



# Interpretation Act (Northern Ireland) 1954

## 1954 CHAPTER 33

### OPERATION OF ENACTMENTS

#### **4 Acts to be deemed public.**

Every Act shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

#### **5 Provisions in private Acts.**

A provision in a private Act shall not affect the rights of a person otherwise than as therein mentioned or referred to.

#### **6 Enactments to apply to whole of Northern Ireland.**

Every enactment shall, unless the contrary intention appears, apply to the whole of<sup>F1</sup> . . . Northern Ireland.

<b>F1</b> SI 1999/663
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#### **7 Crown not bound, unless named.**

No enactment passed or made after the commencement of this Act shall bind or affect in any manner whatsoever Her Majesty or Her Majesty's rights or prerogatives, unless it is stated therein that Her Majesty is bound thereby to the full extent authorised or permitted by the constitutional laws of Northern Ireland or to such less extent as is specified in the enactment.

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## **8 References to the Crown, etc.**

- (1) A reference in an enactment to the Sovereign or to the Crown includes a reference to the Sovereign for the time being.
- (2) This Act shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

## **9 Provisions to be substantive enactments.**

Every provision of an enactment shall have effect as a substantive enactment without introductory words.

## **10 Preamble and marginal notes.**

- (1) The preamble to an enactment shall be construed as a part thereof intended to assist in explaining the purport and object of the enactment.
- (2) Marginal notes in an enactment and marginal references therein to other enactments shall not be construed as part of the enactment and shall be deemed to be inserted for convenience of reference only.

## **11 References in enactments.**

- (1) A reference in an enactment to any statutory provision shall be construed as a reference to that provision as for the time being amended by or under any other statutory provision, including the enactment in which the reference is made.
- (2) A reference in an enactment to any statute passed either before the date of the commencement of the Union with Ireland Act, 1800, by the Irish Parliament or the Parliament of England or the Parliament of Great Britain or on or after that date by the Parliament of the United Kingdom, or to any instrument made under or by virtue of any such statute, shall, except as provided in sub-section (3), be construed as a reference to that statute or instrument as it applies for the time being in Northern Ireland.
- (3) Sub-section (2) shall not apply where the reference—
  - (a) is to a statute or instrument which does not apply in Northern Ireland; or
  - (b) relates to any act or thing done in any other part of the United Kingdom under and for the purposes of a statute or instrument as it applies in that part of the United Kingdom.
- (4) A reference in an enactment by number or letter to a Part, section, sub-section, paragraph, sub-paragraph or other division of another enactment or statutory provision shall be construed as a reference to such Part, section, sub-section, paragraph, sub-paragraph or other division of such other enactment or provision as printed by authority of law.
- (5) A reference in an enactment by number or letter to two or more Parts, divisions, sections, sub-sections, paragraphs, sub-paragraphs, schedules, instruments or forms shall be read as including the number or letter first mentioned and the number or letter last mentioned.
- (6) Where in an enactment reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other enactment or statutory provision is intended,

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the reference shall be construed as a reference to a Part, division, section, schedule or form of the enactment in which the reference is made.

- (7) Where in a section of an enactment reference is made to a sub-section, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a sub-section, paragraph, sub-paragraph or other division of some other section or provision is intended, the reference shall be construed as a reference to a sub-section, paragraph, sub-paragraph or other division of the section in which the reference is made.
- (8) Where in a schedule or Part of a schedule to an enactment reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or the Part of the schedule in which the reference is made.
- (9) Where in an enactment reference is made to a statutory instrument or statutory document, without anything in the context to indicate that a reference to a statutory instrument or statutory document made under some other enactment or statutory provision is intended, the reference shall be construed as a reference to a statutory instrument or statutory document, as the case may be, made under the enactment in which the reference is made.
- (10) A reference in an enactment to any power exercisable, statutory instrument or statutory document made, or issued or act or thing done under a statutory provision shall include a reference to a power exercisable, a statutory instrument or statutory document made, or issued or act or thing done by virtue of that provision or of any statutory instrument or statutory document made or issued under or by virtue of that provision.
- (11) The expression “herein” when used in a section or other division of an enactment passed or made after the commencement of this Act shall relate to the whole enactment and not to that section or division only.

## 12 Amending provisions.

- (1) An Act may be amended, altered or repealed in the same session of<sup>[F2]</sup> the Assembly].
- (2) An amending enactment shall, so far as consistent with the tenor thereof, operate and be construed as part of any<sup>[F2]</sup> statutory] provision which it amends and, without prejudice to sub-section (1) of section eleven shall, as from the date on which it comes into operation, have effect accordingly for the purpose of the construction and operation of any other<sup>[F2]</sup> statutory] provision which refers to, or is incorporated with, the provision which it amends.

F2 SI 1999/663

## 13 Date of passing, etc., of enactments.

- (1) The date of the passing of every Act shall be the date on which the Bill for that Act receives the Royal Assent.

*Subs. (2) rep. by 1998 c. 47*

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- (3) The date of the making of every statutory instrument shall be the date therein expressed as the date of the execution thereof, but where the instrument is made by two or more authorities jointly and is therein expressed to be executed by those authorities on different dates, the date of the making thereof shall be the last date so expressed.
- (4) Where a statutory instrument made or to be made after the commencement of this Act by one authority requires the concurrence or approval of any other authority, that concurrence or approval shall be formally inscribed on the instrument either—
  - (a) on or before the date of the making thereof; or
  - (b) if the other authority has before that date indicated an intention to concur in or approve of the making of the instrument, within one month after such making.

#### **14 Coming into force of enactments.**

- (1) Every enactment which is not expressed to come into force or operation on a particular day shall come into operation immediately on the expiration of the day before the date of the passing thereof, or, where the enactment is a statutory instrument, of the making thereof.
- (2) Where an enactment is expressed to come into force or operation on a particular day (whether such day is before or after the date of the passing of such enactment, or where the enactment is a statutory instrument, of the making thereof, and whether such day is named in the enactment or is to be appointed or fixed or ascertained in any other manner) the enactment shall be construed as coming into force immediately on the expiration of the day before that particular day.

*Subs. (3) rep. by SLR 1976*

#### **15 Date of expiration of enactments.**

- (1) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, the enactment shall, except as provided by sub-section (2), be construed as ceasing to have effect immediately on the expiration of that day.
- (2) Where a Bill is introduced into any session of [<sup>F3</sup>the Assembly] for the continuance of any Act limited to expire in that session and that Act expires before such Bill, [<sup>F3</sup>having been passed by the Assembly], receives in that session the Royal Assent, that Act shall be deemed to have continued as fully and effectively in operation as if such Bill had received the Royal Assent before that Act expired.
- (3) Sub-section (2) shall not operate so as to render any person liable under the provisions of an Act which has expired to any penalty or forfeiture by reason of any act done by him before the date on which the Bill for the continuance of that Act, [<sup>F3</sup>having been passed by the Assembly], receives the Royal Assent.

<b>F3</b> SI 1999/663
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#### **16 Exercise of powers before enactment comes into force.**

Where an enactment which is not to come into force immediately on the passing or making thereof confers power—

- (a) to make appointments;

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- (b) to hold elections;
- (c) to make statutory instruments or issue statutory documents;
- (d) to publish documents or give any notices;
- (e) to prescribe forms;
- (f) to give directions; or
- (g) to do any other act or thing;

that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time after the passing or making thereof, but, except in so far as may be necessary or expedient for that purpose, a statutory instrument or statutory document made under that power shall not have effect before the commencement of the enactment conferring the power.

## 17 Statutory powers and duties generally.

- (1) Where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time, as occasion requires.
- (2) Where an enactment confers a power to make any statutory instrument the power shall be construed as including power, exercisable in the like manner and subject to the like consent and conditions, if any, to amend, alter, rescind or revoke, that instrument and to make other statutory instruments in lieu thereof but this sub-section shall not apply to an order which is not made by a rule-making authority in the exercise of a statutory power which is of a legislative character.
- (3) Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing or are incidental to the doing thereof.
- (4) Where an enactment authorises or requires an act or thing to be done collectively by more than two persons, a majority of those persons may do that act or thing, unless any quorum fixed by that enactment or by any other<sup>F4</sup> statutory] provision has not been formed.
- (5) Any power conferred by an enactment to make a statutory instrument or issue a statutory document may be exercised—
  - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
    - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the enactment;
    - (iii) any such provision either unconditionally or subject to any specified condition.

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

- C1** S. 17(5) applied by [Climate Changes Act 2008 \(c. 27\)](#), [s. 77\(6\)](#) (as inserted (28.4.2014) by [Carrier Bags Act \(Northern Ireland\) 2014 \(c. 7\)](#), [s. 2\(3\)](#))

### 18 Provisions as to holders of offices.

- (1) Every person who is appointed by the Crown in right of Her Majesty's Government in Northern Ireland to any office by or under the authority of an enactment, passed or made after the commencement of this Act, shall hold that office during pleasure only, unless the contrary is expressed in the enactment or in his commission or appointment.
- (2) Words in an enactment passed or made after the commencement of this Act which authorise the appointment of a person to any office and declare that this sub-section shall apply to that appointment shall be deemed also to confer on the authority in whom the power of appointment is vested—
  - (a) power, at the discretion of the authority, to remove or suspend him; and
  - (b) power, exercisable in the like manner and subject to the like consent and conditions, if any, applicable on his appointment—
    - (i) to reappoint or reinstate him;
    - (ii) to appoint another person in his stead or to act in his stead and to provide for the remuneration of the person so appointed;
    - (iii) to fix or vary his remuneration, to withhold his remuneration in whole or in part during any period of suspension from office, and to terminate his remuneration on his removal from office.
- (3) In an enactment a reference, without qualification, to the holder of any office shall include a reference to any person for the time being holding that office and, in particular—
  - (a) words in an enactment directing or empowering the holder of an office to do any act or thing, or otherwise applying to him by the name of his office, shall apply to his successors in office and to his or their deputy;
  - (b) where an enactment confers a power or imposes a duty on the holder of an office, as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

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

- C2** S. 18(2) applied (with modifications) (17.5.2006) by [Local Government Act \(Northern Ireland\) 1972 \(c. 9\)](#), [Sch. 4 para. 2\(1\)](#) (as substituted by [Local Government \(Boundaries\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1253 \(N.I. 8\)\)](#), arts. 1(2), 4(2), [Sch. 1](#))
- C3** S. 18(2) applied (1.4.2009) by [Local Government Pension Scheme \(Administration\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/33\)](#), regs. 1, 25, [Sch. 3 para. 23](#)
- C4** S. 18(2) applied by [Transport Act \(Northern Ireland\) 1967 \(c. 37\)](#), [s. 47\(3A\)](#) (as inserted (16.3.2011) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), [ss. 41](#), 48(1)(a))
- C5** S. 18(3)(a) excluded (2.6.2014 for specified purposes) by [Local Government Act \(Northern Ireland\) 2014 \(c. 8\)](#), [s. 129](#), [Sch. 1 para. 15\(2\)](#) (with [s. 124\(4\)](#)); [S.R. 2014/153](#), art. 3, [Sch. 2](#)

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## 19 Effect of words of incorporation.

- (1) Where an Act passed after the commencement of this Act contains words establishing, or providing for the establishment of, a body corporate and applying this section to that body those words shall operate—
- (a) to vest in that body when established—
    - (i) the power to sue in its corporate name;
    - (ii) the power to enter into contracts in its corporate name, and to do so that, as regards third parties, the body shall be deemed to have the same power to make contracts as an individual has;
    - (iii) the right to have a common seal and to alter or change that seal at pleasure;
    - (iv) the right to acquire and hold ...<sup>F5</sup> any real or personal property for purposes for which the corporation is constituted and to dispose of or charge such property at pleasure;
    - (v) the right to regulate its own procedure and business; and
    - (vi) the right to employ such staff as may be found necessary for the performance of its functions;
  - (b) to make that body liable to be sued in its corporate name;
  - (c) to require that judicial notice shall be taken of the common seal of that body, and that every document purporting to be a document sealed by that body and to be attested in accordance with the statutory provisions, if any, applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof;
  - (d) to vest in a majority of the members of that body the power, subject to any quorum fixed by the enactment under which it is established or by any relevant standing orders, to bind other members thereof; and
  - (e) to exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provision of the Act under which the body is established.
- (2) Without prejudice to sub-section (1) of section two, the application of this section to a body corporate shall not—
- (a) prevent additional powers being conferred by any enactment on that body; or
  - (b) prevent the powers conferred by virtue of such application being limited by any enactment; or
  - (c) prejudice or affect any liability of any member of that body to be surcharged with the payment of any amount which may be disallowed, by an auditor acting in pursuance of any statutory provision, in the accounts of that body.

**F5** 1960 c. 20 (NI)

### Modifications etc. (not altering text)

- C6** S. 19 applied (1.7.2006) by [Fire and Rescue Services \(Northern Ireland\) Order 2006 \(S.I. 2006/1254 \(N.I. 9\)\)](#), arts. 1(3), 3(3), **Sch. 1 para. 1(3)** (with arts. 49, 62); S.R. 2006/257, **art. 2(a)(c)**
- C7** S. 19 applied by [S.I. 2006/2953 \(N.I. 17\)](#), Sch. para. 1(3) (as substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\)](#), s. 1(3), **Sch. 1**)
- C8** S. 19 applied (20.8.2008) by [Local Government \(Constituting a Joint Committee a Body Corporate\) Order \(Northern Ireland\) 2008 \(S.R. 2008/310\)](#), **art. 3(1)**

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- C9** S. 19 applied (1.10.2008) by Libraries Act (Northern Ireland) 2008 (c. 8), ss. 1(2), 12(2), **Sch. 1 para. 1(3)**; S.R. 2008/396, **art. 2(a)(g)**
- C10** S. 19 applied (27.3.2009) by Charities Act (Northern Ireland) 2008 (c. 12), **ss. 6(8)**, 185(1) (with Sch. 1); S.R. 2009/138, **art. 2**, Sch.
- C11** S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 7(2), 34(3), **Sch. 1 para. 1(5)**; S.R. 2009/114, **art. 2**
- C12** S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 12(2), 34(3), **Sch. 2 para. 1(5)**; S.R. 2009/114, **art. 2**
- C13** S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 14(2), 34(3), **Sch. 3 para. 1(5)**; S.R. 2009/114, **art. 2**
- C14** S. 19 applied (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 16(2), 34(3), **Sch. 4 para. 1(3)**; S.R. 2009/114, **art. 2**
- C15** S. 19 applied (27.3.2010) by Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7), **ss. 15(2)**, 26(1)(b)
- C16** S. 19 applied (2.4.2012) by The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012 (S.R. 2012/10), arts. 1, **3**
- C17** S. 19 applied (10.7.2014) by The Police Rehabilitation and Retraining Trust Regulations (Northern Ireland) 2014 (S.R. 2014/163), regs. 1, **3(2)**
- C18** S. 19 applied (12.12.2014) by Education Act (Northern Ireland) 2014 (c. 12), s. 7, **Sch. 1 para. 1(3)** (with Sch. 2 para. 4(3))
- C19** S. 19(1)(a)(v) referred to (1.10.2008) by Libraries Act (Northern Ireland) 2008 (c. 8), ss. 1(2), 12(2), **Sch. 1 para. 10**; S.R. 2008/396, **art. 2(a)(g)**
- C20** S. 19(1)(a)(v) applied (12.12.2014) by Education Act (Northern Ireland) 2014 (c. 12), s. 7, **Sch. 1 para. 9** (with Sch. 2 para. 4(3))

## **F<sup>6</sup>20 Offences.**

(1) Where any act or omission constitutes an offence under two or more than two statutory provisions or under a statutory provision and at common law, the offender shall be liable to be prosecuted and punished under either or any of those provisions or at common law, but shall not be liable to be punished twice for the same offence.

<sup>F7F8</sup>(2) Where an offence under any enactment passed after the commencement of this Act has been committed by a body corporate the liability of whose members is limited, then notwithstanding and without prejudice to the liability of that body, any person who at the time of such commission was a director, general manager, secretary or other similar officer of that body or was purporting to act in any such capacity shall, subject to sub-section (3), be liable to be prosecuted as if he had personally committed that offence and shall, if on such prosecution it is proved to the satisfaction of the court that he consented to, or connived at, or did not exercise all such reasonable diligence as he ought in the circumstances to have exercised to prevent the offence, having regard to the nature of his functions in that capacity and to all the circumstances, be liable to the like conviction and punishment as if he had personally been guilty of that offence.

(3) A person shall not be charged under sub-section (2) [<sup>F9F10</sup> except by or with the consent of the Attorney-General or the Director of Public Prosecutions for Northern Ireland].

(4) An enactment creating criminal liability for an act or omission which, apart from that enactment, would give rise to civil liability shall not operate to prejudice the civil liability ...<sup>F11</sup>.

**F6** mod. by SI 2004/1769

**F7** mod. by 2005 NI 17



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- F8** mod. by 2002 NI 7
- F9** 1972 NI 1
- F10** continue to am. 2002 c. 26
- F11** 1967 c. 18 (NI)

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

- C21** S. 20 applied with mods. (15.10.2012) by The Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012 (S.R. 2012/335), regs. 1, **22(1)** (with reg. 24)
- C22** S. 20(2) applied (with modifications) (15.3.2006) by Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)), arts. 1(3)(a), **2(4)** (with art. 26)  
S. 20(2) applied (with modifications) (31.8.2006) by Ozone Depleting Substances (Qualifications) Regulations (Northern Ireland) 2006 (S.R. 2006/321), **reg. 10**  
S. 20(2) applied (with modifications) (1.2.2007) by Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (S.R. 2006/482), **reg. 26** (with reg. 3)
- C23** S. 20(2) applied (with modifications) (31.5.2007) by Sulphur Content of Liquid Fuels Regulations (Northern Ireland) 2007 (S.R. 2007/272), **reg. 7(3)**
- C24** S. 20(2) applied (with modifications) (1.10.2008) by Cross-border Railway Services (Working Time) Regulations (Northern Ireland) 2008 (S.R. 2008/315), **reg. 13**
- C25** S. 20(2) applied (with modifications) (8.12.2008) by Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008 (S.R. 2008/433), **reg. 10(1)** (with reg. 14(1))
- C26** S. 20(2) applied (with modifications) (31.12.2008) by Sea Fishing (Marking and Identification of Passive Fishing Gear and Beam Trawls) Order (Northern Ireland) 2008 (S.R. 2008/484), **art. 10(1)**
- C27** S. 20(2) applied (with modifications) (2.8.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **73** (with art. 77); S.R. 2010/226, **art. 2**, Sch.
- C28** S. 20(2) applied (with modifications) (12.10.2009 for certain purposes, otherwise prosp.) by Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)), arts. 1(3), **22(1)** (with arts. 2(4), 53, 57(3), 61(4)); S.R. 2009/346, **art. 3**, Sch.
- C29** S. 20(2) modified (15.11.2010) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), **42(1)** (with arts. 44, 46, 49, 62); S.R. 2010/328, **art. 2**  
S. 20(2) modified (30.4.2007) by Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)), arts. 1(2), **13(1)** (with art. 16(1)); S.R. 2007/118, **art. 2**  
S. 20(2) modified (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **110(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (with art. 3, Sch. 2)
- C30** S. 20(2) applied (with modifications) (27.3.2009) by Aquatic Animal Health Regulations (Northern Ireland) 2009 (S.R. 2009/129), regs. 1(1), **47(1)**
- C31** S. 20(2) applied (with modifications) (12.5.2009) by Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 (S.R. 2009/184), regs. 1(1)(b), **48(1)** (with reg. 52)
- C32** S. 20(2) applied (with modifications) (10.8.2009) by Groundwater Regulations (Northern Ireland) 2009 (S.R. 2009/254), **reg. 30(1)** (with reg. 5)
- C33** S. 20(2) applied (with modifications) (18.1.2010) by Private Water Supplies Regulations (Northern Ireland) 2009 (S.R. 2009/413), **reg. 22(2)** (with reg. 4)
- C34** S. 20(2) applied (with modifications) (31.3.2010) by Horse Passports Regulations (Northern Ireland) 2010 (S.R. 2010/40), **reg. 21**
- C35** S. 20(2) applied (with modifications) (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), **ss. 51, 59** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1
- C36** S. 20(2) applied (with modifications) (31.7.2011) by Controls on Ozone-Depleting Substances Regulations (Northern Ireland) 2011 (S.R. 2011/239), **reg. 13(1)** (with reg. 15)
- C37** S. 20(2) applied (with modifications) (31.7.2011) by Ozone-Depleting Substances (Qualifications) Regulations (Northern Ireland) 2011 (S.R. 2011/240), **reg. 13(1)** (with reg. 15)
- C38** S. 20(2) applied (with modifications) (4.10.2011) by Plant Protection Products Regulations (Northern Ireland) 2011 (S.R. 2011/295), **reg. 23(1)**

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- C39** S. 20(2) applied (with modifications) (1.11.2011) by [Weights and Measures \(Packaged Goods\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/331\)](#), **reg. 17** (with regs. 3, 21)
- C40** S. 20(2) applied (with modifications) (31.3.2012) by [High Hedges Act \(Northern Ireland\) 2011 \(c. 21\)](#), **ss. 13, 20** (with s. 18); S.R. 2012/20, art. 2(2)
- C41** S. 20(2) applied (with modifications) (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), **ss. 74, 78**; S.R. 2012/13, art. 2(2), Sch. 2
- C42** S. 20(2) applied (with modifications) (1.5.2012) by [Sunbeds Act \(Northern Ireland\) 2011 \(c. 19\)](#), **ss. 15(1), 18(2)**; S.R. 2012/90, art. 2
- C43** S. 20(2) applied (with modifications) (30.6.2012) by [Pensions \(No. 2\) Act \(Northern Ireland\) 2008 \(c. 13\)](#), **ss. 46, 118(1)** (with s. 73); S.R. 2012/266, art. 2(b), Sch. Pt. 2
- C44** S. 20(2)(3) applied (with modifications) (1.9.2012) by [Taxis Act \(Northern Ireland\) 2008 \(c. 4\)](#), **ss. 47, 59**; S.R. 2012/313, art. 2(2), Sch. Pt. 2
- C45** S. 20(2) applied (with modifications) (6.1.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/453\)](#), regs. 1, **36(6)** (with reg. 5, Sch. 3)
- C46** S. 20(2) appl. with mods (27.5.2013) by [The Goods Vehicles \(Community Licence\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/115\)](#), regs. 1, **13**
- C47** S. 20(2) applied with modifications (20.6.2013) by [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/160\)](#), regs. 1, **36(6), (7)** (with reg. 5, Sch. 3)
- C48** S. 20(2) applied (with modifications) (18.9.2013) by [Marine Act \(Northern Ireland\) 2013 \(c. 10\)](#), **ss. 44(1), 49** (with ss. 1(1), 46(3), 47)
- C49** S. 20(2) applied with modifications (13.1.2014) by [The Road Service Licensing \(Community Licences\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/287\)](#), regs. 1, **12**
- C50** S. 20(3) applied (with modifications) (2.8.2010) by [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), arts. 1(3), **73** (with art. 77); S.R. 2010/226, **art. 2**, Sch.
- C51** S. 20(3) modified (22.1.2010) by [Goods Vehicles \(Licensing of Operators\) Act \(Northern Ireland\) 2010 \(c. 2\)](#), **ss. 58(4)(a), 60(1)(c)**

## 21 Rules regulating procedure of courts and tribunals.

- (1) Where an enactment confers any jurisdiction on a court or other tribunal or extends or varies the jurisdiction of a court or tribunal, the authority having for the time being power to make rules or orders regulating the practice and procedure of that court or tribunal may make such rules or orders (including rules or orders regulating costs, ...<sup>F12</sup>, witnesses and other expenses) as appear to the authority to be necessary for regulating the practice and procedure of such court or tribunal in the exercise of the jurisdiction so conferred, extended or varied, and it shall not be necessary for any other enactment to confer power on the authority to make any rules or orders for those purposes.
- (2) A county court<sup>F13</sup> rule or magistrates' courts rule which
- (a) directs money to be paid out of or in aid of public funds; or
- Para. (b) rep. by 1978 c. 23*
- shall not be made without the concurrence of the <sup>F14</sup>Department of Finance and Personnel], but the validity of any county court<sup>F13</sup> rule or magistrates' courts rule shall] not in any proceedings in any court be impugned either by the court or by any party to the proceedings on the ground only that any such concurrence as aforesaid had not been given or is not expressed to have been given.
- (3) All such rules or orders heretofore made under any enactment shall be deemed to have been made under this section and may be varied or revoked accordingly.

*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

<sup>F15</sup>(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.]

(5) In any enactment—

“county court rules” shall mean county court rules made, or having effect as if made, by the authority having for the time being power to make rules regulating the practice and procedure in county courts;

[<sup>F13</sup>“magistrates' courts rules” shall mean rules made under Part IV of the Magistrates' Courts (Northern Ireland) Order 1981 and shall include any rule or order which under paragraph 5 or 7 of Schedule 5 of that Order has effect as if it was a rule so made].

(6) References in this section to rules or orders shall include—

(a) in relation to the [<sup>F16</sup>Court of Judicature], the High Court or the Court of Appeal ...<sup>F12</sup>, references to rules of court;

<sup>F17</sup>(aa) in relation to the Crown Court, references to Crown Court rules;]

(b) in relation to the county court ...<sup>F12</sup>, references to county court rules; and

[<sup>F13</sup>(c) in relation to magistrates' courts references to magistrates' courts rules.]

*Subs. (7) rep. by 1964 c. 21 (NI)*

**F12** 1978 c. 23

**F13** 1981 NI 26

**F14** Words in s. 21(2)(a) substituted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), arts. 1(2), 4 (with arts. 24-28)

**F15** 1978 c. 23

**F16** Words in s. 21(6)(a) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59(5), 148(1), Sch. 11 para. 6; S.I. 2009/1604, [art. 2\(b\)](#)

**F17** 1978 c. 23

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

**C52** S. 21(1) applied by [Representation of the People Act 1983 \(c. 2\)](#), s. 58(7) (as substituted (14.5.2008) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 30(1), 31(3), [Sch. 4 para. 5](#)); S.I. 2008/1318, [art. 2](#)

## **22 Powers of appellate courts.**

Where an enactment provides that an appeal against any decision or determination of a court, tribunal, authority or person (in this section called “the original tribunal”), may be brought to any court, that court (in this section called “the appellate court”) may, for all purposes of and incidental to hearing or determining such appeal, exercise all the powers, authority and jurisdiction of the original tribunal and, in addition, may—

- (a) confirm, reverse or vary the decision or determination of the original tribunal;
- (b) remit the appeal or any matter arising thereon to the original tribunal with such declarations or directions as the appellate court may think proper; or
- (c) make such order as to costs and expenses as the appellate court may think proper;

*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

and—

- (i) it shall be the duty of the original tribunal to have regard to all such declarations and to obey all such directions, if any, as may be given by the appellate court pursuant to paragraph ( b); and
- (ii) orders made by the appellate court shall have the like effect and may be enforced in like manner as orders made by the original tribunal.

### [<sup>F18</sup>23 **Inquiries and investigations**

The provisions of Schedule A1 to this Act shall have effect in relation to any local or other inquiry or any investigation which a Minister or Northern Ireland department causes to be held or made under any enactment passed or made—

- (a) after the commencement of this Act, and
- (b) before the commencement of section 47 of the Inquiries Act 2005.]

**F18** 2005 c.12

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

**C53** S. 23 applied (10.6.2006) by [Planning \(Northern Ireland\) Order 1991 \(S.I. 1991/1220 \(N.I. 11\)\)](#), art. 123B(6) (as inserted by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#)), arts. 1(4), **22(1)**)

S. 23 applied (prosp.) by [Planning \(Northern Ireland\) Order 1991 \(S.I. 1991/1220 \(N.I. 11\)\)](#), Sch. 1A para. 13(3) (as inserted by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#)), arts. 1(3)(d), 27(2), **Sch. 3**)

S. 23 applied (prosp.) by [Planning \(Northern Ireland\) Order 1991 \(S.I. 1991/1220 \(N.I. 11\)\)](#), Sch. 1B para. 10(3) (as inserted by [Planning Reform \(Northern Ireland\) Order 2006 \(S.I. 2006/1252 \(N.I. 7\)\)](#)), arts. 1(3)(d), 27(2), **Sch. 3**)

### **24 Service of documents.**

- (1) Where an enactment authorises or requires a document to be served by post, whether the word “serve” or any of the words “give”, “deliver” or “send” or any other word is used, the service of the document may be effected by prepaying, registering<sup>F19</sup> and posting an envelope addressed to the person on whom the document is to be served at his usual or last known place of abode or business and containing such document; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which such envelope would have been delivered in the ordinary course of post.
- (2) Where an enactment authorises or requires a document to be served on any person without directing it to be served in a particular manner the service of that document may be effected either—
  - (a) by personal service; or
  - (b) by post in accordance with sub-section (1); or
  - (c) by leaving it for him with some person apparently over the age of sixteen at his usual or last known place of abode or business; or
  - (d) in the case of a corporate body or of any association of persons (whether incorporated or not), by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post on such secretary or clerk at such office; or

*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

- (e) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee, or occupier of premises on whom the document should be served, by addressing the document to him by the description of “owner” or “lessee” or “occupier” of the premises (naming them) to which the document relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

**F19** Recorded delivery service may be used as an alternative, 1963 c. 5 (NI)

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

- C54** S. 24 applied (with modifications) by Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)), art. 5(1A) (as inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **28**); S.R. 2007/302, **art. 2**, Sch.
- C55** S. 24 excluded (10.6.2006) by Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I. 11)), art. 112E(2) (as inserted by Planning Reform (Northern Ireland) Order 2006 (S.I. 2006/1252 (N.I. 7)), arts. 1(4), **21(1)**)
- C56** S. 24 modified by 1988 NI 3  
S. 24 modified (1.6.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(2), **2(3)** (with arts. 49, 62)
- C57** S. 24 modified by Dogs (Northern Ireland) Order 1983 (S.I. 1983/764 (N.I. 8)), art. 30A(8) (as inserted (3.10.2011) by Dogs (Amendment) Act (Northern Ireland) 2011 (c. 9), **ss. 8**, 18(1); S.R. 2011/332, **art. 2**, Sch.)
- C58** S. 24 applied with modifications (7.6.2012) by The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 (S.R. 2012/188), regs. 1, **11**; S.R. 2012/214, art. 2(m)
- C59** S. 24 applied (1.3.2014) by The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 (S.I. 2013/1506), regs. 2(4), **29(2)** (with reg. 3(4)(5)31)
- C60** S. 24 applied (12.12.2014) by Education Act (Northern Ireland) 2014 (c. 12), s. 7, **Sch. 1 para. 12** (with Sch. 2 para. 4(3))
- C61** S. 24 excluded (13.2.2015 for specified purposes) by Planning Act (Northern-Ireland) 2011 (c. 25), **ss. 218(2)**, 254(1), (2) (with s. 211); S.R. 2015/49, art. 2
- C62** S. 24(1) modified by 2005 NI 1, **arts. 2(7)(a)**, 241  
S. 24(1) modified (1.1.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(3)(a), **2(13)** (with arts. 8(8), 121(3), 307)  
S. 24(1) modified (1.4.2007) by Private Tenancies (Northern Ireland) Order 2006 (S.I. 2006/1459 (N.I. 10)), arts. 1(3), **67(2)**; S.R. 2006/428, **art. 3**
- C63** S. 24(1) modified (29.6.2007) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), **ss. 57(2)(a)**, 60
- C64** S. 24(1) modified (27.3.2009) by Aquatic Animal Health Regulations (Northern Ireland) 2009 (S.R. 2009/129), regs. 1(1), **2(7)**
- C65** S. 24(1) modified (22.1.2010) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), **ss. 58(4)(b)**, 60(1)(c)
- C66** S. 24(1) excluded by S.R. 2005/168, reg. 2(7) (as added (6.4.2010) by Occupational Pension Schemes (Employer Debt and Miscellaneous Amendments) Regulations (Northern Ireland) 2010 (S.R. 2010/111), **reg. 4(c)**)
- C67** S. 24(1) modified (1.9.2012) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 53**, 59; S.R. 2012/313, art. 2(2), Sch. Pt. 2
- C68** S. 24(1) applied with mods. (15.10.2012) by The Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012 (S.R. 2012/335), regs. 1, **26(1)** (with reg. 24)
- C69** S. 24(1) applied (with modifications) (26.3.2014) by Tobacco Retailers Act (Northern Ireland) 2014 (c. 4), **ss. 22(2)**, 25(1)

*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

**C70** S. 24(1) applied (with modifications) (8.8.2014) by [The Sea Fishing \(Licences and Notices\) Regulations \(Northern Ireland\) 2014 \(S.R. 2014/209\)](#), regs. 1(1), **3(9)**

## 25 Deviation in forms.

Where a form is prescribed or specified by any enactment, deviations therefrom not materially affecting the substance nor calculated to mislead, shall not invalidate the form used.

## 26 Oaths, affirmations and declarations.

- (1) Where any enactment passed or made after the commencement of this Act authorises or requires evidence to be taken on oath, or authorises or directs an oath to be made, taken or administered, the oath may be administered, and a certificate or acknowledgment of its having been made, taken or administered may be given, by anyone authorised by the enactment to take the evidence, or by a judge of any court, a notary public, or a commissioner for oaths or justice of the peace having authority or jurisdiction in the place where the oath is administered.
- (2) In every enactment, the words “oath” and “affidavit” shall, <sup>F20</sup>..., include affirmation and declaration; and the word “swear” shall, <sup>F20</sup>..., include affirm and declare.
- (3) A reference in an enactment to a statutory declaration shall be construed as a reference to a declaration made by virtue of the Statutory Declarations Act, 1835<sup>M1</sup>.
- (4) A power conferred by an enactment upon a [<sup>F21</sup>lay magistrate or] justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, may be exercised by a notary public or a commissioner for oaths.

**F20** [1977 c. 38](#)

**F21** [2002 c.26](#)

### Marginal Citations

**M1** [1835 c. 62](#)

## 27 Operation of declaration that provisions are to cease to have effect.

- (1) Where in an enactment it is declared that the whole or a part of any [<sup>F22</sup>statutory] provision is to cease to have effect, that [<sup>F22</sup>statutory] provision shall be deemed to have been repealed to the extent to which it is so declared to cease to have effect.
- (2) Sub-section (1) shall not be taken to prejudice the operation of any declaration in an enactment that the whole or a part of any [<sup>F22</sup>statutory] provision is repealed.

**F22** [SI 1999/663](#)

## 28 Effect of repeal.

- (1) The repeal of any enactment shall not be deemed to be or to involve a declaration that such enactment was or was considered by Parliament<sup>F23</sup> or (as the case may be) the Assembly] to have been previously in force in Northern Ireland.

*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

- (2) Where an enactment repeals or revokes a<sup>F23</sup> [statutory] provision, the repeal or revocation shall not, save as in this section otherwise provided—
- (a) revive any<sup>F23</sup> [statutory] provision or thing not in force or existing at the time at which the repeal or revocation takes effect;
  - (b) affect the previous operation of the<sup>F23</sup> [statutory] provision so repealed or revoked, or anything duly done or suffered thereunder;
  - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the<sup>F23</sup> [statutory] provision so repealed or revoked;
  - (d) affect any offence committed against the<sup>F23</sup> [statutory] provision so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof; or
  - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the<sup>F23</sup> [statutory] provision had not been repealed or revoked.
- (3) Nothing in sub-section (2) shall be taken to authorise the continuance in force after the repeal or revocation of a<sup>F23</sup> [statutory] provision of any instrument made under that provision.
- (4) Where at any time an enactment expires, lapses or otherwise ceases to have effect, this section shall apply as if that enactment had then been repealed or revoked.
- (5) The inclusion in the repealing provisions of any enactment of any express saving with respect to the repeals affected thereby shall not be taken to prejudice the operation of this section with respect to the effect of those repeals.

**F23** SI 1999/663

## **29 Effect of substituting provisions.**

- (1<sup>F24</sup> Where an enactment repeals or revokes and re-enacts, with or without modification, any<sup>F25</sup> [statutory] provision, a reference in any other<sup>F25</sup> [statutory] provision or in any statutory instrument or statutory document to the provision so repealed or revoked shall without prejudice to the operation of sub-sections (2) and (3) be construed as a reference to the provision as re-enacted.
- (2) Where an enactment repeals or revokes a<sup>F25</sup> [statutory] provision and substitutes another enactment therefor by way of amendment, revision or consolidation—
- (a) all officers and persons acting under that provision shall continue to act, as if appointed under the enactment so substituted;
  - (b) every bond and security given by a person appointed under that provision shall remain in force and all offices, books, papers and things used or made under that provision shall continue to be used as theretofore so far as consistent with the enactment so substituted;
  - (c) all proceedings taken under that provision shall be prosecuted and continued under and in conformity with the enactment so substituted, so far as consistently may be;

*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

- (d) in the recovery or enforcement of penalties and forfeitures incurred, and in the enforcement of rights existing or accruing under that provision or in any other proceedings under that provision, the procedure established by the enactment so substituted shall be followed so far as it can be adapted; and
  - (e) where any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the enactment so substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly.
- (3) Without prejudice to sub-section (2), where an enactment repeals or revokes a<sup>F25</sup> statutory] provision and substitutes another enactment therefor by way of amendment, revision or consolidation—
- (a)<sup>F24</sup> all statutory instruments or statutory documents made, issued, confirmed or granted under that<sup>F25</sup> statutory] provision and all decisions, authorisations, directions, consents, applications, requests or things made, issued, given or done thereunder shall, in so far as they are in force at the commencement of the enactment so substituted, and are not inconsistent therewith, have the like effect, and the like proceedings may be had thereon and in respect thereof as if they had been made, issued, confirmed or granted or made, issued, given or done under the corresponding provision of the enactment so substituted; and
  - (b) any reference to that<sup>F25</sup> statutory] provision in any unrepealed or unrevoked<sup>F25</sup> statutory] provision shall, in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of the enactment so substituted as relates to the same subject-matter as that provision; and, if nothing in the enactment so substituted relates to the same subject-matter, that provision shall stand good, and be read and construed as unrepealed or unrevoked in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed or unrevoked<sup>F25</sup> statutory] provision.

**F24** mod. by 1989 NI 6

**F25** SI 1999/663

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

**C71** S. 29 excluded (31.12.2009) by Cereal Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/383), **reg. 32(4)** (with **regs. 5(2), 32(3)**)

**C72** S. 29 excluded (31.12.2009) by Beet Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/384), **reg. 29(4)** (with **regs. 4(2), 29(3)**)

**C73** S. 29 excluded (31.12.2009) by Fodder Plant Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/385), **reg. 33(4)** (with **regs. 5(2), 33(3)**)

**C74** S. 29 excluded (31.12.2009) by Oil and Fibre Plant Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/386), **reg. 32(4)** (with **regs. 5(2), 32(3)**)

**C75** S. 29 excluded (31.12.2009) by Vegetable Seeds Regulations (Northern Ireland) 2009 (S.R. 2009/387), **reg. 32(4)** (with **regs. 5(2), 32(3)**)

**30 Reprints.**

- (1) Where an enactment directs that [<sup>F26</sup>an Act is to be reprinted, that Act] shall be reprinted with—
- (a) the addition of any words added thereto;
  - (b) the substitution of any words substituted therein;



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*Status: Point in time view as at 13/02/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954. (See end of Document for details)*

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- (c) the omission of any words repealed therein;  
by [<sup>F26</sup>any statutory provision] (including the enactment directing the reprint) for the time being in force.
- (2) [<sup>F26</sup>For the purpose of reprinting any Act, the Presiding Officer shall cause to be prepared and shall certify a copy of that Act], with the additions, substitutions and omissions referred to in the preceding sub-section, and with the sections, sub-sections and paragraphs numbered in accordance with the [<sup>F26</sup>statutory provision] which makes the addition or substitution, as the case may be, and with any renumbering, and any alteration of references, cross-headings and marginal notes and with such other modifications necessarily consequential on the amendments so made and<sup>F26</sup>... such footnotes and additional references as [<sup>F26</sup>may be] necessary or desirable to assist in explaining the reprint.
- (3) The Queen's Printer shall print in accordance with the copy as certified all copies of the [<sup>F26</sup>Act] to be reprinted which are printed after the passing of the enactment directing the reprint.
- (4) [<sup>F26</sup>The Presiding Officer may by order direct that any Act] shall be reprinted in accordance with the foregoing sub-sections and where such order is made these sub-sections shall apply as if an enactment had directed [<sup>F26</sup>that Act] to be reprinted.
- (5) Where [<sup>F26</sup>an Act] is reprinted pursuant to an order made under sub-section (4), the fact that it is so reprinted shall be stated on the reprint.

**Status:**

Point in time view as at 13/02/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Interpretation Act (Northern Ireland) 1954.