1979 No. 103

JUDICATURE, NORTHERN IRELAND

Clerks of the Crown and Peace (Transfer of Functions) Order (Northern Ireland) 1979

Made . . . . . *27th March* 1979

Coming into operation . . . *18th April* 1979

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by section 69(6) of the Judicature (Northern Ireland) Act 1978(a), hereby makes the following order:—

Citation and commencement

1. This Order may be cited as the Clerks of the Crown and Peace (Transfer of Functions) Order (Northern Ireland) 1979 and shall come into operation on 18th April 1979.

Specific amendments

2. The statutory provisions set out in Schedule 1 shall have effect subject to the amendments there specified, being amendments which—

(*a*) transfer to circuit registrars certain functions heretofore exercisable by clerks of the Crown and peace;

(*b*) provide for the exercise by chief clerks of certain functions heretofore exercisable by clerks of the Crown and peace which by virtue of section 69(4) of the Judicature (Northern Ireland) Act 1978 became functions of the Court Service, or

(*c*) are otherwise consequential on, or incidental or supplementary to, the establishment of the Court Service.

General amendment of references to clerk of the peace

3.—(1) In each of the Acts mentioned in paragraph (2) (including those Acts as incorporated with any other Act) and, without prejudice to the operation of any specific amendments contained in Schedule 1, in any other statutory provision—

(*a*) for any reference to the clerk of the peace of, or for, a county there shall be substituted a reference to the chief clerk for a county court division;

(*b*) for any other reference to a clerk of the peace there shall be substituted a reference to a chief clerk.

(2) The Acts referred to in paragraph (1) are—

(*a*) the Land Clauses Consolidation Act 1845(b);

(*b*) the Railway Clauses Consolidation Act 1845(c);

(*c*) the Markets and Fairs Clauses Act 1847(d);

(a) 1978 c. 23
(b) 1845 c. 18
(c) 1845 c. 20
(d) 1847 c. 14

(*d*) the Commissioners Clauses Act 1847(e);

(*e*) the Harbours, Docks and Piers Clauses Act 1847(f);

(*f*) the Towns Improvement Clauses Act 1847(g);

(*g*) the Cemeteries Clauses Act 1847(h);

(*h*) the Town Police Clauses Act 1847(i).

General amendment of references to clerk of the Crown and peace

4. Without prejudice to the operation of any specific amendments contained in Schedule 1—

(*a*) for any reference in a statutory provision to the clerk of the Crown and peace of, or for, a county or county borough there shall be substituted a reference to the chief clerk for a county court division;

(*b*) for any other reference in a statutory provision to a clerk of the Crown and peace there shall be substituted a reference to a chief clerk.

Repeals

5. The statutory provisions mentioned in Schedule 2 are hereby repealed to the extent specified in the third column of that Schedule.

Superannuation rights

6. Any clerk of the Crown and peace who is appointed to any statutory office listed in column 1 of Schedule 3 to the Judicature (Northern Ireland) Act 1978 shall be entitled to the same scale of superannuation allowances as he enjoyed prior to that appointment by virtue of section 117(1) of and Part II of the Second Schedule to the County Courts Act (Northern Ireland) 1959(j).

Dated 27th March 1979.

Elwyn-Jones, C.

(e) 1847 c. 16
(f) 1847 c. 27
(g) 1847 c. 34
(h) 1847 c. 65
(i) 1847 c. 89
(j) 1959 c. 25 (N.I.)

SCHEDULES

SCHEDULE 1 Article 2

Amendments

The Tolls (Ireland) Act 1817 (*c.* 108)

In section 7 for "clerk of the peace of the county, city or town" substitute "chief clerk for the county court division".

In section 8 for "clerk of the peace" substitute "chief clerk".

The Landlord and Tenant Law Amendment Act Ireland 1860 (*c.* 154)

In sections 61, 63 and 69 for "clerk of the peace of the county" substitute "chief clerk for the county court division".

In sections 61 and 63 for "clerk of the peace" substitute "chief clerk".

The Landlord and Tenant (Ireland) Act 1870 (*c.* 46)

In section 56 for "clerk of the peace of the county in" substitute "chief clerk for the county court division for".

The Juries Act (Ireland) 1871 (*c.* 65)

In section 20 for "clerk of the peace of the said county" and "clerk of the peace" wherever occurring substitute "chief clerk".

The Bankruptcy (Ireland) Amendment Act 1872 (*c.* 58)

In sections 81, 83 and 84 for "clerk of the peace" wherever occurring substitute "chief clerk".

The Juries Procedure (Ireland) Act 1876 (*c.* 78)

In section 4(1) for "the person acting as clerk of the Crown, clerk of the peace, or registrar, as the case may be," substitute "an officer".

The Inferior Courts Judgments Extension Act 1882 (*c.* 31)

In section 2 for "clerk of the peace" substitute "chief clerk".

The Foyle Fisheries Act (Northern Ireland) 1952 (*c.* 5)

For section 6(*a*) substitute—

"(*a*) with the chief clerk for every county court division which or part of which is situate in the Londonderry Area;".

The Administration of Estates Act (Northern Ireland) 1955 (*c.* 24)

In section 43(2) for "the clerk of the Crown and peace" substitute "a circuit registrar".

The County Courts Act (Northern Ireland) 1959 (*c.* 25)

In section 6(2) for "the clerk of the Crown and peace or other" substitute "a circuit registrar or an".

In section 21(2)(*b*) for "the office of the clerk of the Crown and peace" substitute "the Office".

In section 54(2) for "clerk of the Crown and peace" substitute "chief clerk".

In section 61(1) and (3) for "the clerk of the Crown and peace or other officer" substitute "a circuit registrar or an officer of the court".

In section 71(4) for "the clerk of the Crown and peace" substitute "a circuit registrar".

In section 141—

(*a*) in subsection (1)(*a*) after "county court" insert ", or a circuit registrar";

(*b*) in subsection (3) after "chambers" insert "or a circuit registrar".

In section 144 for "clerk of the Crown and peace" substitute "chief clerk".

In section 146(2) for "two clerks of the Crown and peace" substitute "one circuit registrar, one chief clerk".

In section 152(1)—

(*a*) after the definition of "bank" insert—

"chief clerk" means such officer of the Northern Ireland Court Service as may be designated for a county court division by the Lord Chancellor;";

(*b*) in the definition of "Office" for "clerk of the Crown and peace" substitute "chief clerk".

The County Court Appeals Act (Northern Ireland) 1964 (*c.* 3)

In sections 2(2) and (3) and 4(1)(*b*)(i) for "clerk of the Crown and peace" substitute "chief clerk".

In section 4(7) for "clerk of the Crown and peace for the county" substitute "chief clerk for the county court division".

The Grand Jury (Abolition) Act (Northern Ireland) 1969 (*c.* 15)

In section 2(2)(i) for "clerk of the Crown and peace" substitute "chief clerk".

The Land Registration Act (Northern Ireland) 1970 (*c.* 18)

In section 1(5) for "clerk of the Crown and peace for the county or county borough" substitute "chief clerk for the county court division" and for "clerk of the Crown and peace" substitute "chief clerk".

In Schedule 1 in paragraph 10 for "clerk of the Crown and peace" substitute "chief clerk".

The Licensing Act (Northern Ireland) 1971 (*c.* 13)

In sections 7(10) and 10(2), paragraphs 1(*b*), 6(*b*), 9, 12(*b*) and 13 of Schedule 1, paragraphs 3(1)(*b*) and (4)(*b*)(i) of Schedule 3 and paragraphs 2 and 6(*b*)(i) of Schedule 8 for "clerk of the Crown and peace" substitute "chief clerk".

SCHEDULE 2 Article 5

Repeals

Chapter	*Short Title*	*Extent of Repeal*
26 Geo. 3 c. 24 (Ir.).	The Forcible Entry Act (Ireland) 1786.	In section 65 the words "by the clerk of the Crown or clerk of the peace respectively acting at such assizes or general quarter-sessions".
6 & 7 Will. 4 c. 116.	The Grand Jury (Ireland) Act 1836.	In section 87 the words "clerk of the peace".
8 & 9 Vict. c. 18	The Land Clauses Consolidation Act 1845.	In section 3 the definition of "clerk of the peace".
8 & 9 Vict. c. 20	The Railway Clauses Consolidation Act 1845.	In section 3 the definition of "clerk of the peace".
23 & 24 Vict. c. 154.	The Landlord and Tenant Law Amendment Act Ireland 1860.	In section 1 the definition of "clerk of the peace".
34 & 35 Vict. c. 65.	The Juries Act (Ireland) 1871.	In section 22 the words "by the clerk of the peace".
1959 c. 25 (N.I.).	The County Courts Act (Northern Ireland) 1959.	In section 61(3) the word "officer's". Section 117. Section 119(*b*) Part II of Schedule 2.
1964 c. 21 (N.I.).	The Magistrates' Courts Act (Northern Ireland) 1964.	In section 48(5) the words "clerk of the Crown and peace" and "other".
1967 c. 24 (N.I.).	The Superannuation Act (Northern Ireland) 1967.	Section 94 and Schedule 8.
1969 c. 7 (N.I.).	The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.	In section 1(4)(*a*) the words "or 117".
S.I. 1972/1073 (N.I. 10).	The Superannuation (Northern Ireland) Order 1972.	In Schedule 5, paragraph 2.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This order makes provision, following the abolition of the office of clerk of the Crown and peace by section 69(5) of the Judicature (Northern Ireland) Act 1978, for the transfer to circuit registrars of some of the functions of that office. The order also makes minor amendments and repeals consequential upon the establishment of the new Court Service, including the substitution in certain legislation of references to chief clerks for references to clerks of the peace and clerks of the Crown and peace.