



Judicature (Northern Ireland) Act 1978

CHAPTER 23

JUDICATURE (NORTHERN IRELAND) ACT 1978

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Status: Point in time view as at 31/10/2016.

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- 2 Any application for leave to appeal in a case involving...
- 3 (1) Without prejudice to any other power to grant bail,...
- 4 (1) Where the defendant in any proceedings from which an...
- 5 (1) Where a person subject to a sentence is admitted...
- 6 (1) Rules of court may be made—

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- 4 Expressions used in this Schedule and in the principal civil...

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Part I — GENERAL AMENDMENTS

- 1 (1) Except where the contrary is expressly provided by or...
- 2 (1) In any statutory provision whether passed or made before,...
- 3 References in any statutory provision to rules made under section...
- 4 Paragraphs 1 to 3 apply subject to the provisions of...

Part II — SPECIFIC AMENDMENTS

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(1) ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

...
.....
.....
.....
.....
.....

The Writ of Subpoena Act 1805

In sections 3 and 4 references to a writ of...

The Tumultuous Risings (Ireland) Act 1831

In section 9 for the words from “the judge, assistant...

The Constabulary (Ireland) Act 1836

...

The Parliamentary Documents Deposit Act 1837

For any reference to the clerk of the peace there...

The Lands Clauses Consolidation Act 1845

At the end of section 3 add the following definition—...
Section 9 shall, in the case of purchase money or...
Section 69 shall, in the case of purchase money or...
Section 70 shall, in the case of money paid into...
Section 71 shall, in the case of purchase money or...
Section 73 shall, in the case of money payable in...
Section 76 shall, in the case of, or of an...
Section 78 shall, in the case of purchase money or...
Section 84 shall, in the case of lands in Northern...
Section 85 shall, in the case of lands in Northern...
The Act shall, in its application to Northern Ireland, have...
Section 89 shall, in the case of lands in Northern...
Section 99 shall, in the case of lands in Northern...
Section 100 shall, in the case of lands in Northern...
Section 107 shall, in the case of lands in Northern...
Section 109 shall, in the case of lands in Northern...
Section 111 shall, in the case of lands in Northern...
Section 113 shall, in the case of lands in Northern...
Section 117 shall, in the case of lands in Northern...
In Schedule A as it applies to the conveyance of...

The Indictable Offences Act 1848

In sections 12 and 14 for any reference to justices...

...

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The Railways Act (Ireland) 1851

In section 19 for the words from “into the Bank...

The Fines Act (Ireland) 1851

In section 1 for the words from “the several officers”...

.....
.....

In section 10 for the words “several assistant barristers, recorders...

The Petty Sessions (Ireland) Act 1851

In section 30 for the reference to justices of oyer...

...

The Irish Bankrupt and Insolvent Act 1857

...

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

...
...

The Landed Estates Court (Ireland) Act 1858

In section 56 for the words from “into the Bank...

In section 57 for the words “into the Bank of...

In section 66 for the words “the Lord High Chancellor”...

In section 70 for the words from “transferred” to “Chancery...”

The Railways Act (Ireland) 1860

In section 2 for the words “depositing in the Bank...

In section 4 for the words “deposited as last aforesaid...”

The Defence Act 1860

In sections 21 and 22 for the words “the Bank...”

The Tramways (Ireland) Act 1860

In section 29, for paragraphs 1 and 2, substitute— Within fourteen days after the making of the Order they...

The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870

In section 7 for the words from “in a court...

In section 13 for the words from the beginning to...

...

The Bankruptcy (Ireland) Amendment Act 1872

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

“ “The Court” shall mean the High Court of Justice...

...
...

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The Fines Act (Ireland) 1851, Amendment Act 1874

In section 2 for the words “assistant barrister, recorder” substitute...

The Appellate Jurisdiction Act 1876

In section 25 for the words “As to Ireland, the...

The Settled Estates Act 1877

In section 34 for the words “the Bank of Ireland...

The Bills of Sale (Ireland) Act 1879

In section 4 for the definition of “prescribed” substitute—
““prescribed” means prescribed by rules of court made under...
For section 13 substitute— As to registrar. The Master (Queen’s Bench and Appeals) or such other officer...
For section 19 substitute— Fees. Section 116 of the Judicature (Northern Ireland) Act 1978 shall...

The Settled Land Act 1882

At the end of section 2 as it applies to...

The Land Law (Ireland) Act 1887

In section 34 in the definition of “prescribed” for the...

The Deeds of Arrangement Act 1887

In section 15(2) for the words “the eighty-fourth section of...

The Deeds of Arrangement Amendment Act 1890

In section 2(7) for the words “the eighty-fourth section of...

The Witnesses (Public Inquiries) Protection Act 1892

In section 3, as it applies to Northern Ireland, for...

The Life Insurance Companies (Payment into Court) Act 1896

In section 3, as it applies to Northern Ireland, for...

The Northern Ireland (Miscellaneous Provisions) Act 1932

In section 9(3) for the words “under the Landed Estates...

The Foreign Judgments (Reciprocal Enforcement) Act 1933

In section 13(b) for the words from “respectively” to the...

...

The Pensions Appeal Tribunals Act 1943

.....

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In section 14 for the words from “Lord Chancellor” to...

.....
...
...
...

...

The Maintenance Orders Act 1950

.....
In section 25(2) for the words from the beginning to...
In section 28(1) in the definition of “prescribed” for the...

The Administration of Justice Act 1956

In Part I of Schedule 1 after paragraph 4 insert—...

The Geneva Conventions Act 1957

In section 4(1) as substituted by section 52 of, and...

The Administration of Justice Act 1960

In paragraph 2 of Schedule 2 for the word “accordingly”...

The Professions Supplementary to Medicine Act 1960

In paragraph 2(2) of Schedule 2 after the words “Supreme...”

The Veterinary Surgeons Act 1966

In paragraph 4(2) of Schedule 2 after the words “Supreme...”

The Arbitration (International Investment Disputes) Act 1966

In section 8(b) for the words “section 7 of the...”

...

The Family Law Reform Act 1969

In section 6(7) for the words “or under any corresponding...”

The Administration of Justice Act 1969

In section 16(1) for the words from “sections 3” to...
In sections 20(5) and 21(4) for the words “section 7...”

The Taxes Management Act 1970

In sections 58(2) and 59(5) for the words “section 1...”

...

The Administration of Justice Act 1970

In section 34(2) for the words “section 7 of the...”

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The Misuse of Drugs Act 1971

In paragraph 5(2) of Schedule 3 after the words “Supreme...

The Tribunals and Inquiries Act 1971

...

The Administration of Justice Act 1973

...

The Social Security (Northern Ireland) Act 1975

...

The House of Commons Disqualification Act 1975

...

In Part I of Schedule 1 for the words from...

In Part III of Schedule 1 the entry relating to...

“ Statutory officer appointed under section 70 of the Judicature...

The Northern Ireland Assembly Disqualification Act 1975

...

In Part I of Schedule 1 for the words from...

In Part III of Schedule 1 the entry relating to...

The Northern Ireland (Emergency Provisions) Act 1978

.....

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

The Habeas Corpus Act (Ireland) 1781

In section 2 for the words from “in the court...

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

The Bankruptcy Amendment Act (Northern Ireland) 1929

In section 21(1) for the words from the beginning to...

In section 28(1)—

(a) in the definition of “The court” for the words...

(b) in the definition of “Prescribed” for the words from...

The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929

In section 7(3) for the words from “such division or...

The Planning and Housing Act (Northern Ireland) 1931

In section 34(4) and (5) for the words “Supreme Court”...

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

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The Evidence Act (Northern Ireland) 1939

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

The Matrimonial Causes Act (Northern Ireland) 1939

In the long title and in section 1 for the...

In section 4(1)(a) for sub-paragraph (i) substitute—

For section 27(2) substitute— (2) Rules of court may be...

In section 30(1) for the definition of “High Court” substitute—...

In section 30(1) in the definition of “Presentation” for the...

The Landlord and Tenant (War Damage) Act (Northern Ireland) 1941

For section 33(7) substitute— (7) If any party to any...

In section 38(1) in the definition of “rules of court”...

The Criminal Justice Act (Northern Ireland) 1945

In section 35(1) for the words “a court of assize...”

In section 35(7) for the words “the rules under this...”

.....

.....

“division” means a county court division within the meaning of...

at the end of the entry relating to officers of...

The Prison Act (Northern Ireland) 1953

In section 6 for the words “a court of assize...”

The Administration of Justice Act (Northern Ireland) 1954

For section 11 substitute— Local custody and control of courthouse...

In section 14(1) for the words from the beginning to...

The Interpretation Act (Northern Ireland) 1954

In section 21—

(a) in subsection (2) for the words “Ministry of Finance”...

(b) for subsection (4) substitute— (4) In any enactment— “rules...”

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

In section 42—

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

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

The Trustee Act (Northern Ireland) 1958

In sections 35(9) and 57(4) for the words “Lord Cheif...”

In section 67 omit the definition of “pay” and at...

The Coroners Act (Northern Ireland) 1959

In section 1, for the words from the beginning to...

...

...

...

In section 5 for the words from “moneys” to the...

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...
In sections 11(3), 26 and 27(2) for the word “Ministry”...
In section 36(1) for the words from the beginning to...
For section 36(2) substitute— (2) The Lord Chancellor may with...

The County Courts Act (Northern Ireland) 1959

...
.....
For section 106 substitute— Salaries and allowances of judges. (1)
There shall be paid to each judge such salary...
...
In section 116—
(a) for the words “Ministry of Finance” wherever they occur...
(b) for the word “Minister” wherever it occurs substitute the...
(c) for the word “Governor” in subsection (4) substitute the...
In sections 123(2), 125(3) and 126, for the words “Ministry...
In section 132 for the word “Ministry” substitute the words...
For section 134 substitute— Evidence of health. Before recommending
any person to Her Majesty for appointment as...
In section 136 for the words from the beginning to...
In section 137 for the words from “provided by” to...
...

The Resident Magistrates’ Pensions Act (Northern Ireland) 1960

In section 1 for the words from “on attaining the...
...
...

The Electoral Law Act (Northern Ireland) 1962

For section 72(2) substitute— (2) An election court for the...
In section 83(2), (3) and (4) for the words “Supreme...
In paragraph 17(2) of Schedule 3, for the words “Supreme...
...

The Magistrates’ Courts Act (Northern Ireland) 1964

For section 3 substitute— Justices of the peace. Justices of the peace
shall be appointed in accordance with...
In section 6(1) for the words from “member of” to...
...
In section 10(1) for the word “Governor” wherever it occurs substitute...
.....
In section 12(1) for the words from the beginning to...
...
For section 168, substitute— Expenses. (1)

The Lands Tribunal and Compensation Act (Northern Ireland) 1964

.....

The Charities Act (Northern Ireland) 1964

In section 30(1) for the words “The chief registrar of...

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The Maintenance and Affiliation Orders Act (Northern Ireland) 1966

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

.....

The Costs in Criminal Cases Act (Northern Ireland) 1968

In section 4 for the words “Court of Criminal Appeal”...

For section 7 substitute— Rules relating to costs. Rules of court, Crown Court rules, county court rules and...

The Treatment of Offenders Act (Northern Ireland) 1968

In sections 19(4), 20(3), 21(3), 25 and 29(1) for the...

In section 19(4) for the words “the judge of the...”

In section 20(1) for the words from “any court of...”

In section 20(5) for the words “sentenced or ordered to...”

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

In section 21(2) for the words “High Court judge or...”

...

The Children and Young Persons Act (Northern Ireland) 1968

...

...

...

...

...

...

...

In Schedule 2—

...

(b) ...

...

...

...

(f) at the end of paragraph 8 add—

The Grand Jury (Abolition) Act (Northern Ireland) 1969

In section 2(1) for the words “a court of assize...”

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

In section 2(2)(e) for the words “Supreme Court or a...”

In section 2(3) for the words “a court of assize...”

The Judgments (Enforcement) Act (Northern Ireland) 1969

...

...

...

In Part II of Schedule 4 in the amendment to...

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The Nurses and Midwives Act (Northern Ireland) 1970

In section 46(3) for the words “The Attendance of Witnesses...

The Registration of Deeds Act (Northern Ireland) 1970

In section 3(7) for the words “Supreme Court” substitute the...

The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971

In sections 5(4) and 11(4) for the words “Registrar of...

In section 5(7) for the words “Lord Chief Justice” wherever...

...

The Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971

In section 3 for the words “rules made under section...

In section 9(3) for the words “a Judge of the...

In section 9(4) for the words “Judge of the High...

In section 16(1)—

(a) in the definition of “appropriate authority” for the words...

The Northern Ireland (Crown Proceedings) Order 1949

In Article 3(3) for the words from the beginning to...

The Prosecution of Offences (Northern Ireland) Order 1972

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

In Article 5(1)(g) for the words “certiorari, mandamus, prohibition or...

The Health and Personal Social Services (Northern Ireland) Order 1972

In paragraph 4 of Schedule 11 Part I, for the...

The Treatment of Offenders (Northern Ireland) Order 1976

In Articles . . . , 5(3)(a),

In Article 3(4) for the words “a court of assize...

In Article 3(5) for the words “a court under paragraph...

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

In Article 5(3)(b) for the words “the court referred to...

In Article 5(4) for the words “such court of assize...

In Articles 9(3)(b), 9(4), 10(2) and 10(3) for the words...

In Article 9(4) for the words “that court of assize...

In Article 15(3) for the words “the court of assize...

The Solicitors (Northern Ireland) Order 1976

...

In Article 75(3) for the words “section 7 of the...

In Article 81(a) for the words “the Court of Criminal...

The Sexual Offences (Northern Ireland) Order 1978

In Articles 6(2) and 8(3) for the words “county court...

In Articles 6(4) and 7(2) for the words “Court of...

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SCHEDULE 6 — Transitional Provisions

Part I — GENERAL

- 1 (1) Proceedings instituted or being carried on heretofore in a...
- 2 Any order or appointment made, direction or authority given or...
- 3 Every rule of court made or deemed to have been...
- 4 General orders made by the Lord Chief Justice under section...
- 5 All forms and methods of civil and criminal procedure and...
- 6 Until the coming into force of section 69(1)—
- 7 In so far as any instrument made or other thing...
- 8 Until the issue of commissions of the peace by virtue...
- 9 Until an order under section 68(3) comes into force in...
- 9A The Lord Chief Justice may nominate any of the following...
- 10 This Part and Parts II and III of this Schedule...

Part II — THE CROWN COURT

- 11 (1) For the purpose of enabling indictable proceedings instituted before...
- 12 Any indictable proceeding the hearing of which has begun but...
- 13 Nothing in this Act shall affect any order made before...
- 14 The clerk of the Crown and peace of each county...
- 15 (1) Subject to any provision made by rules of court,...
- 16 (1) The Lord Chief Justice may, if it appears to...

Part III — STATUTORY OFFICERS

- 17 On the coming into operation of section 70(1) the Lord...
- 18 Notwithstanding the provisions of section 70(2), a person who heretofore...

SCHEDULE 7 — REPEALS

PART I — ACTS OF THE PARLIAMENT OF ENGLAND, GREAT BRITAIN AND THE UNITED KINGDOM

PART II — ACTS OF THE IRISH PARLIAMENT AND PARLIAMENT OF NORTHERN IRELAND.

PART III — ORDERS IN COUNCIL

Status:

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