



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART II

#### THE HIGH COURT

##### *Jurisdiction in relation to persons under disability*

#### 26 Wards of court.

- (1) Subject to the provisions of this section, no minor shall be made a ward of court except by virtue of an order to that effect made by the High Court.
- (2) Where application is made for such an order in respect of a minor, the minor shall become a ward of court on the making of the application, but shall cease to be a ward of court at the expiration of such period as may be prescribed, unless within that period an order has been made in accordance with the application.

[<sup>F1</sup>(2A) Subsection (2) does not apply with respect to a child who is the subject of a care order (as defined by Article 2(2) of the Children (Northern Ireland) Order 1995).]

- (3) The High Court may, either upon an application in that behalf or without such an application, order that any minor who is for the time being a ward of court shall cease to be a ward of court.
- (4) The power of the High Court to make a minor a ward of court or to make an order in relation to a minor who is a ward of court may be exercised irrespective of whether or not the minor has property of any kind.

#### Textual Amendments

- F1** S. 26(2A) added (4.11.1996) by S.I. 1995/755 (N.I. 2), arts. 1(2), 185(1), **Sch. 9 para. 90** (with Sch. 8 paras. 1(1), 23(4)) S.R. 1996/297, **art. 2(2)**

*Changes to legislation: Judicature (Northern Ireland) Act 1978, Cross Heading: Jurisdiction in relation to persons under disability is up to date with all changes known to be in force on or before 06 February 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) View outstanding changes*

**F2** 27 .....

**Textual Amendments**  
**F2** S. 27 repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), arts. 1(2), 185(2), **Sch. 10** (with Sch. 8 paras. 1(1), 23(4)); S.R. 1996/297 art. 2(2)

**28** ..... **F3**

**Textual Amendments**  
**F3** S. 28 repealed by S.I. 1986/595 (N.I. 4), art. 138, **Sch. 7**

**29 Co-ordination of exercise of jurisdiction in relation to persons under disability.**

- (1) Rules of court may make provision for ensuring that where—
  - (a) a cause or matter affecting a person under a disability of any kind is brought before a judge of the High Court other than a judge (“the assigned judge”) to whom causes or matters particularly affecting persons under a disability of that kind are assigned; or
  - (b) any question affecting such a person arises in a cause or matter so brought: any conflict between the exercise of jurisdiction by the judge seised of the proceedings (“the seised judge”) and the assigned judge is avoided and the exercise of those jurisdictions is co-ordinated.
- (2) For example, in relation to minors the rules may make provision for the purposes of—
  - (a) enabling the seised judge to make an order making a minor a ward of court, if he considers it proper to do so, and to transfer the cause or matter to the assigned judge;
  - (b) enabling or requiring the seised judge to refer the question of wardship to the assigned judge;
  - (c) empowering the seised judge, where a question arising in the proceedings affects the welfare (including [F4upbringing]) or property of a minor who is already a ward of court, either—
    - (i) to refer the question to the assigned judge, or
    - (ii) to make such order as he considers necessary to dispose of the question (not being an order which conflicts with an order previously made in wardship proceedings affecting the minor),
 and enabling an order made by virtue of sub-paragraph (ii) to be varied or discharged;
  - (d) requiring the seised judge—
    - (i) when he makes an order and transfers a cause or matter as mentioned in paragraph (a), or
    - (ii) when he makes a reference as mentioned in paragraph (b), or
    - (iii) when he makes a reference or order as mentioned in paragraph (c),
 to furnish to the assigned judge a report on the relevant facts and proceedings together with such observations and recommendations as he thinks fit;

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**Changes to legislation:** *Judicature (Northern Ireland) Act 1978, Cross Heading: Jurisdiction in relation to persons under disability is up to date with all changes known to be in force on or before 06 February 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) View outstanding changes*

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- (e) empowering the assigned judge, on a cause or matter being transferred to him or a question being referred to him, to proceed as though it had originated before him.
- (3) Rules of court shall provide for the transmission to the Office of Care and Protection of a copy of an order made by the seised judge—
- (a) which relates to a person under a disability which brings him within the jurisdiction of that Office;
  - (b) which makes a minor a ward of court; or
  - (c) which the judge directs be so transmitted.

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**Textual Amendments**

- F4** Words in s. 29(2)(c) substituted (4.11.1996) by S.I. 1995/755 (N.I. 2) arts.185(1), Sch. 9, para. 91, (with ss. Sch. 8, para. 1(1), 23(4)); S.R. 1996/297, art. 2(2)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)