



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART VII

#### FUNDS IN COURT

#### 77 Accountant General.

- (1) Such person as the Lord Chancellor may designate shall be the Accountant General of the [<sup>F1</sup>Court of Judicature].
- (2) There shall be maintained in or near the Royal Courts of Justice an office for the business of the Accountant General under this Part.

#### Textual Amendments

- F1** Words in s. 77(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

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

- C1** [S. 77\(1\)](#) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [art. 1\(2\)](#), [Sch. 17 para. 6\(h\)](#) (with arts. 28-31)

#### 78 Accounts of funds in court.

- (1) The Accountant General shall—
  - (a) keep proper accounts (including such accounts as may be necessary for carrying into effect orders of the High Court and the county court and for the purposes of this Part and [<sup>F2</sup>Part VI of the <sup>M1</sup>Administration of Justice Act 1982]) and proper records in relation to the accounts;
  - (b) prepare in respect of each accounting period a statement of accounts in such form as the [<sup>F3</sup>Department of Finance and Personnel] may direct.

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- (2) The Accountant General shall, on or before 30th November in any year, send to the [<sup>F4</sup>Comptroller and Auditor General for Northern Ireland] the statement of accounts prepared by him under subsection (1) for the accounting period last ended.
- (3) The [<sup>F4</sup>Comptroller and Auditor General for Northern Ireland] shall examine, certify and report on the statement of accounts sent to him under subsection (2) and shall lay copies of the statement of accounts and of his report thereon before [<sup>F5</sup>the Northern Ireland Assembly].
- (4) In this section “accounting period” means the period of 12 months ending on 31st March in any year except that the first accounting period shall, if the Treasury so directs, be such period shorter or longer than 12 months (but not longer than two years) as is specified in the direction.
- [<sup>F6</sup>(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (3) in relation to the laying of a copy of a statement of accounts or report as it applies in relation to the laying of a statutory document under an enactment.]

#### Textual Amendments

- F2** Words in s. 78(1)(a) substituted (13.6.1991) by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), s. 70, **Sch. 8 para 6**; S.I. 1991/1245, **art.2**
- F3** Words in s. 78(1)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 22(1)(a)** (with arts. 28-31, Sch. 18 para. 22(2))
- F4** Words in s. 78(2)(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 22(1)(b)** (with arts. 28-31, Sch. 18 para. 22(2))
- F5** Words in s. 78(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 22(1)(c)** (with arts. 28-31, Sch. 18 para. 22(2))
- F6** S. 78(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 22(1)(d)** (with arts. 28-31, Sch. 18 para. 22(2))

#### Marginal Citations

- M1** 1982 c. 53.

## 79 Accountant General to keep bank account.

- (1) The Accountant General shall maintain an account at the Bank of Ireland or at such other bank or banks as the Lord Chancellor may, with the concurrence of the Treasury, designate and shall pay all sums received by him into that account and all sums payable by him out of it.
- (2) References to the Bank of Ireland in any statutory provision relating to sums in the [<sup>F7</sup>Court of Judicature] or the county court shall, when a designation is made under subsection (1), be construed, in connection with the sums to which that provision relates, as references to a bank so designated.

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#### Textual Amendments

- F7** Words in s. 79(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

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

- C2** S. 79(1) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C3** S. 79(1) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), [15\(4\)\(b\)](#) (with arts. 15(6), arts. 28-31)

### 80 Payments and transfers.

- (1) The payment of money into the [<sup>F8</sup>Court of Judicature] or the county court shall be effected by paying into an Accountant General's account maintained under section 79.
- (2) The transfer into the [<sup>F8</sup>Court of Judicature] or the county court of securities (other than such as are transferable by delivery) shall be effected by transferring them to the Accountant General.
- (3) The deposit in the [<sup>F8</sup>Court of Judicature] or the county court of effects and the transfer into court of securities transferable by delivery shall be effected by delivering them to the Accountant General.

#### Textual Amendments

- F8** Words in s. 80(1)(2)(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

### 81 Investment of funds in court.

- [<sup>F9</sup>(1)] Save in a case in which it is provided by an order of the court that it shall not be placed or invested as mentioned in the following provisions of this section, and subject to any provision to the contrary made by rules made under the next following section, a sum of money in the [<sup>F10</sup>Court of Judicature] or in the county court—
- (a) may, if the High Court or the county court (as the case may be) so orders, be dealt with in such of the following ways as may be specified in the order, namely:—
    - (i) it may be placed, in accordance with rules so made, to a deposit account or a short-term investment account (that is to say, to an account of one or other of two kinds such that, in the case of an account of either kind, there will, under rules so made, but subject to any exceptions thereby prescribed, fall to accrue on moneys placed thereto interest derived from the transfer to, and investment by, the National Debt Commissioners of the moneys placed to all the accounts of those kinds);
    - (ii) it may be placed to a long-term investment account for transfer, under rules so made, to such one of the funds established by schemes made under [<sup>F11</sup>section 42 of the <sup>M2</sup>Administration of Justice Act 1982] as may be so specified;

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- (iii) it may be invested by the Accountant General in such of the securities designated for the purposes of this paragraph by rules made under section 55 of this Act or [<sup>F12</sup>Article 47 of the County Courts (Northern Ireland) Order 1980] as may be so specified;
  - (iv) it may be invested by the Accountant General in accordance with directions given by an advisory committee appointed by the Lord Chancellor in accordance with rules made under the next following section;
- (b) shall, if no order is made with respect to it under the foregoing paragraph, be dealt with as follows—
- (i) except in a case in which it was paid in under section 63 of the <sup>M3</sup>Trustee Act (Northern Ireland) 1958, it shall be placed, in accordance with rules made under the next following section, to a deposit account;
  - (ii) in the said excepted case, it shall be invested by the Accountant General in such manner as may be prescribed by rules so made.
- [<sup>F13</sup>(2) If the High Court or (as the case may be) the county court so orders, the power of the Accountant General under subsection (1)(a)(iii) or (iv) to invest a sum of money in the Court of Judicature or the county court in securities includes the power to pay out of that sum any fees or expenses which are—
- (a) incurred in connection with, or for the purposes of, investing that sum; and
  - (b) of an amount or at a rate approved by the High Court or (as the case may be) the county court.
- (3) A court shall not make an order under subsection (2) unless the court considers it necessary and proportionate in all the circumstances to do so.
- (4) The High Court or (as the case may be) the county court may, on an application made to it, order that all or part of any sum paid by way of fees or expenses under subsection (2) be refunded where it appears to the court to be in the interests of justice to do so.]

#### Textual Amendments

- F9** S. 81 renumbered as s. 81(1) (N.I.) (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\), ss. 98\(2\), 111\(3\); S.R. 2011/224, art. 2](#)
- F10** Words in s. 81 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 6\(1\); S.I. 2009/1604, art. 2\(d\)](#)
- F11** Words in s. 81(a)(ii) substituted (13.6.1991) by [Administration of Justice Act 1982 \(c. 53, SIF 38\), s. 70, Sch. 8 para. 7; S.I. 1991/1245, art.2](#)
- F12** Words substituted by [S.I. 1980/397 \(N.I. 3\), art. 68\(2\), Sch. 1 Pt. II](#)
- F13** S. 81(2)-(4) inserted (N.I.) (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\), ss. 98\(3\), 111\(3\); S.R. 2011/224, art. 2](#)

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

- C4** S. 81(a)(iv) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 17 para. 6\(h\) \(with arts. 28-31\)](#)

#### Marginal Citations

- M2** 1982 c. 53.
- M3** 1958 c. 23 (N.I.)

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## 82 Rules as to funds in court.

- (1) The Lord Chancellor, with the concurrence of the Treasury, may make rules regulating, subject to the provisions of section 80, the deposit, payment, delivery and transfer in, into and out of the [<sup>F14</sup>Court of Judicature] and the county court of money, securities and effects which belong to suitors or are otherwise capable of being deposited in, or paid or transferred into, the XXX or the county court or are under the custody of the [<sup>F14</sup>Court of Judicature] or the county court, and regulating the evidence of such deposit, payment, delivery or transfer and, subject to the provisions of section 81, the manner in which money, securities and effects in court are to be dealt with, and in particular—
- (a) providing (subject to any exceptions prescribed by the rules) for the accruer of interest on moneys placed to deposit accounts and short-term investment accounts and prescribing the rate at which interest on moneys placed to deposit accounts and the rate at which interest on moneys placed to short-term investment accounts is to accrue;
  - (b) requiring the Accountant General—
    - (i) to transfer to the National Debt Commissioners all money paid into the [<sup>F14</sup>Court of Judicature] or the county court which is not required by him for meeting current demands, except money placed to a long-term investment account or ordered to be invested in securities;
    - (ii) to transfer money placed to a long-term investment account to that one of the funds established by schemes made under [<sup>F15</sup>section 42 of the <sup>M4</sup>Administration of Justice Act 1982] specified in the order pursuant to which it was so placed;
  - (c) prescribing for the purposes of section [<sup>F16</sup>81(1)(b)(ii)] the manner of investment of money by the Accountant General and regulating the investment, pursuant to an order under that section, of money in securities;
  - (d) regulating the crediting of interest accruing on moneys placed to deposit accounts and on moneys placed to short-term investment accounts and the crediting of dividends accruing on shares in funds established by schemes made under [<sup>F17</sup>section 42 of the <sup>M5</sup>Administration of Justice Act 1982] which have been allotted in consideration of the transfer of money in compliance with such provision of the rules as has effect by virtue of paragraph (b)(ii) and of interest or dividends accruing on securities in which money has been invested by the Accountant General pursuant to an order of the High Court or county court or to section [<sup>F16</sup>81(1)(b)(ii)] and on other securities in court;
  - (e) providing—
    - (i) that, in such cases as may be prescribed by the rules, no sum of money (whatever its amount) shall be placed to a deposit account or a short-or long-term investment account or be invested in securities;
    - (ii) that, in no case, shall a sum of money of an amount less than such as may be so prescribed be placed to, or remain in, a deposit account, be placed to a short-or long-term investment account or be invested in securities;
  - (f) prescribing the time at which money which falls to be placed to a deposit account or short-term investment account is to be so placed and the times at which interest on money so placed is to begin and cease to accrue and the mode of computing any such interest;

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- (g) providing that, in such circumstances as may be prescribed by the rules, interest and dividends such as are mentioned in paragraph (d) shall be placed to deposit accounts or short-or long-term investment accounts;
  - (h) providing for dealing with accounts or effects which, subject to such, if any, exceptions as may be prescribed by the rules, have not been dealt with for such period (not being less than fifteen years) as may be so prescribed;
  - (i) prescribing the manner in which money is to be furnished to the Accountant General by the National Debt Commissioners and [<sup>F18</sup>the investment manager of a common investment scheme made under section 42 of the <sup>M6</sup>Administration of Justice Act 1982] respectively for the purpose of enabling him to comply with orders of the High Court and county court as to the payment of money out of court;
  - (j) providing for the discharge of the functions of the Accountant General under the rules by deputy;
  - (k) providing for the constitution and procedure of the advisory committee referred to in section [<sup>F19</sup>81(1)(a)(iv)] and for the remuneration of its members;
  - (l) providing for such matters as are incidental to, or consequential on, the foregoing provisions of this subsection or are necessary for giving effect to those provisions.
- (2) Rules under subsection (1) may make different provision in relation to the [<sup>F14</sup>Court of Judicature] and the county court.

#### Textual Amendments

- F14** Words in s. 82(1)(b)(i)(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F15** Words in s. 82(1)(b)(ii) substituted (13.6.1991) by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), s. 70, [Sch. 8 para. 8](#); S.I. 1991/1245, [art.2](#)
- F16** Word in s. 82(1)(c)(d) substituted (N.I.) (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 7 para. 2\(a\)](#); S.R. 2011/224, [art. 2](#)
- F17** Words in s. 82(1)(d) substituted (13.6.1991) by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), s. 70, [Sch. 8 para. 8](#); S.I. 1991/1245, [art.2](#)
- F18** Words in s. 82(1)(i) substituted (13.6.1991) by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), s. 70, [Sch. 8 para. 8](#); S.I. 1991/1245, [art.2](#)
- F19** Word in s. 82(1)(k) substituted (N.I.) (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 7 para. 2\(b\)](#); S.R. 2011/224, [art. 2](#)

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

- C5** S. 82(1) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 17 para. 6\(h\)](#) (with arts. 28-31)
- C6** S. 82(1) transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), [15\(4\)\(b\)](#) (with arts. 15(6), arts. 28-31)

#### Marginal Citations

- M4** 1982 c. 53.
- M5** 1982 c. 53.
- M6** 1982 c. 53.

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#### Textual Amendments

- F20** S. 83 repealed (13.6.1991) by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), s. 70, [Sch. 9 Pt. I](#); [S.I. 1991/1245, art.2](#)

### 84 Statutory deposits.

- (1) Section 80(1) shall apply to a statutory deposit as it applies to the payment of money into the [<sup>F21</sup>Court of Judicature]; and section 80(2) and (3) shall apply to the deposit with the Accountant General of securities in lieu of money in exercise of a right to make such a deposit conferred by section 29 of the <sup>M7</sup>Tramways (Ireland) Act 1860 or by rules made by virtue of subsection (2).
- (2) Sections 81 and 82 shall apply to a statutory deposit and to securities which are in the hands of the Accountant General in consequence of a person's having availed himself of such a right as is mentioned in subsection (1) and rules made under section 82 may include separate provisions with respect to such deposits and securities and, in particular, may authorise the deposit, under the statutory provisions mentioned in subsection (3), of securities in lieu of money.
- (3) In this section and sections 83 and 85 "statutory deposit" means money deposited with the Accountant General under or by virtue of—
- (a) section 29 of the <sup>M8</sup>Tramways (Ireland) Act 1860;
  - [<sup>F22</sup>(b) Article 7 of the Industrial Assurance (Northern Ireland) Order 1979;]
  - (c) .....<sup>F23</sup>
  - [<sup>F24</sup>(d) Article 90(2)(b) or 93(1)(a) of the Road Traffic (Northern Ireland) Order 1981,]
- or any statutory provision which was re-enacted by any of those provisions.

#### Textual Amendments

- F21** Words in s. 84(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 6\(1\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F22** S. 84(3)(b) substituted by [S.I. 1979/1576, art. 5](#)
- F23** S. 84(3)(c) repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), [Sch. 17 Pt. I](#)
- F24** S. 84(3)(d) substituted by [S.I. 1981/160, art. 7](#)

#### Marginal Citations

- M7** 1860 c. 152.  
**M8** 1860 c. 152.

### 85 Provision for default to be made good.

Where any [<sup>F25</sup>civil servant in the Department of Justice] has been guilty of any default with respect to any money, securities or effects in the [<sup>F26</sup>Court of Judicature] or the county court or any statutory deposit or with respect to any such securities as are mentioned in section 84(2), such sum as is necessary for making good the default shall be paid by the Lord Chancellor [<sup>F27</sup>or, if and so far as it is not so paid, shall be charged on and issued out of the [<sup>F28</sup>Consolidated Fund of Northern Ireland]].

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#### **Textual Amendments**

- F25** Words in s. 85 substituted (12.4.2010) by [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\)](#), art. 1, **Sch. para. 5(4)** (with arts. 5-7)
- F26** Words in s. 85 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 6(1)**; S.I. 2009/1604, **art. 2(d)**
- F27** Words added by [Administration of Justice Act 1982 \(c. 53, SIF 38\)](#), s. 70, **Sch. 8 para. 9**
- F28** Words in s. 85 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 18 para. 23** (with arts. 28-31)

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

- C7** [S. 85\(2\)](#): transfer of functions (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 17 para. 6(h)** (with arts. 28-31)



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