which meanings are assigned by the principal Act for the purposes thereof have those meanings for the purposes of this Act.
- (2) References in this Act to the appointed day (except in the case of the reference thereto in section three of this Act) are references to the day appointed under the principal Act for the purposes of section six thereof (that is to say, the third day of May, nineteen hundred and twenty-one) and, in the said excepted case, the reference is one to the day so appointed for the purposes of the enactment mentioned in the said section three (that is to say, the twenty-second day of November, nineteen hundred and twenty-one).
- (3) For the avoidance of doubt it is hereby declared that any reference to an authority in this Act (except in a provision thereof where the context otherwise requires) . . . <sup>F11</sup> includes a reference to a department of the Government of Northern Ireland and to a Minister of Northern Ireland.

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- (4) References in this Act to any other enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any subsequent enactment, including this Act.

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**Textual Amendments**

**F11** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

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**Marginal Citations**

**M6** [1920 c. 67](#).

**15 Short title.**

This Act may be cited as the Northern Ireland Act 1947.

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## SCHEDULES

### FIRST SCHEDULE

Section 9.

#### AMENDMENTS OF THE <sup>M7</sup>NORTHERN IRELAND LAND PURCHASE (WINDING UP) ACT 1935

##### Marginal Citations

**M7** 1935 c. 21.

Provision amended and subject matter thereof	Amendment
Subsection (2) of section six (Power of Treasury to arrange for discharge of functions of the Land Purchase Commission, Northern Ireland, by certain Departments and persons).	After the words “or by the Land Purchase Trustee for Northern Ireland,” there shall be inserted the words “or by the Registrar of Titles in Northern Ireland”.
Subsection (1) of section nine (Office of Land Purchase Trustee for Northern Ireland to be held by such officer of the Supreme Court as may be designated by the Lord Chief Justice of Northern Ireland).	After the words “Lord Chief Justice of Northern Ireland”, there shall be inserted the words “or, if the Lord Chief Justice so directs, by the Registrar of Titles in Northern Ireland”.
Subsection (2) of section nine (Salary of person designated to hold office of Land Purchase Trustee for Northern Ireland to be such as the Treasury may determine).	For the words “the person designated to hold the said office” there shall be substituted the words “any officer of the Supreme Court designated to hold the said office”.
Subsection (4) of section nine (Time devoted by the holder of the office of Land Purchase Trustee for Northern Ireland, or by any other officer of the Supreme Court, to the duties of that office to be deemed to be time devoted to the duties of his office in the Supreme Court).	For the words “by the holder of the said office, or by any other officer of the Supreme Court”, there shall be substituted the words “by any officer of the Supreme Court”.

### SECOND SCHEDULE

Section 12.

#### MODIFICATIONS OF PART III OF THE <sup>M8</sup>REQUISITIONED LAND AND WAR WORKS ACT 1945 IN ITS APPLICATION TO NORTHERN IRELAND

##### Marginal Citations

**M8** 1945 c. 43.

*Status: Point in time view as at 01/02/1991.*

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- 1 For references to the Minister of Transport there shall be substituted references to the Secretary of State.
- 2 In paragraph (b) of subsection (2) of section fifteen, for the words “repairable by the inhabitants at large” there shall be substituted the words “maintainable at the cost of a county or county district”.
- 3 In paragraph (c) of the said subsection (2), for the words “the <sup>M9</sup>Trunk Roads Act 1936” there shall be substituted the words “any enactment of the Parliament of Northern Ireland (whether passed before or after the commencement of this Act) containing a provision corresponding to any provision of the <sup>M10</sup>Trunk Roads Acts 1936 and 1946”.

**Marginal Citations**

**M9** 1936 c. 5 (1 Edw. 8 & 1 Geo. 6).

**M10** 1946 c. 30.

- 4 In sub-paragraph (ii) of paragraph (f) of the said subsection (2), for the words “section one or section two of the <sup>M11</sup>Restriction of Ribbon Development Act 1935” there shall be substituted the words “section two or section four of the Roads Improvement Act (Northern Ireland) 1928”.

**Marginal Citations**

**M11** 1935 c. 47.

- 5 In subsection (1) of section sixteen, the reference to the making of provision by or under any Act (whether public general or local) shall be construed as including a reference to the making of provision by or under any such Act of the Parliament of Northern Ireland.
- 6 In subsection (1) of section seventeen, for the definition of local authority there shall be substituted the following definition:—  
 “ ‘local authority’ means the council of a county, county borough, borough, urban district or rural district”.
- 7 Subsection (2) of section nineteen shall have effect as if for references to the High Court there were substituted references to His Majesty’s High Court of Justice in Northern Ireland . . . <sup>F12</sup>

**Textual Amendments**

**F12** Words repealed by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 4 Pt. IV](#)

- 8 In subsection (2) of section twenty-two, for the words “by the Minister of Agriculture and Fisheries” there shall be substituted the words “by the Secretary of State or the Ministry of Agriculture for Northern Ireland”.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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