

SCHEDULE 8

Section 70.

AMENDMENTS OF JUDICATURE (NORTHERN IRELAND) ACT 1978

- 1 The following subsection shall be added at the end of section 3 (the Court of Appeal)
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- “(6) Her Majesty may by Order in Council from time to time create divisions or additional divisions of the Court of Appeal or provide that any division be abolished ; and any such Order in Council may contain such provision as may appear to Her Majesty to be necessary or proper for that purpose and may amend or repeal any statutory provision (including any provision of this Act) so far as it appears to Her Majesty to be necessary or expedient to do so in consequence of the Order.”.
- 2 In section 13 (which among other things provides for the taking of the oath of allegiance and the judicial oath by judges of the Supreme Court of Judicature of Northern Ireland)—
- (a) in subsection (2) (which requires the Lord Chief Justice, every Lord Justice of Appeal and every judge of the High Court to take the oaths in the presence of the Lord Chancellor) the words " every Lord Justice of Appeal and every judge of the High Court " shall cease to have effect; and
- (b) the following subsections shall be added after subsection (3)—
- “(4) Subject to subsection (5), every Lord Justice of Appeal and every judge of the High Court shall, before he enters on the execution of his office, take, in the presence of the Lord Chancellor, the oaths mentioned in subsection (2).
- (5) When the Lord Chancellor so directs or the Great Seal of the United Kingdom is in commission, the Lord Chief Justice shall represent the Lord Chancellor for the purposes of subsection (4).”.
- 3 In section 27(1)(b) (which empowers the High Court in Northern Ireland to make an order requiring parents of a ward of court to make periodical payments towards the maintenance and education of the ward) after the words " the ward " there shall be inserted the words " or to the ward ".
- 4 In subsection (3) of section 53 (which applies to certain provisions relating to the Supreme Court Rules Committee to the Crown Court Rules Committee and the Crown Court rules) for the words "56(1) and (2)" there shall be substituted the words " 56(1), (2) and (2A) ".
- 5 The following subsection shall be inserted after subsection (2) of section 56 (control and publication of rules of court)—
- “(2A) Rules made by the Rules Committee shall be statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979.”.
- 6 In section 78(1)(a) (accounts of funds in court) for the words " Part I of the Administration of Justice Act 1965 " there shall be substituted the words " Part VI of the Administration of Justice Act 1982 ".
- 7 In section 81(a)(ii) (which provides for the investment of funds in court) for the words " section 1 of the Administration of Justice Act 1965 " there shall be substituted the words " section 42 of the Administration of Justice Act 1982 ".
- 8 In section 82(1) (rules regulating funds in court)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (b)(ii), for the words " section 1 of the Administration of Justice Act 1965 " there shall be substituted the words " section 42 of the Administration of Justice Act 1982 "; and
- (b) in paragraph (d) for the words " section 1 of the Administration of Justice Act 1965 " there shall be substituted the words " section 42 of the Administration of Justice Act 1982 "; and
- (c) in paragraph (i) for the words " the Public Trustee " there shall be substituted the words " the investment manager of a common investment scheme made under section 42 of the Administration of Justice Act 1982 ".

9 In section 85 (which provides for any default of a member of the Northern Ireland Court Service with respect to money, securities or effects in the Supreme Court or the county court or any statutory deposit to be made good by the Lord Chancellor) after the words " Lord Chancellor " there shall be added the words " or, if and so far as it is not so paid, shall be charged on and issued out of the Consolidated Fund. ".

10 In section 91 (orders for sale, grant of injunctions and appointment of receivers by the High Court and county courts)—

- (a) in subsection (1) for the word " or ", in the third place where it occurs, there shall be substituted the word " and "; and
- (b) the following subsection shall be added after subsection (3)—

“(4) The power of the High Court and, in matters within its jurisdiction, the county court, to grant an interlocutory injunction restraining a party to any proceedings from removing from the jurisdiction, or otherwise dealing with, assets located within the jurisdiction shall be exercisable in cases where that party is, as well as in cases where he is not, domiciled, resident or present within the jurisdiction.”.

11 The following section shall be inserted after section 94 —

“94A Withdrawal of privilege against incrimination of self or spouse in certain proceedings.

- (1) In any proceedings to which this subsection applies a person shall not be excused, by reason that to do so would tend to expose that person, or his or her spouse, to proceedings for a related offence or for the recovery of a related penalty—
 - (a) from answering any question put to that person in the first-mentioned proceedings ; or
 - (b) from complying with any order made in those proceedings.
- (2) Subsection (1) applies to the following civil proceedings in the High Court, namely—
 - (a) proceedings for infringement of rights pertaining to any intellectual property or for passing off;
 - (b) proceedings brought to obtain disclosure of information relating to any infringement of such rights or to any passing off; and
 - (c) proceedings brought to prevent any apprehended infringement of such rights or any apprehended passing off.
- (3) Subject to subsection (4), no statement or admission made by a person—

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- (a) in answering a question put to him in any proceedings to which subsection (1) applies ; or
 - (b) in complying with any order made in any such proceedings,
- shall, in proceedings for any related offence or for the recovery of any related penalty, be admissible in evidence against that person or (unless they married after the making of the statement or admission) against the spouse of that person.
- (4) Nothing in subsection (3) shall render any statement or admission made by a person as there mentioned inadmissible in evidence against that person in proceedings for perjury or contempt of court.
- (5) In this section—
- " intellectual property " means any patent, trade mark, copyright, registered design, technical or commercial information or other intellectual property;
 - " related offence ", in relation to any proceedings to which subsection (1) applies, means—
 - (a) in the case of proceedings within subsection (2)(a) or (b)—
 - (i) any offence committed by or in the course of the infringement or passing off to which those proceedings relate ; or
 - (ii) any offence not within sub-paragraph (i) committed in connection with that infringement or passing off, being an offence involving fraud or dishonesty ;
 - (b) in the case of proceedings within subsection (2)(c), any offence revealed by the facts on which the plaintiff relies in those proceedings ;
 - " related penalty ", in relation to any proceedings to which subsection (1) applies, means—
 - (a) in the case of proceedings within subsection (2)(a) or (b), any penalty incurred in respect of anything done or omitted in connection with the infringement or passing off to which those proceedings relate ;
 - (b) in the case of proceedings within subsection (2)(c) any penalty incurred in respect of any act or omission revealed by the facts on which the plaintiff relies in those proceedings.
- (6) Any reference in this section to civil proceedings in the High Court of any description includes a reference to proceedings on appeal arising out of civil proceedings in the High Court of that description.”.

12 The following section shall be inserted after section 117—

“117A Allowances for judges.

The Lord Chancellor shall pay to any judge of the Court of Appeal or of the High Court, in addition to his salary, such allowances as may be determined by the Lord Chancellor with the concurrence of the Treasury.”.