

SCHEDULES

SCHEDULE 18

Amendments relating to Article 15(1) to (4) etc

PART 1

Acts of the Parliament of the United Kingdom

Judicature (Northern Ireland) Act 1978

- 10.** Amend the Judicature (Northern Ireland) Act 1978(1) as follows.
- 11.**—(1) Amend section 3 (the Court of Appeal) as follows.
- (2) Omit subsection (5).
- (3) For subsection (6) substitute—
- “(6) The Department of Justice may by order from time to time create divisions or additional divisions of the Court of Appeal or provide any division be abolished; and any such order—
- (a) may contain such provision as may appear to the Department to be necessary or proper for that purpose; and
- (b) may amend or repeal any statutory provision (including any provision of this Act) so far as it appears to the Department to be necessary or expedient in consequence of the order.”
- 12.** In section 5(2) (divisions of the High Court)—
- (a) for “Her Majesty may by Order in Council” substitute “The Department of Justice may by order”;
- (b) for “such Order in Council” substitute “such order”.
- 13.** In section 7(4) (further assistance for transaction of judicial business) for “there may be paid” substitute “the Department of Justice shall pay”.
- 14.** In section 53A (making of Crown Court rules)—
- (a) after subsection (1) insert—
- “(1A) For the purposes of this section, “relevant authority” means—
- (a) in relation to Crown Court rules which deal (or would deal) with an excepted matter, the Lord Chancellor; and
- (b) otherwise, the Department of Justice;

(1) 1978 c.23. Section 117A was inserted by the Administration of Justice Act 1982, section 70 and Schedule 8, paragraph 12. Sections 53A and 55A were inserted by the Constitutional Reform Act 2005, section 15(2) and Schedule 5, paragraphs 22, 28 and 30. Section 70(1B) was inserted by paragraph 15(2) of Schedule 4 to the Northern Act 2009 (c.3). Section 119 was amended by paragraph 18 of Schedule 4 to the Northern Act 2009 (c.3).

Status: This is the original version (as it was originally made).

and for the purposes of this subsection “deal with” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998⁽²⁾.”;

- (b) for “Lord Chancellor” (wherever occurring) substitute “relevant authority”;
- (c) in subsection (3) for “him” substitute “it”;
- (d) in subsections (5) and (6) for “he” substitute “it”.

15. In section 55A (making of rules for High Court and Court of Appeal)—

- (a) after subsection (1) insert—

“(1A) For the purposes of this section, “relevant authority” means—

- (a) in relation to rules which deal (or would deal) with an excepted matter, the Lord Chancellor; and
- (b) otherwise, the Department of Justice;

and for the purposes of this subsection “deal with” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998.”;

- (b) for “Lord Chancellor” (wherever occurring) substitute “relevant authority”;
- (c) in subsections (3), (4) and (5) for “him” substitute “it”;
- (d) in subsections (5) and (6) for “he” (wherever occurring) substitute “it”.

16. In section 56 (control and publication of rules) for subsection (1) substitute—

“(1) Rules made by the Rules Committee shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954⁽³⁾.”

17. In section 62 (trial with and without jury)—

- (a) in subsection (6) for “Her Majesty may by Order in Council” substitute “The Department of Justice may by order”;
- (b) omit subsection (7).

18. In section 68A (duty to secure system to support courts’ business)—

- (a) in the heading for “Lord Chancellor’s duty” substitute “Department of Justice’s duty”;
- (b) in subsection (2) for “both Houses of Parliament” substitute “the Northern Ireland Assembly”;
- (c) after subsection (2) insert—

“(3) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽⁴⁾ applies for the purposes of subsection (2) in relation to the laying of a report as it applies in relation to the laying of a statutory document under an enactment.”

19. In section 70 (appointment of statutory officers) after subsection (1B) insert—

“(1C) Any salary or other amounts payable under subsection (1B) shall be paid by the Department of Justice.”

20. In section 74(5) (deputies and temporary appointments)—

- (a) for “The Lord Chancellor may pay” substitute “The Department of Justice shall pay”;
- (b) for “as he may” substitute “as the Lord Chancellor may”.

⁽²⁾ 1998 c. 47.

⁽³⁾ 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.

⁽⁴⁾ Section 41(3) was substituted by S.I. 1999/663.

21. In section 75(8) (Official Solicitor) for “of the State for the purposes of section 1 of the Superannuation Act 1972 (Principal Civil Service Pension Scheme)” substitute “of Northern Ireland for the purposes of Article 3 of the Superannuation (Northern Ireland) Order 1972(5)”.

22.—(1) In section 78 (accounts of funds in court)—

- (a) in subsection (1)(b) for “Treasury” substitute “Department of Finance and Personnel”;
- (b) in subsections (2) and (3) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
- (c) in subsection (3) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (d) after subsection (4) insert—

“(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.”

(2) Sub-paragraph (1) above does not apply in relation to an accounting period ending before the coming into force of this Order.

23. In section 85 (provision for default to be made good) for “Consolidated Fund” substitute “Consolidated Fund of Northern Ireland”.

24. In section 97 (civil jurisdiction exercisable by circuit registrars)—

- (a) in subsection (2) for “Her Majesty may by Order in Council” substitute “The Department of Justice may by order”;
- (b) in subsection (3)—
 - (i) for “Order in Council” substitute “order”;
 - (ii) for “Her Majesty” substitute “the Department of Justice”;
- (c) omit subsection (4).

25. In section 117A (allowances for judges) for “The Lord Chancellor shall pay” substitute “The Department of Justice shall pay”.

26.—(1) Section 119 (subordinate legislation) (as amended by the Northern Ireland Act 2009(6) and the Department of Justice Act (Northern Ireland) 2010(7)) is amended as follows.

(2) For subsections (1) to (3) substitute—

“(1) Any power conferred by the preceding provisions of this Act on the Department of Justice to make an order or rules or on the Lord Chief Justice to make regulations shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(8).

(2) Any statutory rule made under section 2(3), 3(4) or (6), 62(6) or 97(2) is subject to affirmative resolution (within the meaning of section 41(4) of the Interpretation Act (Northern Ireland) 1954(9)).

(3) Any other statutory rule made under this Act by the Department of Justice (except an order under section 68(3) or 116) is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).”

(5) S.I. 1972/1073 (N.I. 10).

(6) 2009 c. 3.

(7) 2010 c. 3 (N.I.).

(8) S.I. 1979/1573 (N.I. 12).

(9) 1954 c. 33 (N.I.) Section 41(4) was amended by S.I. 1999/663.

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

(3) In subsection (4)—

- (a) omit “and any power conferred by this Act to make an Order in Council”;
- (b) for “or Order in Council by a subsequent order or Order in Council” substitute “by a subsequent order”.

27. In section 121(1) (financial provisions) for “government department” substitute “department of the Government of the United Kingdom”.