

*Status: Point in time view as at 01/04/1997.*

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## SCHEDULES

### SCHEDULE 5

Section 122(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

#### GENERAL AMENDMENTS

- 1 (1) Except where the contrary is expressly provided by or under this Act, references in any statutory provision to, or which are by virtue of any statutory provision heretofore in force to be construed as references to, the Supreme Court of Judicature of Northern Ireland, the High Court of Justice in Northern Ireland or the Court of Appeal in Northern Ireland or to divisions, judges, offices or officers of any such court, shall be construed, respectively, as references to the Supreme Court exclusive of the Crown Court, the High Court or the Court of Appeal as constituted under this Act and to the divisions, judges, offices or officers of those courts by which or by whom any jurisdiction or business to which the reference relates is for the time being to be exercised or transacted, whether by virtue of this Act or of any other statutory provision.
- (2) The reference in sub-paragraph (1) to business to be transacted includes a reference to any matter requiring the concurrence, approval, advice or consent of a judge or of more than one judge of the Supreme Court, the High Court or the Court of Appeal.
- 2 (1) In any statutory provision whether passed or made before, on or after the coming into operation of Part IV of this Act, for any reference or expression in the first column of the Table below there shall, in relation to Northern Ireland, be substituted the relevant reference or expression in the second column of the Table.
- (2) Sub-paragraph (1) shall not apply where the context otherwise requires and in particular shall not apply in relation to a sentence imposed, or other things done, by a court before the coming into operation of Part IV of this Act or to any reference to records of any court.

#### TABLE

<i>Reference</i>	<i>Substituted reference</i>
1.	Court of gaol delivery or of oyer and terminer. The Crown Court.
2.	Court of assize, or assizes, where the context does not relate to civil jurisdiction. The Crown Court

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3.	Court of assize, or assizes, where the context relates either to criminal or civil jurisdiction.	The Crown Court or the High Court or, as the case may be, the High Court and not the Crown Court.
4.	The county court where the context relates to the jurisdiction of that court to try persons on indictment.	The Crown Court.
5.	Judge, justice or commissioner of assize, or judge acting during assizes.	The Crown Court or the High Court or both, according as the reference is to criminal jurisdiction or civil jurisdiction or to both.
6.	County court judge or recorder where the context relates to the jurisdiction of the county court to try persons on indictment.	The Crown Court.
7.	Clerk of the Crown and peace where the context relates to the jurisdiction of the county court to try persons on indictment or to the criminal jurisdiction of courts of assize.	The appropriate officer of the Crown Court.
8.	Other officer in the county court service for Northern Ireland whose duties related exclusively to the criminal jurisdiction of courts of assize.	The appropriate officer of the Crown Court.
9.	Clerk of the court where the court is the Crown Court.	The appropriate officer of the Crown Court.

3      References in any statutory provision to rules made under section 7 of the <sup>M1</sup>Northern Ireland Act 1962 or which are by virtue of any statutory provision heretofore in force to be construed as references to such rules shall be construed as references to rules of court made under section 55 of this Act.

**Marginal Citations**

**M1** 1962 c. 30.

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- 4 Paragraphs 1 to 3 apply subject to the provisions of this Act and, in particular, do not prejudice the operation of any specific amendments contained in this Schedule.

## PART II

### SPECIFIC AMENDMENTS

#### (1) ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

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

- C1** The text of Sch. 5 Pt. II(1) is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**F1**

##### Textual Amendments

- F1** Entry relating to [Crown Debts Act 1801 \(c. 90\)](#) repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45\)](#), Sch. 13 Pt. I para. 3, [Sch. 14](#)

#### *The <sup>M2</sup>Writ of Subpoena Act 1805*

##### Marginal Citations

- M2** [1805 c. 92.](#)

In sections 3 and 4 references to a writ of subpoena requiring the appearance of a person to give evidence shall be construed as including references to any summons or order issued by the Crown Court in Northern Ireland for the appearance of a person before it.

#### *The Tumultuous Risings (Ireland) Act 1831 <sup>M3</sup>*

##### Marginal Citations

- M3** [1831 c.44](#)

In section 9 for the words from “the judge, assistant barrister” to “court as aforesaid” substitute the words “any judge of the Crown Court” and for the words from “clerk of the crown, clerk of the peace” to “them forthwith” substitute the words “appropriate officer of that court”.

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### *The Constabulary (Ireland) Act 1836*<sup>M4</sup>

**Marginal Citations**

**M4** [1836 c.13](#)

In section 16 for the words “at any assizes or sessions of the peace” substitute the words “by any court of justice in Northern Ireland”.

### *The Parliamentary Documents Deposit Act 1837*<sup>M5</sup>

**Marginal Citations**

**M5** [1837 c.83](#)

For any reference to the clerk of the peace there shall, as respects Northern Ireland, be substituted a reference to the clerk of the district council.

### *The Slave Trade Act 1843*<sup>M6</sup>

**Marginal Citations**

**M6** [1843 c.98](#)

In section 4(1), as it applies to Northern Ireland, for the words “Her Majesty’s said court” and “Her Majesty in her Court of Queens Bench (in manner set forth and prescribed in the East India Company Act 1772)” substitute the words “the Crown Court”.

### *The Lands Clauses Consolidation Act 1845*<sup>M7</sup>

**Marginal Citations**

**M7** [1845 c.18](#)

At the end of section 3 add the following definition— “ “Supreme Court” shall mean the Supreme Court of Judicature of Northern Ireland where the same shall relate to monies to be paid or deposited in respect of lands situate in Northern Ireland. ”.

Section 9 shall, in the case of purchase money or compensation for damage or injury to, lands in Northern Ireland, have effect with the insertion after the words “deposited in the Bank” of the words “or the Supreme Court”.

Section 69 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, or for damage to, lands in Northern Ireland, have effect with the substitution for the words from “be paid into the Bank” to “the said courts” of the words “be paid into the Supreme Court”.

Section 70 shall, in the case of money paid into the Supreme Court, have effect with the substitution for the words from “and until the money” to “annual proceeds thereof paid” of the

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words “and if, before it is so applied, it is dealt with under section 81 or 82 of the Judicature (Northern Ireland) Act 1978, the annual proceeds thereof shall be paid”.

Section 71 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, or for damage to, lands in Northern Ireland, have effect with the substitution for the words “into the Bank” where they twice occur of the words “into the Supreme Court”.

Section 73 shall, in the case of money payable in respect of the taking, using or interfering with lands in Northern Ireland, have effect with the substitution for the words “into the Bank” where they twice occur of the words “into the Supreme Court”.

Section 76 shall, in the case of, or of an interest in, lands in Northern Ireland that have, or has, been purchased or taken, have effect with the substitution for the words from “to deposit the purchase money” to the end of the words “to pay into the Supreme Court the purchase money or compensation payable in respect of such lands”.

Section 78 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, lands in Northern Ireland, have effect as if, after the word “so” (in both places where it occurs) there were inserted the words “paid or” and as if for the words from “order such money” to “thereof” (where it last occurs) there were substituted the words “order distribution of the money according to the respective estates, titles or interests of the parties making claim to such money or lands, or any part thereof, and if, before the money is distributed, it is dealt with under section 81 or 82 of the Judicature (Northern Ireland) Act 1978 payment likewise of the dividends thereof”.

Section 84 shall, in the case of lands in Northern Ireland, have effect with the substitution for the words “deposited in the Bank” of the words “paid into the Supreme Court”.

Section 85 shall, in the case of lands in Northern Ireland have effect as if for the words “to deposit in the Bank”, the words “so to be deposited”, the words “for deposit in the Bank”, the words “deposited in the Bank” and the words “such deposit” there were respectively substituted the words “to pay into the Supreme Court”, the words “so to be paid”, the words “for payment into the Supreme Court”, the words “paid into the Supreme Court” and the words “such payment”.

The Act shall, in its application to Northern Ireland, have effect with the substitution for sections 86, 87 and 88 of the following section:—

**“86 Application of Funds in Court.**

Money paid under section 85 of this Act into the Supreme Court shall remain there by way of security to the parties whose lands shall so have been entered upon for the performance of the condition of the bond to be given by the promoters of the undertaking, as hereinbefore mentioned, and, if dealt with under section 81 or 82 of the Judicature (Northern Ireland) Act 1978 shall be accumulated; and upon the condition of such bond being fully performed the High Court may, on the application of the promoters, order it, or the proceeds of the securities in which it has been invested, together with the accumulation thereof, to be paid to the promoters of the undertaking, or if such condition shall not be fully performed it shall be lawful for the said Court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall have been paid.”.

Section 89 shall, in the case of lands in Northern Ireland, have effect as if for the words “deposited the same in the Bank” there were substituted the words “paid the same into the Supreme Court”.

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Section 99 shall, in the case of lands in Northern Ireland, have effect with the substitution for the words “and upon payment or deposit in the Bank of the compensation so determined” of the words “and upon payment of the compensation so determined either to the persons entitled thereto or into the Supreme Court”.

Section 100 shall, in the case of lands in Northern Ireland, have effect with the substitution for the words “on deposit thereof in the Bank” of the words “on payment thereof into the Supreme Court”, with the substitution for the words “deposited as aforesaid” of the words “paid into the Supreme Court as aforesaid” and with the substitution for the words from “by payment” to the end of the words “by payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into the Supreme Court”.

Section 107 shall, in the case of lands in Northern Ireland over which commonable or other rights subsist, have effect with the substitution for the words “deposit in the Bank in the manner provided in the like case” of the words “payment into the Supreme Court” with the omission of the words “or deposited” and with the substitution for the words “so deposited” of the words “so paid into the Supreme Court”.

Section 109 shall, in the case of lands in Northern Ireland subject to a mortgage, have effect with the substitution for the words “to deposit in the bank, in the manner provided by this Act in like cases” of the words “to pay into the Supreme Court”.

Section 111 shall, in the case of lands in Northern Ireland subject to a mortgage, have effect with the substitution for the words from “to deposit” to “every such payment or deposit” of the words “to pay into the Supreme Court the amount of such value or compensation; and the making of payment to the mortgagee or into the Supreme Court” and for the words “by such payment or deposit” of the words “by payment to the mortgagee or into the Supreme Court”.

Section 113 shall, in the case of lands in Northern Ireland subject to a mortgage, have effect with the substitution for the words from “to pay the amount” to “such payment or deposit” of the words “to pay into the Supreme Court the amount of such value or compensation; and the making of payment to the mortgagee or into the Supreme Court”.

Section 117 shall, in the case of lands in Northern Ireland charged with payments or incumbrances not otherwise provided for in the Act, have effect with the substitution for the words from “to deposit” to “like cases”, of the words “to pay into the Supreme Court the amount of the compensation”.

In Schedule A as it applies to the conveyance of land, or an interest in land, in Northern Ireland, for the words from “Bank” where first occurring to “Chancery” substitute the words “the Supreme Court”.

### *The Indictable Offences Act 1848<sup>M8</sup>*

#### **Marginal Citations**

**M8** [1848 c.42](#)

In sections 12 and 14 for any reference to justices of oyer and terminer or gaol delivery in Northern Ireland, there shall be substituted a reference to the Crown Court there.

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**Textual Amendments**

**F2** Entries relating to [Trustee Act 1850 \(c. 60\)](#) repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, [Sch. 7](#)

*The Railways Act (Ireland) 1851* <sup>M9</sup>

**Marginal Citations**

**M9** [1851 c.70](#)

In section 19 for the words from “into the Bank of Ireland” to “Court of Chancery in Ireland” substitute the words “into the Supreme Court of Judicature of Northern Ireland” and for the words “into the said Bank” substitute the words “into that Court”.

*The Fines Act (Ireland) 1851* <sup>M10</sup>

**Marginal Citations**

**M10** [1851c.90](#)

In section 1 for the words from “the several officers” to “the proceedings” substitute the words “as follows:—

- (a) for a magistrates’ court, the clerk of petty sessions ; and
- (b) for any other court, such person as may be prescribed by the rules regulating the procedure of that court, or if no person is so prescribed, the person charged with the duty of recording the proceedings of the court.”.

**F3** .....

**Textual Amendments**

**F3** Entries in [Sch. 5 Pt. II](#) repealed (31.7.1996) by [S.I. 1996/1141\(N.I. 6\)](#), art. 32(3), [Sch. 5](#); [S.R. 1996/267](#), [art.2](#)

**F3** .....

In section 10 for the words “several assistant barristers, recorders of cities or boroughs and”, the words “assistant barrister, recorder” and the words “assistant barrister or recorder” substitute the words “judge of the Crown Court”.

*The Petty Sessions (Ireland) Act 1851* <sup>M11</sup>

**Marginal Citations**

**M11** [1851 c. 93.](#)

In section 30 for the reference to justices of oyer and terminer and general gaol delivery in Northern Ireland there shall be substituted a reference to the Crown Court there.

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F4

...

**Textual Amendments**

**F4** Entry relating to [Trustee Act 1852 \(c. 55\)](#) ss. 6, 7 repealed by [S.I. 1986/595 \(N.I. 4\)](#), art. 138, **Sch. 7**

*The Irish Bankrupt and Insolvent Act 1857*<sup>M12</sup>

**Marginal Citations**

**M12** [1857 c. 60](#).

F5

...

**Textual Amendments**

**F5** First and third entries relating to [Irish Bankrupt and Insolvent Act 1857 \(c. 60\)](#) repealed by [S.I. 1980/561 \(N.I. 4\)](#), **Sch. 3**

In section 4 for the definition of “the Court” substitute— “ “the Court” shall mean the High Court of Justice in Northern Ireland; ”.

F5

...

F6

...

**Textual Amendments**

**F6** Entry relating to [Probates and Letters of Administration Act \(Ireland\) 1857 \(c. 79\)](#) repealed by [S.I. 1979/1575 \(N.I. 14\)](#), **Sch. 3**

*The Landed Estates Court (Ireland) Act 1858*<sup>M13</sup>

**Marginal Citations**

**M13** [1858 c. 72](#).

In section 56 for the words from “into the Bank of Ireland” to “receipt of the money” substitute the words “into the Supreme Court of Judicature of Northern Ireland (“the Supreme Court”) and” ; and the words “into the bank” shall cease to have effect.

In section 57 for the words “into the Bank of Ireland” and “into the said Bank” (wherever they occur) substitute the words “into the Supreme Court”.

In section 66 for the words “the Lord High Chancellor” and “in him” substitute respectively the words “the High Court” and “in it”.

In section 70 for the words from “transferred” to “Chancery in England” substitute the words “paid into the Supreme Court or (where the case may require) the Supreme Court of Judicature



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of England”; for the words from “and the High Court” to “Rolls” substitute the words “and the High Courts of Justice”; for the words “transferred to the account of the Accountant General of” substitute the words “paid into”; and for the words from “the Act passed” to the end substitute the words “section 63 of the Trustee Act 1925 or section 63 of the Trustee Act (Northern Ireland) 1958”.

*The Railways Act (Ireland) 1860* <sup>M14</sup>

**Marginal Citations**

**M14** 1860 c. 97.

In section 2 for the words “depositing in the Bank of Ireland as herein directed” substitute the words “paying into the Supreme Court of Judicature of Northern Ireland”.

In section 4 for the words “deposited as last aforesaid shall remain in the Bank” substitute the words “paid into the Supreme Court is”.

*The Defence Act 1860* <sup>M15</sup>

**Marginal Citations**

**M15** 1860 c.112.

In sections 21 and 22 for the words “the Bank of Ireland” substitute the words “the Supreme Court in Northern Ireland”.

*The Tramways (Ireland) Act 1860* <sup>M16</sup>

**Marginal Citations**

**M16** 1860 c. 152.

In section 29, for paragraphs 1 and 2, substitute—

“1 Within fourteen days after the making of the Order they shall either pay into the Supreme Court a sum equal to five per centum of the estimated cost of the undertaking, or deposit in the Court, or transfer into the name of the Accountant General, Exchequer bills or other Government securities equal to that sum at the price at which such bills or securities were originally purchased by the promoters, which price shall be proved by the broker’s certificate of such purchase.”.

*The Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870* <sup>M17</sup>

**Marginal Citations**

**M17** 1870 c. 110.

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In section 7 for the words from “in a court of record” to the end substitute the words “in Her Majesty’s High Court of Justice in Northern Ireland”.

In section 13 for the words from the beginning to “Court for Matrimonial Causes and Matters” substitute the words “In exercising the jurisdiction referred to in section 7 the High Court” and for the words from “and to the rules” to the end substitute the words “and to rules of court”.

F7  
 . . .

**Textual Amendments**

**F7** Entries relating to [Lunacy Regulation \(Ireland\) Act 1871 \(c. 22\)](#) repealed by [S.I. 1986/595 \(N.I. 4\)](#), [art. 138](#), [Sch. 7](#)

F8  
 . . . . .

**Textual Amendments**

**F8** Sch. 5 Pt. II: entry relating to the [Juries Act \(Ireland\) 1871](#) repealed (31.7.1996) by [S.I. 1996/1141 \(N.I. 6\)](#), [art. 32\(3\)](#), [Sch. 5](#); [S.R. 1996/267](#), [art. 2](#)

*The Bankruptcy (Ireland) Amendment Act 1872*<sup>M18</sup>

**Marginal Citations**

**M18** 1872 c. 58.

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

“ “The Court” shall mean the High Court of Justice in Northern Ireland; ”.

F9  
 . . .

**Textual Amendments**

**F9** Entries relating to [Bankruptcy \(Ireland\) Amendment Act 1872 \(c. 58\)](#), [ss. 57](#) and 124 repealed by [S.I. 1980/561 \(N.I. 4\)](#), [Sch. 3](#)

F9  
 . . .

*The Consolidated Fund (Permanent Charges Redemption) Act 1873*<sup>M19</sup>

**Marginal Citations**

**M19** 1873 c. 57.

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In section 3, as it applies to Northern Ireland, for the words from “paid into the Court of Chancery” to “1872” substitute the words “paid into the Supreme Court” and for the words “the said Court” substitute the words “the High Court”.

*The Fines Act (Ireland) 1851, Amendment Act 1874*<sup>M20</sup>

**Marginal Citations**

**M20** [1874 c.72.](#)

In section 2 for the words “assistant barrister, recorder” substitute the words “judge of the Crown Court”.

*The Explosives Act 1875*<sup>M21</sup>

**Marginal Citations**

**M21** [1875 c.17.](#)

In section 66(1), as it applies to Northern Ireland, for the words “stipendiary magistrate” substitute the words “resident magistrate”.

*The Appellate Jurisdiction Act 1876*<sup>M22</sup>

**Marginal Citations**

**M22** [1876 c.59.](#)

In section 25 for the words “As to Ireland, the superior courts of law and equity at Dublin:” substitute the words “As to Northern Ireland, Her Majesty’s High Court of Justice in Northern Ireland and Her Majesty’s Court of Appeal in Northern Ireland”.

*The Settled Estates Act 1877*<sup>M23</sup>

**Marginal Citations**

**M23** [1877 c.59.](#)

In section 34 for the words “the Bank of Ireland to the account of the Accountant General ex parte the applicant” substitute the words “the Supreme Court to the account of the applicant”.

*The Bills of Sale (Ireland) Act 1879*<sup>M24</sup>

**Marginal Citations**

**M24** [1879 c. 50.](#)

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In section 4 for the definition of “prescribed” substitute—

“ “prescribed” means prescribed by rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978; ”

For section 13 substitute—

**“13 As to registrar.**

The Master (Queen’s Bench and Appeals) or such other officer serving in the Supreme Court as the Lord Chief Justice may designate shall be the registrar for the purposes of this Act.”.

For section 19 substitute—

**“19 Fees.**

Section 116 of the Judicature (Northern Ireland) Act 1978 shall apply to fees under this Act and such fees may be fixed in the manner authorised by that section.”

*The Settled Land Act 1882* <sup>M25</sup>

**Marginal Citations**

**M25** [1882 c.38.](#)

At the end of section 2 as it applies to Northern Ireland add—

“(11) Any reference in the Settled Land Acts 1882 to 1890 to money, securities or proceeds of sale being paid or transferred into court shall be construed as referring to the money, securities or proceeds being paid or transferred into the Supreme Court or any other court that has jurisdiction, and any reference in those Acts to the court in a context referring to the investment or application of money, securities or proceeds of sale paid or transferred into court, shall be construed, in the case of money, securities or proceeds paid or transferred into the Supreme Court, as referring to the High Court, and, in the case of money, securities or proceeds paid into another court, as referring to that other court.”.

*The Land Law (Ireland) Act 1887* <sup>M26</sup>

**Marginal Citations**

**M26** [1887 c.33.](#)

In section 34 in the definition of “prescribed” for the words from “other proceedings” to the end substitute the words “other proceedings means prescribed by rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978 or county court rules, as the case may be;”

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*The Deeds of Arrangement Act 1887*<sup>M27</sup>

**Marginal Citations**

**M27** 1887 c. 57.

In section 15(2) for the words “the eighty-fourth section of the Supreme Court of Judicature Act (Ireland) 1877 as regards Ireland” substitute the words “as respects Northern Ireland, section 116 of the Judicature (Northern Ireland) Act 1978”.

*The Deeds of Arrangement Amendment Act 1890*<sup>M28</sup>

**Marginal Citations**

**M28** 1890 c.24.

In section 2(7) for the words “the eighty-fourth section of the Supreme Court of Judicature Act (Ireland) 1877” substitute the words “section 116 of the Judicature (Northern Ireland) Act 1978”.

*The Witnesses (Public Inquiries) Protection Act 1892*<sup>M29</sup>

**Marginal Citations**

**M29** 1892 c. 64.

In section 3, as it applies to Northern Ireland, for the words “quarter sessions or assizes” substitute the words “Crown Court”.

*The Life Insurance Companies (Payment into Court) Act 1896*<sup>M30</sup>

**Marginal Citations**

**M30** 1896 c. 8.

In section 3, as it applies to Northern Ireland, for the words from “High Court” to “into the High Court” substitute the words “Supreme Court”.

**F10**  
.....

**Textual Amendments**

**F10** Sch. 5 Pt. II: entry relating to the Town Tenants (Ireland) Act 1906 repealed (1.4.1997) by [S.I. 1996/725](#) (N.I. 5), art. 44(3), [Sch. 4](#); [S.R. 1997/74](#), [art.2](#)

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*The Northern Ireland (Miscellaneous Provisions) Act 1932* <sup>M31</sup>

**Marginal Citations**

**M31** 1932 c. 11.

In section 9(3) for the words “under the Landed Estates Court (Ireland) Act 1858 or any Act amending that Act or under the Land Purchase Acts an application is made” substitute the words “an application is made to the High Court or to a county court”.

*The Foreign Judgments (Reciprocal Enforcement) Act 1933* <sup>M32</sup>

**Marginal Citations**

**M32** 1933 c. 13.

In section 13(b) for the words from “respectively” to the end substitute the words “respectively, references to sections 55 and 116 of the Judicature (Northern Ireland) Act 1978”.

*F11*  
...

**Textual Amendments**

**F11** Sch. 5 Pt. II: the entry relating to the Trade Marks Act 1938 repealed (31.10.1994) by 1994 c. 26, s. 106(2), **Sch. 5**; S.I. 1994/2550 art. 2

*The Pensions Appeal Tribunals Act 1943* <sup>M33</sup>

**Marginal Citations**

**M33** 1943 c. 39.

In section 6(2), as it applies to Northern Ireland, for the words from “a judge of” to “conclusive” substitute the words “the Court of Appeal, appeal therefrom, within such time as may be limited by rules of court made under section 55 of the Judicature (Northern Ireland) Act 1978, to the Court of Appeal whose decision shall be final”.

In section 14 for the words from “Lord Chancellor” to the end substitute the words “Lord Chancellor (except the reference in paragraph 7A of the Schedule) there shall be substituted references to the Lord Chief Justice of Northern Ireland”.

In the Schedule, as it applies to Northern Ireland, in paragraph 5(4)(c) for the words “a judge of the High Court” substitute the words “the Court of Appeal”.

... **F12**

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

**Textual Amendments**

**F12** Entry relating to [Exchange Control Act 1947 \(c. 14\)](#), **Sch. 4 para. 8(2)** repealed by [Finance Act 1987 \(c. 16, SIF 99:6\)](#), s. 72, **Sch. 16 Pt. XI**

F13

**Textual Amendments**

**F13** Entries relating to [Crown Proceedings Act 1947 \(c. 44\)](#) repealed (N.I.) by [S.I. 1981/233](#), **Sch. 1**

F14

**Textual Amendments**

**F14** Entries relating to [Representation of the People Act 1949 \(c. 68\)](#) repealed by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 9 Pt. II**

F15

**Textual Amendments**

**F15** Sch. 5 Pt. II: Entry relating to the [Arbitration Act 1950](#) repealed (31.1.1997) by [1996 c. 23, s. 107\(2\)](#), **Sch.4**; [S.I. 1996/3146](#), art. 3, **Sch. 2**

*The Maintenance Orders Act 1950<sup>M34</sup>*

**Marginal Citations**

**M34** [1950 c. 37](#).

F16

**Textual Amendments**

**F16** Sch. 5 Pt. II: entry relating to s. 13(1) of [The Maintenance Orders Act 1950](#) repealed (4.11.1996) by [S.I. 1995/756](#), **art. 15**, Sch.; [S.R. 1996/297](#), **art. 2(2)**

In section 25(2) for the words from the beginning to “regulating” substitute the words “Rules made under section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964 may regulate”.

In section 28(1) in the definition of “prescribed” for the words “by the Lord Chief Justice of Northern Ireland under this Act” substitute the words “under section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964”.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

*The Administration of Justice Act 1956*<sup>M35</sup>

**Marginal Citations**

M35 1956 c. 46.

In Part I of Schedule 1 after paragraph 4 insert—

*“ Bail in Admiralty matters*

- 4A In any proceedings in the High Court under this Part of this Schedule, bail may be taken to answer the judgement of the High Court (or of the Court of Appeal or House of Lords on an appeal from that judgement) and the High Court may withhold the release of any property under its arrest until such bail has been given.”.

*The Geneva Conventions Act 1957*<sup>M36</sup>

**Marginal Citations**

M36 1957 c. 52.

In section 4(1) as substituted by section 52 of, and Schedule 5 to, the<sup>M37</sup> Criminal Appeal Act 1968, for the words “the Court of Criminal Appeal in Northern Ireland” substitute the words “the Court of Appeal in Northern Ireland”.

**Marginal Citations**

M37 1968 c. 19.

*The Administration of Justice Act 1960*<sup>M38</sup>

**Marginal Citations**

M38 1960 c. 65.

In paragraph 2 of Schedule 2 for the word “accordingly” substitute the words “as references to a court of the High Court of Justice in Northern Ireland consisting of two or more judges”.

*The Professions Supplementary to Medicine Act 1960*<sup>M39</sup>

**Marginal Citations**

M39 1960 c. 66.

In paragraph 2(2) of Schedule 2 after the words “Supreme Court of Judicature (Consolidation) Act 1925” insert the words “, of section 67 of the Judicature (Northern Ireland) Act 1978”.



*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

### *The Veterinary Surgeons Act 1966*<sup>M40</sup>

#### **Marginal Citations**

**M40** 1966 c. 36.

In paragraph 4(2) of Schedule 2 after the words “Supreme Court of Judicature (Consolidation) Act 1925” insert the words “, of section 67 of the Judicature (Northern Ireland) Act 1978”.

### *The Arbitration (International Investment Disputes) Act 1966*<sup>M41</sup>

#### **Marginal Citations**

**M41** 1966 c. 41.

In section 8(b) for the words “section 7 of the Northern Ireland Act 1962” substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

...  
F17

#### **Textual Amendments**

**F17** Entries relating to [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#) repealed by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\)](#), s. 51(2), [Sch. 5](#)

### *The Family Law Reform Act 1969*<sup>M42</sup>

#### **Marginal Citations**

**M42** 1969 c. 46.

In section 6(7) for the words “or under any corresponding enactment of the Parliament of Northern Ireland” substitute the words “or under section 27 of the Judicature (Northern Ireland) Act 1978”.

### *The Administration of Justice Act 1969*<sup>M43</sup>

#### **Marginal Citations**

**M43** 1969 c. 58.

In section 16(1) for the words from “sections 3” to “1877” substitute the words “section 3 of the Judicature Act 1925 there shall be substituted a reference to sections 6 and 7 of the Judicature (Northern Ireland) Act 1978”.

In sections 20(5) and 21(4) for the words “section 7 of the Northern Ireland Act 1962” substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

### *The Taxes Management Act 1970*<sup>M44</sup>

#### **Marginal Citations**

**M44** 1970 c. 9.

In sections 58(2) and 59(5) for the words “section 1 of the Northern Ireland Act 1962” substitute the words “section 42 of the Judicature (Northern Ireland) Act 1978”.

... **F18**

#### **Textual Amendments**

**F18** Entry relating to [Income and Corporation Taxes Act 1970 \(c. 10\)](#), [s. 413\(6\)](#) repealed by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, [Sch. 31](#)

### *The Administration of Justice Act 1970*<sup>M45</sup>

#### **Marginal Citations**

**M45** 1970 c. 31.

In section 34(2) for the words “section 7 of the Northern Ireland Act 1962” substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

### *The Misuse of Drugs Act 1971*<sup>M46</sup>

#### **Marginal Citations**

**M46** 1971 c. 38.

In paragraph 5(2) of Schedule 3 after the words “Supreme Court of Judicature (Consolidation) Act 1925” insert the words “, of section 67 of the Judicature (Northern Ireland) Act 1978”.

### <sup>F19</sup>*The Tribunals and Inquiries Act 1971*<sup>M47</sup>

#### **Textual Amendments**

**F19** Entry in Sch. 5 Pt. II relating to [Tribunals and Inquiries Act 1971](#) repealed (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\)](#), ss. 18(2), 19(2), [Sch. 4 Pt.I](#)

#### **Marginal Citations**

**M47** 1971 c. 62.

**F19**  
...

*Status: Point in time view as at 01/04/1997.*

**Changes to legislation:** *Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

### *F20 The Administration of Justice Act 1973*

#### **Textual Amendments**

**F20** Entry relating to [Administration of Justice Act 1973 \(c. 15\)](#) repealed by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\)](#), [Sch. 5](#)

F20  
...

### *F21 The Social Security (Northern Ireland) Act 1975 <sup>M48</sup>*

#### **Textual Amendments**

**F21** Sch. 5 Pt. II: the enactment constituting the amendment to the Social Security (Northern Ireland) Act 1975 is repealed (1.7.1992) by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9\)](#), ss. 3, 7(2), [Sch.1](#) (with s. 5(2))

#### **Marginal Citations**

**M48** [1975 c. 15.](#)

F21  
...

### *The House of Commons Disqualification Act 1975 <sup>M49</sup>*

#### **Marginal Citations**

**M49** [1975 c. 24.](#)

In section 1(3) in the definition of “civil service of the Crown” after the words “Northern Ireland” insert the words “, the Northern Ireland Court Service”.

In Part I of Schedule 1 for the words from “or Temporary County Court Judge” to “deputy of such a Judge” substitute the words “or deputy County Court Judge in Northern Ireland”.

In Part III of Schedule 1 the entry relating to an officer of or attached to the Supreme Court of Northern Ireland shall cease to have effect and at the appropriate place in alphabetical order insert—

“ Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978. ”.

### *The Northern Ireland Assembly Disqualification Act 1975 <sup>M50</sup>*

#### **Marginal Citations**

**M50** [1972 c. 25.](#)

In section 1(2) in the definition of “civil service of the Crown” after the words “Northern Ireland” insert the words “, the Northern Ireland Court Service”.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

In Part I of Schedule 1 for the words from “Temporary County Court Judge” to “deputy of such a Judge” substitute the words “or deputy County Court Judge in Northern Ireland”.

In Part III of Schedule 1 the entry relating to an officer of or attached to the Supreme Court of Northern Ireland shall cease to have effect and at the appropriate place in alphabetical order insert— “ Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978. ”.

### *The Northern Ireland (Emergency Provisions) Act 1978*

F22

#### **Textual Amendments**

**F22** Sch. 5 Pt. II, the entry relating to the Northern Ireland (Emergency Provisions) Act 1978 repealed (27.8.1991) by [Northern Ireland \(Emergency Provisions\) Act 1991 \(c. 24, SIF 39:1\)](#), **ss. 69()**, 70(4), Sch.8

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

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

**C2** The text of Sch. 5 Pt. II(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

### *The Habeas Corpus Act (Ireland) 1781* <sup>M51</sup>

#### **Marginal Citations**

**M51** [1781 c. 11 \(Ir.\)](#).

In section 2 for the words from “in the court of the King’s bench” to “case shall require” substitute the words “in the Crown Court”.

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

### *The Bankruptcy Amendment Act (Northern Ireland) 1929* <sup>M52</sup>

#### **Marginal Citations**

**M52** [1929 c. 1. \(N.I.\)](#).

In section 21(1) for the words from the beginning to “providing” substitute the words “Rules of Court may provide” and for the words from the end of paragraph (b) onwards substitute the words “and may provide for any matters for which provision may be necessary in order to give full effect to this section and prescribe anything which is to be prescribed thereunder”.

In section 28(1)—

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

(a) in the definition of “The court” for the words from “a judge” to the end substitute the words “the High Court” ;

(b) in the definition of “Prescribed” for the words from “section sixty-one” to the end substitute the words “section 55 of the Judicature (Northern Ireland) Act 1978”.

*The Motor Vehicles and Road Traffic Act (Northern Ireland) 1929*<sup>M53</sup>

**Marginal Citations**

**M53** 1929 c. 21 (N.I.).

In section 7(3) for the words from “such division or court of the Supreme Court” to the end substitute the words “the Court of Appeal and the decision of that Court shall be final”.

*The Planning and Housing Act (Northern Ireland) 1931*<sup>M54</sup>

**Marginal Citations**

**M54** 1931 c. 12. (N.I.).

In section 34(4) and (5) for the words “Supreme Court” wherever they occur substitute the words “Court of Appeal”.

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

*The Evidence Act (Northern Ireland) 1939*<sup>M55</sup>

**Marginal Citations**

**M55** 1939 c. 12. (N.I.).

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

*The Matrimonial Causes Act (Northern Ireland) 1939*<sup>M56</sup>

**Marginal Citations**

**M56** 1939 c. 13. (N.I.).

In the long title and in section 1 for the words “Supreme Court” substitute the words “High Court”.

In section 4(1)(a) for sub-paragraph (i) substitute—  
“(i) an order of the High Court; or”.

For section 27(2) substitute—

“(2) Rules of court may be made under section 55 of the Judicature (Northern Ireland) Act 1978 for prescribing anything which by this Act is to be prescribed”.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

In section 30(1) for the definition of “High Court” substitute— “ “High Court” includes the Master (Probate and Matrimonial) exercising such jurisdiction of the court as may be prescribed in that behalf by rules made under section 55 of the Judicature (Northern Ireland) Act 1978 ”.

In section 30(1) in the definition of “Presentation” for the words “Principal Probate Registry” substitute the words “Probate and Matrimonial Office”.

*The Landlord and Tenant (War Damage) Act (Northern Ireland) 1941 <sup>M57</sup>*

**Marginal Citations**

**M57** 1941 c. 9. (N.I.).

For section 33(7) substitute—

“(7) If any party to any proceedings in the county court under this Act is dissatisfied with the order, determination, direction or decision of the court he may appeal therefrom to the High Court”

In section 38(1) in the definition of “rules of court” for the words from “require” to the end substitute the words “require, rules under section 55 of the Judicature (Northern Ireland) Act 1978.”.

*The Criminal Justice Act (Northern Ireland) 1945 <sup>M58</sup>*

**Marginal Citations**

**M58** 1945 c. 15. (N.I.).

In section 35(1) for the words “a court of assize or of quarter sessions” substitute the words “the Crown Court or a county court”.

In section 35(7) for the words “the rules under this Act” substitute the words “Crown Court rules”.

*The Probation Act (Northern Ireland) 1950 <sup>M59</sup>*

**Marginal Citations**

**M59** 1950 c. 7. (N.I.).

In sections 4(3)(b), 6(3)(b), 6(4), 6(6), 6(8) and 7(4) for the words “a court of assize or quarter sessions” wherever they occur substitute the words “the Crown Court”.

In sections 4(3)(b), 6(3)(b), 6(4) and 6(6) for the words “the court of assize or quarter sessions” wherever they occur substitute the words “the Crown Court”.

In section 6(2)(a) for the words “a court of assize, a judge of that” substitute the words “the Crown Court, a judge of that”.

For section 6(2)(b) substitute—

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

- “(b) if the order was made by a county court judge on an appeal made to him under section 140, 141 or 142 of the Magistrates’ Courts Act (Northern Ireland) 1964, a county court judge acting for the division of the county court in which the order was made or a committing justice ;”.

In section 8(1)(a)(i) for the words “a court of assize or county court, to the Court of Criminal Appeal” substitute the words “the Crown Court, to the Court of Appeal”.

*The Prison Act (Northern Ireland) 1953* <sup>M60</sup>

**Marginal Citations**

**M60** 1953 c. 18. (N.I.).

In section 6 for the words “a court of assize or quarter sessions” substitute the words “the Crown Court”.

*The Administration of Justice Act (Northern Ireland) 1954* <sup>M61</sup>

**Marginal Citations**

**M61** 1954 c. 9. (N.I.).

For section 11 substitute—

**“11 Local custody and control of courthouse accommodation.**

The Lord Chancellor may give directions as the local custody and control of any courthouse accommodation provided or maintained under this Act.”.

In section 14(1) for the words from the beginning to “on behalf of the Ministry” substitute the words “The Lord Chancellor” and for the word “Ministry” where it twice occurs substitute the words “Lord Chancellor”.

*The Interpretation Act (Northern Ireland) 1954* <sup>M62</sup>

**Marginal Citations**

**M62** 1954 c. 33. (N.I.).

In section 21—

(a) in subsection (2) for the words “Ministry of Finance” substitute the word “Treasury”;

(b) for subsection (4) substitute—

“(4) In any enactment—

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“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.”;

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

“(aa) in relation to the Crown Court, references to the Crown Court rules;”.

In section 42—

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

““Crown Court” shall mean Her Majesty’s Crown Court in Northern Ireland;

“county court” shall mean a county court held for a division under the County Courts Act (Northern Ireland) 1959;”;

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

““Probate Judge” shall mean the Judge of the High Court to whom probate business and matters are for the time being assigned.”.

#### *The Trustee Act (Northern Ireland) 1958* <sup>M63</sup>

##### **Marginal Citations**

**M63** 1958 c. 23. (N.I.).

In sections 35(9) and 57(4) for the words “Lord Cheif Justice or Registrar in Lunacy” substitute the words “High Court or the Master (Care and Protection)”.

In section 67 omit the definition of “pay” and at the end of section 66 add—

“(3) Any reference in this Act to paying money or securities into court shall be construed as referring to paying the money or transferring or depositing the securities into or in the Supreme Court or into or in the county court that has jurisdiction, and any reference in this Act to payment of money or securities into court shall be construed—

- (a) with reference to an order of the High Court, as referring to payment of the money or transfer or deposit of the securities into or in the Supreme Court; and
- (b) with reference to an order of a county court, as referring to payment of money or transfer or deposit of the securities into or in the court.”.

#### *The Coroners Act (Northern Ireland) 1959* <sup>M64</sup>

##### **Marginal Citations**

**M64** 1959 c. 15. (N.I.).

In section 1, for the words from the beginning to “responsible” substitute the words “The Lord Chancellor shall be responsible”.

In section 2(1), for the words from the beginning to “may appoint” substitute the words “The Lord Chancellor may appoint” and for the words from “the Minister, after” to the end substitute



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the words “the Lord Chancellor, after consultation with the Treasury, may determine and may also, in exercise of his powers under section 69 of the Judicature (Northern Ireland) Act 1978, appoint coroner’s officers and other officers to assist coroners”.

In sections 2(2) and 3 for the word “Minister” substitute the words “Lord Chancellor”.

In section 2(3) for the words from “is a barrister-at-law” to the end substitute the words “has practised for not less than five years either as a member of the Bar of Northern Ireland or as a solicitor of the Supreme Court”.

In section 5 for the words from “moneys” to the end substitute the words “moneys provided by the Parliament of the United Kingdom”.

In section 6(2) for the word “Minister” where it twice occurs substitute the words “Lord Chancellor”.

In sections 11(3), 26 and 27(2) for the word “Ministry” wherever it occurs substitute the words “Lord Chancellor”.

In section 36(1) for the words from the beginning to the end of paragraph (a) substitute—

( The Lord Chancellor may by rules—

- (a) made after consultation with the Treasury, make provision with respect to the records, accounts and returns which the Lord Chancellor may require coroners to keep and submit to him and with respect to information to be supplied by coroners;”.

For section 36(2) substitute—

“(2) The Lord Chancellor may with the consent of the Minister of the Civil Service determine—

- (a) the salaries or fees and superannuation to be paid to coroners and to registered medical practitioners employed under section 27(2);
- (b) the fees and allowances payable to person assisting at the post-mortem examinations;
- (c) the allowances payable to witnesses under this Act.”.

*The County Courts Act (Northern Ireland) 1959<sup>M65</sup>*

**Marginal Citations**

**M65** 1959 c. 25. (N.I.).

F23

**Textual Amendments**

**F23** Entries relating to [County Courts Act \(Northern Ireland\) 1959 \(c. 25\)](#) (N.I.), ss. 3(1), 5, 6(2), 6(4)(a), 33(3)(a), 36, 38, 55, 63, 71(3), 114, 142(1), 144, 145(1), 146, 147, 152(1) repealed by [S.I. 1980/397](#) (N.I. 3), art. 69(2), **Sch. 3**

In section 105—

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

(a) For subsection (1) substitute—

“(1) Subject to subsection (1A), the Lord Chancellor may, if he thinks fit, remove a judge from office on the ground of incapacity or misbehaviour.

(1A) Subsection (1) shall not apply to a judge holding office immediately before 1st January 1974 but—

- (a) subject to paragraph (b), every such judge shall hold office during good behaviour subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of Parliament of the United Kingdom;
- (b) where the Lord Chancellor is satisfied that by reason of infirmity of mind or body any such judge is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent, he may, upon hearing any representations made by or on behalf of the judge, remove him from office.”;

(b) in subsection (4) for the words “and (2)” substitute the words “and (1A)”.

For section 106 substitute—

**“106 Salaries and allowances of judges.**

- (1) There shall be paid to each judge such salary as may be determined by the Lord Chancellor with the consent of the Minister for the Civil Service.
- (2) The salary payable to any judge shall begin from the date on which the judge takes the oaths required by section 105(3).
- (3) The Lord Chancellor with the approval of the Minister for the Civil Service may allow to any judge, for the purposes of defraying his travelling and subsistence expenses, such sum as appears reasonable.”.

F24

**Textual Amendments**

**F24** Entries relating to [County Courts Act \(Northern Ireland\) 1959 \(c. 25\)](#) (N.I.), ss. 3(1), 5, 6(2), 6(4)(a), 33(3)(a), 36, 38, 55, 63, 71(3), 114, 142(1), 144, 145(1), 146, 147, 152(1) repealed by [S.I. 1980/397](#) (N.I. 3), art. 69(2), [Sch. 3](#)

In section 116—

(a) for the words “Ministry of Finance” wherever they occur substitute the words “Minister for the Civil Service”;

(b) for the word “Minister” wherever it occurs substitute the words “Lord Chancellor”;

(c) for the word “Governor” in subsection (4) substitute the words “Lord Chancellor”.

In sections 123(2), 125(3) and 126, for the words “Ministry of Finance” wherever they occur substitute the words “Minister for the Civil Service”.

In section 132 for the word “Ministry” substitute the words “Lord Chancellor”.

For section 134 substitute—

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

### “134 Evidence of health.

Before recommending any person to Her Majesty for appointment as a county court judge, the Lord Chancellor shall take steps to satisfy himself that that person’s health is satisfactory.”.

In section 136 for the words from the beginning to the beginning of paragraph (a) substitute the words “There shall be charged on and paid out of the Consolidated Fund of the United Kingdom” and for the words “Ministry of Finance” substitute the word “Treasury”.

In section 137 for the words from “provided by” to “all expenses” substitute the words “provided by the Parliament of the United Kingdom all expenses”.

... F25

#### Textual Amendments

**F25** Entries relating to [County Courts Act \(Northern Ireland\) 1959 \(c. 25\)](#) (N.I.), ss. 3(1), 5, 6(2), 6(4)(a), 33(3)(a), 36, 38, 55, 63, 71(3), 114, 142(1), 144, 145(1), 146, 147, 152(1) repealed by [S.I. 1980/397](#) (N.I. 3), art. 69(2), [Sch. 3](#)

### *The Resident Magistrates’ Pensions Act (Northern Ireland) 1960<sup>M66</sup>*

#### Marginal Citations

**M66** 1960 c. 2.(N.I.).

In section 1 for the words from “on attaining the age of seventy years” to the end substitute the words “at the end of the completed year of service in which he attains the age of seventy; but where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age, not exceeding seventy-two, as the Lord Chancellor thinks fit”.

... F26

#### Textual Amendments

**F26** Entries relating to [Companies Act \(Northern Ireland\) 1960 \(c. 22\)](#) (N.I.), ss. 349(9), 389(1)(3) repealed by [S.I. 1986/1035](#) (N.I. 9), art. 24, [Sch. 2](#)

... F27

#### Textual Amendments

**F27** Entries relating to [Mental Health Act \(Northern Ireland\) 1961 \(c. 15\)](#) (N.I.), ss. 1(1)(f), 25, 45, 48(1), 55(1), 56(6), 59(2)(a)–(c), 63(2), 69(1)(d), 73(1), 74, 79(4), 87(1)(2), 101(8)(a), 111(2), 117(2) repealed by [S.I. 1986/595](#) (N.I. 4), art. 138, [Sch. 7](#)

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

### *The Electoral Law Act (Northern Ireland) 1962* <sup>M67</sup>

#### **Marginal Citations**

**M67** 1962 c. 14.(N.I.).

For section 72(2) substitute—

“(2) An election court for the trial of petitions relating to parliamentary elections (in this Act referred to as a “parliamentary election court”) shall consist of the two judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978.”.

In section 83(2), (3) and (4) for the words “Supreme Court” substitute the words “Court of Appeal”.

In paragraph 17(2) of Schedule 3, for the words “Supreme Court” substitute the words “Court of Appeal”.

... **F28**

#### **Textual Amendments**

**F28** Entries relating to [County Courts Appeals Act \(Northern Ireland\) 1964 \(c. 3\)](#) (N.I.) repealed by [S.I. 1980/397 \(N.I. 3\)](#), art. 69(2), [Sch. 3](#)

### *The Magistrates’ Courts Act (Northern Ireland) 1964* <sup>M68</sup>

#### **Marginal Citations**

**M68** 1964 c. 21. (N.I.).

For section 3 substitute—

#### **“3 Justices of the peace.**

Justices of the peace shall be appointed in accordance with section 103 of the Judicature (Northern Ireland) Act 1978.”.

In section 6(1) for the words from “member of” to the end substitute the words “member of the Northern Ireland Court Service, notary public or commissioner for oaths”.

In section 7 for the words from the beginning to “shall” substitute the words “A person appointed as a justice of the peace shall, where he has already done so in connection with a former appointment.”.

In section 10(1) for the word “Governor” wherever it occurs substitute the words “Lord Chancellor” and for the words “being persons who are eligible for appointment as, or have previously been, resident magistrates”.

For section 11 substitute—

*Status: Point in time view as at 01/04/1997.*

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**“11 Removal of resident magistrates from office.**

- (1) Subject to subsection (2) and to section 1 of the Resident Magistrates’ Pensions Act (Northern Ireland) 1960, every resident magistrate shall hold his office during good behaviour, but may be removed from his office by the Lord Chancellor on the ground of incapacity or misbehaviour.
- (2) Subsection (1) shall not apply to a resident magistrate holding office immediately before 1st January 1974 but, subject to section 1 of the Resident Magistrates’ Pensions Act (Northern Ireland) 1960, every such resident magistrate shall hold office during good behaviour subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of Parliament of the United Kingdom.”.

In section 12(1) for the words from the beginning to “the salaries” substitute the words “make an application for the judicial review to the Minister for the Civil Service, determine the salaries”.

... F29

**Textual Amendments**

**F29** Entries relating to [Magistrates' Courts Act \(Northern Ireland\) 1964 \(c. 21\)](#) (N.I.) (except the entries relating to ss. 3, 6(1), 7, 10(1), 11, 12(1) and 168(2) ) repealed by [S.I. 1981/1675 \(N.I. 26\)](#), [Sch. 7](#)

For section 168, substitute—

**“168 Expenses.**

- (1) .....
- (2) There shall be charged on and paid out of the Consolidated Fund of the United Kingdom the salaries payable to resident magistrates under this Act or the Resident Magistrates (Belfast) Act 1911.
- (3) .....

*The Lands Tribunal and Compensation Act (Northern Ireland) 1964*<sup>M69</sup>

**Marginal Citations**

**M69** 1964 c. 29.(N.I.).

In section 2—

(a) in subsection (1) for the words “subsection (4)” substitute the words “subsections (4) and (4A)” and;

(b) after subsection (4) insert—

“(4A) Without prejudice to subsection (4), a member of the Lands Tribunal holding office immediately before 1st January 1974 may be removed from office by Her Majesty upon an address presented to Her Majesty by both Houses of the Parliament of the United Kingdom.”

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*The Charities Act (Northern Ireland) 1964<sup>M70</sup>*

**Marginal Citations**

**M70** 1964 c. 33.(N.I.).

In section 30(1) for the words “The chief registrar of the Principal Probate Registry of the High Court” substitute the words “The Master (Probate and Matrimonial)” and for the words from “that Registry” to the end substitute the words “the Probate and Matrimonial Office, or of which a copy has been forwarded to him from a branch office of that Office.”.

F30

**Textual Amendments**

**F30** Entries relating to [Legal Aid and Advice Act \(Northern Ireland\) 1965 \(c. 8\)](#) (N.I.) repealed by [S.I. 1981/228 \(N.I. 8\)](#), art. 42(4), **Sch. 4**

**Textual Amendments**

**F30** Entries relating to [Legal Aid and Advice Act \(Northern Ireland\) 1965 \(c. 8\)](#) (N.I.) repealed by [S.I. 1981/228 \(N.I. 8\)](#), art. 42(4), **Sch. 4**

*The Maintenance and Affiliation Orders Act (Northern Ireland) 1966<sup>M71</sup>*

**Marginal Citations**

**M71** 1966 c. 35.(N.I.).

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

“(f) section 27 of the Judicature (Northern Ireland) Act 1978”

F31

**Textual Amendments**

**F31** Entry relating to [Building Societies Act \(Northern Ireland\) 1967 \(c. 31\)](#) (N.I.) s. 98 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120(2)(3), **Sch. 19 Pt. III**

**Textual Amendments**

**F31** Entry relating to [Building Societies Act \(Northern Ireland\) 1967 \(c. 31\)](#) (N.I.) s. 98 repealed by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120(2)(3), **Sch. 19 Pt. III**

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### *The Costs in Criminal Cases Act (Northern Ireland) 1968* <sup>M72</sup>

#### **Marginal Citations**

**M72** 1968 c. 10.(N.I.).

In section 4 for the words “Court of Criminal Appeal” wherever they occur substitute the words “Court of Appeal”.

For section 7 substitute—

#### **“7 Rules relating to costs.**

Rules of court, Crown Court rules, county court rules and magistrates’ court rules may provide for the rates or scales of payment of costs under section 2 to 5 in so far as those sections relate to costs in the Court of Appeal, the Crown Court, county courts and magistrates’ courts respectively.”.

### *The Treatment of Offenders Act (Northern Ireland) 1968* <sup>M73</sup>

#### **Marginal Citations**

**M73** 1968 c. 29 (N.I.)

In sections 19(4), 20(3), 21(3), 25 and 29(1) for the words “a court of assize or county court” wherever they occur substitute the words “the Crown Court”.

In section 19(4) for the words “the judge of the court of assize or county court, as the case may be” substitute the words “the judge of the Crown Court”.

In section 20(1) for the words from “any court of assize” to “brought or” substitute the words “the Crown Court or”.

In section 20(5) for the words “sentenced or ordered to be detained” substitute the word “tried”.

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

In section 21(2) for the words “High Court judge or a county court judge” substitute the words “judge of the Crown Court”.

...  
F32

#### **Textual Amendments**

**F32** Entry relating to [Treatment of Offenders Act \(Northern Ireland\) 1968 \(c. 29\)](#) (N.I.), s. 25(3) repealed by [S.I. 1989/1344 \(N.I. 15\)](#), art. 14(2), [Sch. 2](#)

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*The Children and Young Persons Act (Northern Ireland) 1968*<sup>M74</sup>

**Marginal Citations**

**M74** 1968 c. 34 (N.I.).

In section 65(2) for the words from the beginning to “to be held” substitute the words “Directions given by the Lord Chancellor under section 21(3) of the Magistrates’ Courts Act (Northern Ireland) 1964”.

In sections 67(b)<sup>F33</sup> . . . after the word “county” insert the words “court division”.

**Textual Amendments**

**F33** Sch. 5 Pt. II: words repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), arts. 1(2), 185(2), Sch. 10 (with Sch. 8 paras. 1(1), 23(4)); S.R. 1996/297, art. 2(2)

In section 76(6)(b) for the words “a court of assize or a county court, to the Court of Criminal Appeal” substitute the words “the Crown Court, to the Court of Appeal”.

In section 79(2) for the words “court of assize or the county court, as the case may be, at which the case will be tried, of tried by a jury” substitute the words “place at which the Crown Court, at which the case will be tried if tried by a jury, may sit”.

In sections 136(4) and 178(4) and in paragraphs (1(1) and 3(2) of Schedule 2 for the words “or county borough” and “county borough” wherever they occur substitute the words “court division”.

**F34**  
 . . .

**Textual Amendments**

**F34** Sch. 5 Pt. II: entry repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), arts. 1(2), 185(2), Sch. 10 (with Sch. 8 para. 1(1), 23(4)); S.R. 1996/297, art. 2(2)

In section 178, as originally enacted, for the word “Ministry” where it twice occurs substitute the words “Lord Chancellor”.

In Schedule 2—

- (a) in paragraph 1(2) for the word “Governor” substitute the words “Lord Chancellor”;
- (b) in paragraphs 1(3) and 8 for the word “Ministry” wherever it occurs substitute the words “Lord Chancellor”;
- (c) at the end of paragraph 1(4) add the words “by regulations made under paragraph 8”;
- (d) in paragraph 2(2) for the words from “who” to the end substitute the words “who has taken the said oaths after a previous appointment as a member of any such panel or who has taken the said oaths as required by section 7 of the Magistrates’ Courts Act (Northern Ireland) 1964”;
- (e) in paragraph 6 for the words “The Ministry may pay” substitute the words “The Lord Chancellor may, out of money provided by the Parliament of the United Kingdom, pay” and



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for the words from “Ministry may determine” to the end substitute the words “Lord Chancellor may, with the approval of the Minister for the Civil Service determine”;

(f) at the end of paragraph 8 add—

“(d) be subject to annulment in pursuance of resolution if either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instrument Act 1946 shall apply accordingly.”

*The Grand Jury (Abolition) Act (Northern Ireland) 1969*<sup>M75</sup>

**Marginal Citations**

**M75** 1969 c. 15.(N.I.).

In section 2(1) for the words “a court of assize or to a county court” substitute the words “the Crown Court”.

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

In section 2(2)(e) for the words “Supreme Court or a county court judge” substitute the words “High Court, Court of Appeal or Crown Court”.

In section 2(3) for the words “a court of assize or a county court” substitute the words “the Crown Court”.

*The Judgments (Enforcement) Act (Northern Ireland) 1969*<sup>M76</sup>

**Marginal Citations**

**M76** 1969 c. 30 (N.I.).

F35 . . . F36

**Textual Amendments**

**F35** Entries relating to [Judgments \(Enforcement\) Act \(Northern Ireland\) 1969 \(c. 30\)](#) (N.I.), except those relating to s. 128(1) and Pt. II of Sch. 4 to that Act repealed by S.I. 1981/226 (N.I. 6), [Sch. 4](#)

**F36** Entry relating to [Judgments \(Enforcement\) Act \(Northern Ireland\) 1969 \(c. 30\)](#) (N.I.) s. 128(1) repealed by S.I. 1981/233, [Sch. 1 Pt. 1](#)

. . . F35

. . .

In Part II of Schedule 4 in the amendment to the<sup>M77</sup> Irish Bankrupt and Insolvent Act 1857 for the word “regulations” substitute the word “rules”.

**Marginal Citations**

**M77** 1857 c. 60.

*Status: Point in time view as at 01/04/1997.*

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*The Nurses and Midwives Act (Northern Ireland) 1970*<sup>M78</sup>

**Marginal Citations**

**M78** 1970 c. 11 (N.I.).

In section 46(3) for the words “The Attendance of Witnesses Act 1854” substitute the words “Section 67 of the Judicature (Northern Ireland) Act 1978”.

*The Registration of Deeds Act (Northern Ireland) 1970*<sup>M79</sup>

**Marginal Citations**

**M79** 1970 c. 25 (N.I.).

In section 3(7) for the words “Supreme Court” substitute the words “High Court or the Court of Appeal”.

*The Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971*<sup>M80</sup>

**Marginal Citations**

**M80** 1971 c. 7 (N.I.).

In sections 5(4) and 11(4) for the words “Registrar of the Department for the Affairs of Patients (Northern Ireland)” substitute the words “Master (Care and Protection)”.

In section 5(7) for the words “Lord Chief Justice” wherever occurring substitute the words “the High Court”.<sup>F37</sup>

**Textual Amendments**

**F37** Entry relating to [Licensing Act \(Northern Ireland\) 1971 \(c. 13\)](#) (N.I.) repealed by [S.I. 1990/594 \(N.I. 6\)](#), art. 90(4), [Sch. 13](#)

...

*The Payments for Debt (Emergency Provisions) Act (Northern Ireland) 1971*<sup>M81</sup>

**Marginal Citations**

**M81** 1971 c. 30 (N.I.).

In section 3 for the words “rules made under section 13” substitute the words “Judgement Enforcement Rules”.

In section 9(3) for the words “a Judge of the High Court” substitute the words “the Court of Appeal”.

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In section 9(4) for the words “Judge of the High Court” substitute the words “High Court or the Court of Appeal”.

In section 16(1)—

- (a) in the definition of “appropriate authority” for the words “Minister of Home Affairs” substitute the words “Lord Chancellor”;
- (b) in the definition of “Master” for the words “for the enforcement of judgements” substitute the words “(Enforcement of Judgements)” and for the words “designated officer” substitute the words “Judicial Officer (Enforcement of Judgements)”.
- (3) **Orders in Council**

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

- C3** The text of Sch. 5 Pt. II(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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

- C3** The text of Sch. 5 Pt. II(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

*The Northern Ireland (Crown Proceedings) Order 1949*<sup>M82</sup>

**Marginal Citations**

- M82** [S.I. 1949/1836](#).

In Article 3(3) for the words from the beginning to “1897” substitute the words “The expression “rules of court” shall mean rules made under section 55 of the Judicature (Northern Ireland) Act 1978”.

*The Prosecution of Offences (Northern Ireland) Order 1972*<sup>M83</sup>

**Marginal Citations**

- M83** [S.I. 1972/538 \(N.I. 1\)](#).

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

In Article 5(1)(g) for the words “certiorari, mandamus, prohibition or other prerogative order or injunction” substitute the words “judicial review”.

*Status: Point in time view as at 01/04/1997.*

*Changes to legislation: Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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)*

*The Health and Personal Social Services (Northern Ireland) Order 1972* <sup>M84</sup>

**Marginal Citations**

**M84** [S.I. 1972/1265 \(N.I. 14\)](#).

In paragraph 4 of Schedule 11 Part I, for the words “Supreme Court” substitute the words “Court of Appeal”.

“division” means a county court division within the meaning of the County Courts Act (Northern Ireland) 1959;

“the Juries Officer” in relation to a division means such officer of the Northern Ireland Court Service as the Lord Chancellor may designate to be the Juries Officer for that division.

In Article 4(2) for the words from the beginning to “area who” substitute the words “The Chief Electoral Officer shall arrange to be sent to the Juries Officer for each division a list of those Persons selected who reside in the division and the Juries Officer”.

In Article 4(3)(b), (6) (where it first occurs) and 9(c) and Article 5(3) for the word “area” substitute the word “division”.

In Article 4(4) and (5) for the words “Area Provisional Jurors List” substitute the words “list referred to in paragraph (2)”.

In Articles 4(5), (6) and (7) and 5(3) and (4) for the word “Area” wherever it occurs substitute the word “Divisional”.

In Schedule 2—

- (a) at the end of the entry relating to officers of the Northern Ireland Office add the words “and officers of the Lord Chancellor’s Office certified by the Lord Chancellor to be so engaged”.
- (b) after that entry insert—
  - “Members of the Northern Ireland Court Service.”;
- (c) after the entry relating to members and staff of the Police Authority for Northern Ireland insert—
  - “Members and staff of the Police Complaints Board for Northern Ireland”;
- (d) after the entry relating to persons in the Northern Ireland Civil Service insert—
  - “The Chief Electoral Officer for Northern Ireland and persons appointed to assist him.”

...

*The Treatment of Offenders (Northern Ireland) Order 1976* <sup>M85</sup>

**Marginal Citations**

**M85** [S.I. 1976/226 \(N.I. 4\)](#).

*Status: Point in time view as at 01/04/1997.*

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In Articles 2(3), 5(3)(a), 9(3)(b), 9(5), 9(7), 10(2)(b), 10(3), 14(6), 15(1) and 15(3) for the words “a court of assize or county court” wherever they occur substitute the words “the Crown Court”.

In Article 3(4) for the words “a court of assize or county court” substitute the words “the Crown Court”.

In Article 3(5) for the words “a court under paragraph (4), that court” substitute the words “under paragraph (4), the Crown Court”.

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

In Article 5(3)(b) for the words “the court referred to in sub-paragraph (a)” substitute the words “the Crown Court”.

In Article 5(4) for the words “such court of assize or county court as it considers convenient” substitute the words “the Crown Court”.

In Articles 9(3)(b), 9(4), 10(2) and 10(3) for the words “the court of assize or county court, as the case may be” wherever they occur substitute the words “the Crown Court”.

In Article 9(4) for the words “that court of assize or county court” substitute the words “the Crown Court”.<sup>F39</sup> . . .

#### Textual Amendments

**F39** Entry relating to Treatment of Offenders (Northern Ireland) Order 1976, art. 14 repealed by [S.I. 1989/1344 \(N.I. 15\)](#), art. 14(2), [Sch. 2](#)

In Article 15(3) for the words “the court of assize or county court” substitute the words “the Crown Court” and for the words “the court of assize or county court, as the case may be” substitute the words “that court”.

#### *The Solicitors (Northern Ireland) Order 1976*<sup>M86</sup>

#### Marginal Citations

**M86** [S.I. 1976/582 \(N.I. 12\)](#).

**F40** . . .

#### Textual Amendments

**F40** Entry relating to Solicitors (Northern Ireland) Order 1976, articles 15(1), 37(2), 64(1)(a) and 64(2) repealed by [S.I. 1989/1343 \(N.I. 14\)](#), art. 27(3), [Sch. 4](#)

In Article 75(3) for the words “section 7 of the Northern Ireland Act 1962” substitute “section 55 of the Judicature (Northern Ireland) Act 1978”.

In Article 81(a) for the words “the Court of Criminal Appeal” substitute the words “the Crown Court”.

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*The Sexual Offences (Northern Ireland) Order 1978* <sup>M87</sup>

**Marginal Citations**

**M87** [S.I. 1978/460 \(N.I. 5\)](#).

In Articles 6(2) and 8(3) for the words “county court or the High Court” substitute the words “Crown Court”.

In Articles 6(4) and 7(2) for the words “Court of Criminal Appeal” wherever they occur substitute the words “Court of Appeal”.

**Status:**

Point in time view as at 01/04/1997.

**Changes to legislation:**

Judicature (Northern Ireland) Act 1978, SCHEDULE 5 is up to date with all changes known to be in force on or before 29 June 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.