



CHAPTER 25.

An Act to enable the functions of the Attorney General, of the Lord Advocate and of the Attorney General for Northern Ireland to be discharged respectively by the Solicitor General, by the Solicitor General for Scotland and by deputy in certain cases. [13th July 1944.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Any functions authorised or required, by any enactment to which this subsection applies, to be discharged by the Attorney General may be discharged by the Solicitor General, if—

Attorney
General and
Solicitor
General.

- (a) the office of Attorney General is vacant ; or
- (b) the Attorney General is unable to act owing to absence or illness ; or
- (c) the Attorney General authorises the Solicitor General to act in any particular case.

The enactments to which this subsection applies are—

- (i) any enactment passed before the commencement of this Act which makes no provision for enabling the Solicitor General to discharge the functions of the Attorney General thereunder, or which makes provision enabling him to discharge them only in certain circumstances defined by the enactment ; and
- (ii) any enactment passed after the commencement of this Act which does not expressly provide that this section shall not apply thereto.

(2) During any period when the office of Attorney General is vacant, any certificate, petition, direction, notice, proceeding or other document, matter or thing whatsoever authorised or required, by any enactment to which this subsection applies, to be given, delivered, served, taken or done to, on or against the Attorney General, may be given, delivered, served, taken or done to, on or against the Solicitor General.

The enactments to which this subsection applies are—

- (a) any enactment passed before the commencement of this Act; and
- (b) any enactment passed after the commencement of this Act which does not expressly provide that this subsection shall not apply thereto.

Lord
Advocate
and Solicitor
General for
Scotland.

2.—(1) Any functions authorised or required, by any enactment or otherwise, to be discharged by the Lord Advocate may be discharged by the Solicitor General for Scotland, if—

- (a) the office of Lord Advocate is vacant; or
- (b) the Lord Advocate is unable to act owing to absence or illness; or
- (c) the Lord Advocate authorises the said Solicitor General to act in any particular case.

(2) During any period when the office of Lord Advocate is vacant, any certificate, notice, information, intimation, proceedings or other matter or thing whatsoever authorised or required by any enactment to be given, made, directed or done to or against the Lord Advocate may be given, made, directed or done to or against the Solicitor General for Scotland.

(3) In this section the expression “enactment” includes any enactment passed before the commencement of this Act, and, unless the contrary intention appears, any enactment passed thereafter:

50 & 51 Vict.
c. 35.

Provided that nothing in this section shall derogate from or prejudice the provisions of section three of the Criminal Procedure (Scotland) Act, 1887.

Attorney
General for
Northern
Ireland and
deputy.

3.—(1) If at any time the Governor of Northern Ireland, by virtue of section two of an Act of the Parliament of Northern Ireland known as the Office of Attorney General Act (Northern Ireland), 1923, appoints a deputy to act as Attorney General for Northern Ireland, then, during the continuance of the appointment, references to the Attorney General for Northern Ireland in any enactment to which this section applies shall, in relation to matters which are not for the time being within the powers of the Government of Northern Ireland, be construed as references to the deputy so appointed.

- (2) The enactments to which this section applies are—
- (a) any enactment passed before the commencement of this Act which makes no provision for enabling such a deputy as aforesaid to discharge the functions of the Attorney General for Northern Ireland thereunder in relation to such matters as aforesaid; and
 - (b) any enactment passed after the commencement of this Act which does not expressly provide that this section shall not apply thereto.

4. This Act may be cited as the Law Officers Act, 1944.

Short title.

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