

Northern Ireland (Miscellaneous Provisions) Act, 1932.

[22 GEO. 5. CH. 11.]



ARRANGEMENT OF SECTIONS.

A.D. 1932.

Section.

1. Provisions as to the Supreme Court.
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10. Short title.



CHAPTER 11.

An Act to make miscellaneous amendments in the law applicable to Northern Ireland. A.D. 1932.

[17th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The reservation in section forty-seven of the Government of Ireland Act, 1920 (in this Act referred to as "the principal Act"), of matters relating to the Supreme Court of Northern Ireland shall not be construed as precluding the Parliament of Northern Ireland from enacting, for the purposes of a branch of the law the general subject matter of which is within the powers of that Parliament, provisions conferring jurisdiction on the Supreme Court, the High Court or a court of assize.

Provisions
as to the
Supreme
Court.
10 & 11
Geo. 5. c. 67.

(2) If the Parliament of Northern Ireland make provision for amending section ten of the Criminal Justice Administration Act, 1914 (which relates to the sending of youthful delinquents to Borstal institutions), by conferring the like jurisdiction on courts of assize as is thereby conferred on Courts of Quarter Sessions, that Parliament may make such consequential amendments in section nineteen of the Criminal Appeal (Northern Ireland)

4 & 5
Geo. 5. c. 58

A.D. 1932. Act, 1930, as may be necessary to provide an appeal from a sentence of detention in a Borstal institution pronounced by a court of assize by virtue of the said amendment.

20 & 21
Geo. 5. c. 45.

Amendment
as to
resealing in
Northern
Ireland of
English
probate
grants.
20 & 21 Vict.
c. 79.

2. Probate and letters of administration granted by the High Court in England shall not be resealed in the High Court in Northern Ireland under section ninety-four of the Probates and Letters of Administration Act (Ireland), 1857, as amended by or under any enactment, unless the person to whose estate the probate or letters of administration relate died domiciled in England.

Provisions
as to con-
solidation.

3. For the purpose of the consolidation of a branch of the statute law the general subject matter of which is within the powers of the Parliament of Northern Ireland, that Parliament may, notwithstanding anything in subsection (1) of section six of the principal Act, repeal and re-enact any enactments of the Parliament of the United Kingdom which form a part of that branch of the statute law and which have been passed after the appointed day.

Reciprocal
pension
arrange-
ments
between
Northern
Ireland and
other parts
of His
Majesty's
Dominions.
14 & 15
Geo. 5. c. 38.

4.—(1) If reciprocal arrangements are in force between Great Britain and Northern Ireland under and for the purposes of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1931, and the corresponding enactments of the Parliament of Northern Ireland, the National Health Insurance Joint Committee constituted under section eighty-eight of the National Health Insurance Act, 1924, on application being made by the Government of Northern Ireland, and with the approval of the Secretary of State, may make reciprocal arrangements to take effect between the Northern Ireland authority administering the said corresponding enactments and the authority administering a similar pensions' scheme in another country, whereby—

(a) periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country;

- (b) pensions payable by one country shall be payable to persons whilst resident in the other country; and
- (c) financial adjustments may be made between one country and the other country.

A.D. 1932.

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(2) For the purposes of this section, the expression “country” means, on the one hand, Northern Ireland, and on the other hand, any country other than Northern Ireland, with which reciprocal arrangements made under section thirty-three of the Widows’, Orphans’ and Old Age Contributory Pensions Act, 1925, are in force, and the expression “similar pensions’ scheme” means a scheme established in any such country other than Northern Ireland, and being the subject of the last-mentioned reciprocal arrangements.

15 & 16
Geo. 5. c. 70.

5. It shall be lawful for a judge of the Supreme Court of Judicature of Northern Ireland to hold the office of Land Purchase Commissioner for Northern Ireland, but he shall not receive any remuneration in respect of that office.

Provision as
to office of
Land Pur-
chase Com-
missioner.

6.—(1) Notwithstanding any restrictions imposed by the principal Act on the power of the Parliament of Northern Ireland to make laws, that Parliament may, with the consent of the Treasury,—

Provisions
as to priority
in bank-
ruptcy, &c.,
of Crown
debts and
certain
debts due to
Trustee
Savings
Banks.

- (a) regulate and restrict the priority which is to be given to Crown debts in the distribution of the property of a bankrupt, arranging debtor or person dying insolvent; and
- (b) determine the priority, if any, to be given in the distribution of such property as aforesaid to the debts mentioned in section fourteen of the Trustee Savings Banks Act, 1863.

26 & 27 Vict.
c. 87.

(2) For the purposes of this section, the recital in an Act passed by the Parliament of Northern Ireland that the consent of the Treasury has been obtained shall be conclusive evidence of the fact recited.

7. Section seven of the Local Registration of Title (Ireland) Act, 1891, and paragraph (8) of section forty-four of the Representation of the People Act, 1918 (which provide for certain increases of salary to Clerks of the Crown and Peace), are hereby repealed:

Repeal of
s. 7 of
54 & 55 Vict.
c. 66 and
of para. (8)

A.D. 1932.

—
of s. 44 of
7 & 8 Geo. 5.
c. 64.

Provided that this repeal shall not affect any Clerk of the Crown and Peace who is an existing officer within the meaning of section fifty-eight of the principal Act.

Application
of c. 9 of
3 & 4 Geo. 5
to Northern
Ireland.

8. The Herring Fishery (Branding) Act, 1913, shall apply to Northern Ireland, subject to the following modifications :—

- (a) for references to the Ministry of Agriculture and Fisheries there shall be substituted references to the Ministry of Commerce for Northern Ireland :
- (b) for the reference in subsection (2) of section one to any place in England or Wales there shall be substituted a reference to any place in Northern Ireland :
- (c) for the reference to the Treasury in subsection (1) of section five there shall be substituted a reference to the Ministry of Finance for Northern Ireland :
- (d) for the references to summary conviction there shall be substituted references to conviction under the Acts relating to summary jurisdiction in Northern Ireland :
- (e) the following shall be substituted for subsection (3) of section six :—

“ (3) Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal under the Acts relating to summary jurisdiction in Northern Ireland against the conviction or order, and the provisions of those Acts in connection with appeals shall apply accordingly.”

Provisions
as to sea
and tidal
waters, the
seashore, &c.

9.—(1) The restrictions contained in section four of the principal Act shall not extend so as to prevent the Parliament of Northern Ireland making laws with respect to—

- (a) the construction, carrying out or alteration of any works on or under or over any part of the shore or bed of the sea whether or not vested in the Crown ; or

(b) the carrying out of dredging operations in the sea; or A.D. 1932.

(c) the deposit or removal of materials on or from the shore or bed of the sea whether or not vested in the Crown; or

(d) ferries across tidal waters in Northern Ireland,

if the consent of the Board of Trade and, in a case where any foreshore the management whereof is vested in the Commissioners of Crown Lands is affected, also the consent of those Commissioners, has been obtained.

(2) The exercise of administrative powers by the Government of Northern Ireland in connection with any such matters as are mentioned in the last preceding subsection and in relation to byelaws affecting the shore or bed of the sea shall be subject to the like consents as are specified in that subsection.

(3) Where under the Landed Estates Court (Ireland) Act, 1858, or any Act amending that Act or under the Land Purchase Acts, an application is made for the sale or conveyance of, or for a declaration of title as to, any land in Northern Ireland and the land includes any part of the shore or bed of the sea or any land immediately abutting thereon, or where an application is made to any department of the Government of Northern Ireland for any consent, approval, order, licence, loan or other matter which may, or for any purpose which may, affect the shore or bed of the sea or land immediately abutting thereon, notice of the application shall be given by the court or the department concerned to the Board of Trade and the Commissioners of Crown Lands. 21 & 22 Vict. c. 72.

(4) For the purposes of this section—

(a) the expression “shore” means the land below the high-water mark of ordinary spring tides, and the expression “sea” includes every arm of the sea and every navigable river up to the point at which it ceases to be tidal; and

(b) the recital in an Act passed by the Parliament of Northern Ireland that the consent of the Board of Trade or of the Commissioners of Crown Lands has been obtained, shall be conclusive evidence of the fact recited.

A.D. 1932. (5) Subsection (2) of section two of the Northern
Ireland (Miscellaneous Provisions) Act, 1928, is hereby
18 & 19 repealed except with respect to Acts passed or things
Geo. 5. c. 24. done before the commencement of this Act.

Short title. **10.** This Act may be cited as the Northern Ireland
(Miscellaneous Provisions) Act, 1932.

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