

SCHEDULE 5

AMENDMENTS OF ACTS

Acts of the Parliament of Northern Ireland

- 24.** In the Exchequer and Audit Act (Northern Ireland) 1921—
- (a) in section 28(1) (as amended by Schedule 3 to the Exchequer and Financial Provisions Act (Northern Ireland) 1950) for “the Governor of Northern Ireland” where first occurring substitute “Her Majesty”;
 - (b) in section 28(6)(a) (as substituted by section 1(2) of the Administrative and Financial Provisions Act (Northern Ireland) 1958) for from “Speaker of the House” to “to the Senate” substitute “presiding officer of the Assembly”.
- 25.** In Schedule 3 to the Jury Laws Amendment Act (Northern Ireland) 1926, as amended by section 10(3) of the Juries Act (Northern Ireland) 1953—
- (a) for “Parliament of Northern Ireland” substitute “Assembly”;
 - (b) for “Ministry of Home Affairs” substitute “Secretary of State”;
 - (c) for “Minister of Home Affairs” substitute “him”;
 - (d) for from “staff of Parliament” onwards substitute “staff of the Assembly”.
- 26.** In the Civil Defence Act (Northern Ireland) 1939—
- (a) for any reference to moneys provided by Parliament substitute a reference to moneys provided by the Parliament of the United Kingdom;
 - (b) in section 50—
 - (i) for any reference to the Ministry of Finance substitute a reference to the Secretary of State;
 - (ii) in subsection (3) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (iii) in subsection (4), for the first “Parliament” substitute “the Parliament of the United Kingdom” and after “as” insert “that”;
 - (c) in section 74(1), in the definition of “appropriate department” (as originally enacted) for “Ministry of Commerce” substitute “Secretary of State”.
- 27.** In section 4 of the Ministries Act (Northern Ireland) 1944—
- (a) for any reference to an Order in Council substitute a reference to an order;
 - (b) in subsection (1) for “Governor of Northern Ireland” and “the said Governor” substitute “chief executive member” and “that member” respectively;
 - (c) for subsection (5) substitute—

“(5) An order under this section shall be subject to negative resolution”.
- 28.** In section 2(3) of the Indictments Act (Northern Ireland) 1945 for from “as soon” onwards, substitute “be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly”.
- 29.** In section 24(3) of the Finance (No. 2) Act (Northern Ireland) 1946 for “the Ministry” substitute “Her Majesty”.

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- 30.** In section 14(1) of the Finance Act (Northern Ireland) 1948 after “Parliament” insert “or the Assembly”.
- 31.** In section 7(1) of the Finance Act (Northern Ireland) 1949 after “Ministry” insert “or the Commissioners of Inland Revenue”.
- 32.** In section 15(1) of the Probation Act (Northern Ireland) 1950 for “Parliament” substitute “the Parliament of the United Kingdom”.
- 33.** In section 6 of the Civil Defence Act (Northern Ireland) 1950—
- (a) in subsections (2) and (4) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (b) in subsection (4) for “Exchequer” substitute “Consolidated Fund of the United Kingdom”.
- 34.** In section 77(2)(a) of the Foyle Fisheries Act (Northern Ireland) 1952 for “Parliament” substitute “the Parliament of the United Kingdom”.
- 35.** In sections 5 and 43 of the Prison Act (Northern Ireland) 1953 for any reference to Parliament substitute a reference to the Parliament of the United Kingdom.
- 36.** In the Juries Act (Northern Ireland) 1953—
- (a) in sections 1(6) and 7(4) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (b) in section 10(3) for the first “Parliament” substitute “the Assembly”.
- 37.** In section 1(1) of the Finance (Miscellaneous Provisions) Act (Northern Ireland) 1954—
- (a) in paragraph (a) for “Ministry” substitute “Ministry of Finance or the Commissioners of Inland Revenue” and after “has” (in both places) insert “or have”;
 - (b) in paragraph (c), after “Ministry” insert “of Finance”; and
 - (c) for the last “Ministry” substitute “Treasury”.
- 38.** In the Administration of Justice Act (Northern Ireland) 1954—
- (a) in section 10(1) for from “charged on” to “recommendation of the Ministry” substitute “defrayed out of money provided by the Parliament of the United Kingdom such sums as the Secretary of State, with the approval of the Treasury”;
 - (b) in sections 18(2)(b), 19(2) and (4) for “Exchequer” substitute “Consolidated Fund of the United Kingdom” and for “Parliament” substitute “Parliament of the United Kingdom”;
 - (c) in section 20 for “Exchequer” (wherever occurring) substitute “Consolidated Fund of the United Kingdom”;
 - (d) in section 22, in subsections (1) and (2) for “Parliament” substitute “the Parliament of the United Kingdom” and in subsection (4) for “Exchequer” (twice) substitute “Consolidated Fund of the United Kingdom”;
 - (e) in section 26(6) for “Parliament” substitute “the Parliament of the United Kingdom”.
- 39.** In section 41 of the Interpretation Act (Northern Ireland) 1954—
- (a) in subsection (1), before the definition of “House of Commons” insert
“‘Assembly’ means the Northern Ireland Assembly”;
 - (b) in subsection (2) (as substituted by section 3 of the Legislative Procedure Act (Northern Ireland) 1968) for “House of Commons” (where first occurring) and “Parliament” substitute “Assembly” and for “Parliament” substitute “Assemblies”.
- 40.** In section 13 of the Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956 for “Parliament” substitute “the Parliament of the United Kingdom”.

41. In section 6(5) of the Finance Act (Northern Ireland) 1956 for “the Ministry” substitute “Her Majesty”.

42. In the Statutory Rules Act (Northern Ireland) 1958—

(a) in section 1(1)(a) for from “conferred” onwards substitute—

“conferred by—

(i) any Act of the Parliament of Northern Ireland (whether passed before or after the commencement of this Act), unless the power is expressed to be exercisable by statutory instrument;

(ii) any Measure of the Assembly, unless the power is expressed to be exercisable by statutory instrument;

(iii) any Act of the Parliament of the United Kingdom (whether passed before or after the commencement of this Act) passed before the appointed day within the meaning of the Northern Ireland Constitution Act 1973, if the power relates to any matter in respect of which the Parliament of Northern Ireland has power to make laws and is not expressed to be exercisable by statutory instrument;

(iv) any Act of the Parliament of the United Kingdom passed after that day, if the power is expressed to be exercisable by statutory rule for the purposes of this Act.”.

(b) for section 1(2)(a), substitute—

“(a) the chief executive member;

(aa) the Commissioners of Customs and Excise;

(ab) the Commissioners of Inland Revenue;

(ac) the Lord Chancellor;

(ad) the Minister for the Civil Service;

(ae) the presiding officer of the Assembly;

(af) the Secretary of State;

(ag) the Treasury;”;

(c) in section 4(1) for from “Speaker of the Senate” onwards substitute “presiding officer of the Assembly”;

(d) in section 7(1) for “either or both such Houses” substitute “the Assembly”.

43. In section 5 of the Coroners Act (Northern Ireland) 1959, for “Parliament” substitute “the Parliament of the United Kingdom”.

44. In the County Courts Act (Northern Ireland) 1959—

(a) in sections 100 and 101 for any reference to the Exchequer or the Consolidated Fund substitute a reference to the Consolidated Fund of the United Kingdom;

(b) for section 102(2) substitute—

“(2) Her Majesty may appoint as judges such qualified persons as may be recommended to Her by the Lord Chancellor”;

(c) for section 105(1) and (2) substitute—

“(1) The Lord Chancellor may, if he thinks fit, remove a judge from office on the ground of incapacity or misbehaviour”;

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- (d) for section 106(1) to (1B), as substituted by section 4(1) of the County Courts (Amendment) Act (Northern Ireland) 1964, substitute—
 - “(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”;
 - (e) in section 107 for any reference to the Governor or the Minister substitute a reference to the Lord Chancellor;
 - (f) in section 108(10), for “upon the recommendation of the Minister and” substitute “with the consent”;
 - (g) in section 136 after “Consolidated Fund” insert “of the United Kingdom”;
 - (h) in section 137 for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (i) in section 138 for “Exchequer” substitute “Consolidated Fund of the United Kingdom”;
 - (j) in Part III of Schedule 2—
 - (i) in paragraphs 1 and 3(2) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (ii) in paragraphs 2 and 3(2) after “Fund” insert “of the United Kingdom”; and
 - (iii) in paragraph 3(1) and (2) for “Exchequer” substitute “Consolidated Fund of the United Kingdom”.
- 45.** In the Resident Magistrates' Pensions Act (Northern Ireland) 1960—
- (a) in section 21(1) for from “defrayed” onwards substitute “charged on and paid out of the Consolidated Fund of the United Kingdom”; and
 - (b) in section 21(2) for “Exchequer” substitute “Consolidated Fund of the United Kingdom”.
- 46.** In section 25 of the Mental Health Act (Northern Ireland) 1961 for “Parliament” substitute “the Assembly or of the Parliament of the United Kingdom”.
- 47.** In the Electoral Law Act (Northern Ireland) 1962 (as amended, in particular, by the Electoral Law (Northern Ireland) Order 1972)—
- (a) in section 14—
 - (i) in subsection (4), in paragraph (c) for “Parliament of Northern Ireland” substitute “Assembly” and for “Parliament” (where it last occurs) substitute “the Parliament of the United Kingdom”;
 - (ii) in subsection (6) for from “an Order” onwards substitute “the Secretary of State with the consent of the Minister for the Civil Service”;
 - (iii) in subsection (8), after “Fund” insert “of the United Kingdom”;
 - (b) in section 122 for “Parliament of Northern Ireland” (twice) substitute “Assembly”;
 - (c) in section 128 for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (d) in Schedule 8, in paragraph 3(2) for “Parliament” substitute “the Parliament of the United Kingdom”.
- 48.** In section 9(3) and (5) of the Finance Act (Northern Ireland) 1963 for “the Ministry” substitute “Her Majesty”.
- 49.** In the Magistrates' Courts Act (Northern Ireland) 1964—
- (a) in section 9(1) for from the beginning to the second “time” substitute “Her Majesty may, on the recommendation of the Lord Chancellor”;
 - (b) in section 11 for from “Governor” onwards substitute “Lord Chancellor”;

- (c) in section 12(1) for from the beginning to “prescribe” substitute “The Lord Chancellor may, with the consent of the Minister for the Civil Service, determine”;
 - (d) in section 28(3) for “Exchequer” substitute “Consolidated Fund of the United Kingdom”;
 - (e) in section 152(2) for “Exchequer” substitute “Consolidated Fund of the United Kingdom”;
 - (f) in section 168(1) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (g) after section 168(1) insert—
 - “(1A) 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.”;
 - (h) in Schedule 1 for “our Governor (or Deputy Governor, as the case requires)” substitute “our Lord Chancellor” and for “GOVERNOR OF NORTHERN IRELAND” substitute “LORD CHANCELLOR”.
- 50.** In the Lands Tribunal and Compensation Act (Northern Ireland) 1964—
- (a) in section 1(2), for “Governor” substitute “Lord Chancellor”;
 - (b) in section 2(1)(c) before the first “his” insert “in”.
- 51.** In the Legal Aid and Advice Act (Northern Ireland) 1965—
- (a) in sections 11(6) and 15(2) and (3) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (b) section 12(5)(c) shall have effect, as respects a period beginning on or after the appointed day, with the substitution for “Parliament” of “Parliament of the United Kingdom”.
- 52.** In section 203(2)(a) of the Fisheries Act (Northern Ireland) 1966 for “Parliament” substitute “the Parliament of the United Kingdom”.
- 53.** In the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968—
- (a) in section 8(4)(b), the reference to moneys provided by Parliament and to a Ministry of Northern Ireland shall be construed as including a reference to moneys provided by the Parliament of the United Kingdom and to a department of the government of the United Kingdom, respectively;
 - (b) in section 9 for “Parliament” substitute “the Parliament of the United Kingdom”.
- 54.** In section 9 of the Costs in Criminal Cases Act (Northern Ireland) 1968 for “Parliament” substitute “the Parliament of the United Kingdom and any sum to be defrayed under this Act by a department of the Government of Northern Ireland shall be defrayed out of moneys appropriated by Measure”.
- 55.** In section 11(1) and (3) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 for any reference to the Exchequer or the Consolidated Fund substitute a reference to the Consolidated Fund of the United Kingdom.
- 56.** In section 32 of the Treatment of Offenders Act (Northern Ireland) 1968 for “Parliament” substitute “the Parliament of the United Kingdom”.
- 57.** In the Children and Young Persons Act (Northern Ireland) 1968—
- (a) in section 88(3), the reference to moneys provided by Parliament shall, in relation to any expense of the Secretary of State, be construed as a reference to moneys provided by the Parliament of the United Kingdom,
 - (b) in section 148 the references to moneys provided by Parliament and to the Ministry shall, in relation to any expenses incurred by the Secretary of State, be construed as references

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- to moneys provided by the Parliament of the United Kingdom and to the Secretary of State respectively;
- (c) in section 155(4) (as substituted by paragraph 9 of Schedule 16 to the Health and Personal Social Services (Northern Ireland) Order 1972) after the last “Ministry” insert “and where a child or young person is ordered to be sent to a training school, such contributions shall be payable to the Secretary of State”;
 - (d) in section 178(3) for the first “Ministry” substitute “Lord Chancellor”, after “subsection (1) and” insert “the power of the Secretary of State to do so shall include power to make regulations making provision” and for the last “Ministry” substitute “Secretary of State”;
 - (e) in section 180(1), in the definition of “training school” after “Ministry” insert “or the Secretary of State”.
- 58.** In the Parliamentary Commissioner Act (Northern Ireland) 1969—
- (a) in section 1(2) for from the beginning to “appointed” substitute “A person appointed to be the Commissioner”;
 - (b) in section 1(3), in paragraphs (a) and (b) for “the Governor” substitute “Her Majesty”.
- 59.** In the Commissioner for Complaints Act (Northern Ireland) 1969—
- (a) in section 1(2) for from the beginning to “appointed” substitute “A person appointed to be the Commissioner”;
 - (b) in section 1(3), in paragraphs (a) and (b) for “the Governor” substitute “Her Majesty”.
- 60.** In the Judgments (Enforcement) Act (Northern Ireland) 1969—
- (a) section 7(3) and (4) shall, as respects a period beginning on or after the appointed day have effect with the substitution for “Parliament” of “the Parliament of the United Kingdom”;
 - (b) in section 120(1) for “Parliament” substitute “the Parliament of the United Kingdom”;
 - (c) in section 120(2) for “Exchequer” substitute “Consolidated Fund of the United Kingdom”.
- 61.** In the Police Act (Northern Ireland) 1970—
- (a) in section 3(4) after “officers” insert “of the civil service of the Crown or, as the case may be”;
 - (b) section 29(3) shall, as respects a period beginning on or after the appointed day, have effect with the substitution for “Parliament” of “the Parliament of the United Kingdom”;
 - (c) in section 31(4) for “those Ministries” substitute “the Secretary of State”;
 - (d) in section 32 for “Parliament” substitute “the Parliament of the United Kingdom”.
- 62.** In section 8(5) of the Finance Act (Northern Ireland) 1970 for “the Ministry” substitute “Her Majesty”.
- 63.** In section 1(3)(c) of the Printed Documents Act (Northern Ireland) 1970, after “department”, insert “the Assembly”.
- 64.** In the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971—
- (a) in section 8(3) for “Northern Ireland” substitute “the United Kingdom”;
 - (b) in section 9(2) for “Parliament” substitute “the Parliament of the United Kingdom”.
- 65.** In section 28(1) of the Vehicles (Excise) Act (Northern Ireland) 1972 for the last “Attorney-General” substitute “Secretary of State”.