



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART IX

#### INFERIOR COURTS

##### *County courts*

95, 96. .... <sup>F1</sup>

#### Textual Amendments

<sup>F1</sup> Ss. 95, 96, 97(1) repealed by S.I. 1980/397 (N.I. 3), art. 69(2), Sch. 3

97 **Civil jurisdiction exercisable by circuit registrars.**

(1) ..... <sup>F2</sup>

(2) Her Majesty may by Order in Council—

- (a) direct that [<sup>F3</sup>Articles 62(1), (2) and (3), 67(1)(a) and 72(3) of the Magistrates' Courts (Northern Ireland) Order 1981] (which impose financial limits on the jurisdiction of courts of summary jurisdiction in debt and ejection proceedings) shall have effect with the substitution for the sums for the time being specified in those provisions of such higher sums as may be specified in the Order;
- (b) abolish any civil jurisdiction exercisable by courts of summary jurisdiction;
- (c) confer on circuit registrars any civil jurisdiction additional to that for the time being exercisable by them under or by virtue of any statutory provision.

(3) An Order in Council under subsection (2) may make such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of any statutory provision) as appear to Her Majesty to be necessary or proper for giving full effect to the provisions of the Order.

*Status: Point in time view as at 25/07/2006.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, Part IX is up to date with all changes known to be in force on or before 31 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (2) unless a draft of the Order has been approved by resolution of each House of Parliament.

**Textual Amendments**

**F2** Ss. 95, 96, 97(1) repealed by S.I. 1980/397 (N.I. 3), art. 69(2), **Sch. 3**

**F3** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 52**

**98 Appointment and assignment of county court judges.**

For section 102 of the County Courts Act (Northern Ireland) 1959 <sup>M1</sup> there shall be substituted the following section—

**“102 Appointment and assignment of judges.**

- (1) Her Majesty may appoint as judges such qualified persons as may be recommended to Her by the Lord Chancellor.
- (2) A judge shall sit in the county court in accordance with directions given by the Lord Chancellor.
- (3) A judge may, in accordance with such directions, sit as a judge for any division.
- (4) Subject to subsections (2) and (3), the Lord Chancellor shall assign one judge to each division and may from time to time vary any such assignment.
- (5) The judge assigned to the division which is or includes—
  - (a) the area of the city of Belfast shall be styled the Recorder of Belfast;
  - (b) the area of the city of Londonderry shall be styled the Recorder of Londonderry.”

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

**C1** The text of ss. 98, 99, 100, Sch. 7 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

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**Marginal Citations**

**M1** 1959 c. 25 (N.I.)

**99 Qualifications of county court judges and deputy judges.**

<sup>F4</sup>(1) .....

- (2) For section 107 of the County Courts Act (Northern Ireland) 1959 there shall be substituted the following section—

**“107 Deputy judges.**

- (1) The Lord Chancellor may appoint as deputy judge—

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- (a) a person who has previously held the office as judge;
  - (b) a person who has practised for not less than ten years at the Bar of Northern Ireland;
  - (c) a resident magistrate;
  - (d) a solicitor who has practised for not less than ten years as a solicitor in Northern Ireland.
- (2) The appointment of a person as a deputy judge shall specify the term for which he is appointed.
- (3) Subject to subsection (4), the Lord Chancellor may, with the agreement of the deputy judge, from time to time extend, for such period as he thinks appropriate, the term for which the deputy judge is appointed.
- (4) Except where an appointment is made under subsection (1)(a), neither the initial term for which a deputy judge is appointed nor any extension of that term under subsection (3) shall be such as to continue his appointment as a deputy judge after the end of the completed year of service in which he attains the age of seventy-two years.
- (5) A deputy judge shall, while he is so acting, have the like authority, jurisdiction, powers and privileges as a judge in all respects.
- (6) Where the hearing of any proceedings duly commenced before any deputy judge is adjourned or judgement is reserved therein, that deputy judge shall, notwithstanding anything in subsection (2) or (4), have power to resume the hearing and determine the proceedings or, as the case may be, to deliver the judgement so reserved.
- (7) There shall be paid to every deputy judge, except a resident magistrate, such remuneration and allowances as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service, determine.”

#### Textual Amendments

**F4** S. 99(1) repealed (15.10.2002) by 2002 c. 26, s. 86, Sch. 13; S.R. 2002/319, art. 2, Sch.

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

**C2** The text of ss. 98, 99, 100, Sch. 7 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

### *Magistrates' courts*

#### **100 Appointment and assignment of resident magistrates.**

For section 9 of the Magistrates' Courts Act (Northern Ireland) 1964 <sup>M2</sup> there shall be substituted the following section—

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**“9 Appointment and assignment of resident magistrates.**

- (1) Her Majesty may, on the recommendation of the Lord Chancellor, appoint fit and proper persons to be resident magistrates, being persons who at the dates of their appointments have practised for not less than seven years either as a member of the Bar of Northern Ireland or as a solicitor of the Supreme Court.
- (2) Without prejudice to section 7, a resident magistrate on his appointment shall forthwith take the oath of allegiance and the judicial oath as required by the Promissory Oaths Act 1868.
- (3) A resident magistrate shall sit in accordance with directions given by the Lord Chancellor.
- (4) A resident magistrate may, in accordance with such directions, sit in any petty sessions district.
- (5) Subject to subsections (3) and (4), the Lord Chancellor may assign a resident magistrate to one or more petty sessions districts and may from time to time vary any such assignment.”

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

**C3** The text of ss. 98, 99, 100, Sch. 7 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

**Marginal Citations**

**M2** 1964 c.21 (N.I.)

**101** ..... <sup>F5</sup>

**Textual Amendments**

**F5** S. 101 repealed by S.I. 1981/1675 (N.I. 26), art 170(3), **Sch. 7**

*Supplementary*

**102 Supplementary.**

- (1) In this Part—
  - (a) ..... <sup>F6</sup>
  - (b) [<sup>F7</sup>section 100] shall be construed as one with the <sup>M3</sup>Magistrates’ Courts Act (Northern Ireland) 1964.
- (2) Where the Lord Chancellor at any time directs that any of the Acts listed in subsection (3) is to be reprinted, section 30 of the <sup>M4</sup>Interpretation Act (Northern Ireland) 1954 shall apply as if—
  - (a) that direction were contained in an enactment; and

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- (b) in subsection (2) of that section for the words “the Clerk of the Parliaments” there were substituted the words “the Clerk to the Assembly”.
- (3) The Acts referred to in subsection (2) are—
- (a) ..... **F8**
  - (b) ..... **F9**
  - (c) the <sup>M5</sup>Judgments (Enforcement) Act (Northern Ireland) 1969.

**Textual Amendments**

**F6** S. 102(1)(a) repealed by S.I. 1980/397 art. 68(2), (N.I. 3), Sch. 3

**F7** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 53**

**F8** S. 102(3)(a) repealed by S.I. 1980/397 (N.I. 3), art. 68(2), **Sch. 3**

**F9** S. 102(3)(b) repealed by S.I. 1981/1675 (N.I. 26), art. 170(3), **Sch. 7**

**Marginal Citations**

**M3** 1964 c. 21 (N.I.)

**M4** 1954 c. 33 (N.I.)

**M5** 1969 c. 30 (N.I.)

**Status:**

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**Changes to legislation:**

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