Administration of Justice Act (Northern Ireland) 1954 [F1]

1954 CHAPTER 9

An Act to make provision with respect to certain courthouses and courtrooms, including provision for the future maintenance and custody thereof; to provide that certain expenses shall be defrayed wholly out of voted moneys and to wind-up the Dogs Act Account and the Petty Sessions Clerks (Northern Ireland) Fund; to require certain fines to be paid into the Exchequer; to make further provision with respect to costs and expenses payable in connection with court proceedings; to alter the law regarding certain resident magistrates and officials and to make further amendments relating to the administration of justice. [30th March 1954]

F1 Functions of M/HA transf. to S of S, SI 1973/2163

Modifications etc. (not altering text)

C1 Act: functions transferred from Secretary of State to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(1)(2), **Sch. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

C2 Act: functions transferred from Lord Chancellor to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(1), **Sch. 17 para. 24** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

PART I

COURTHOUSES[F2]

F2 As to holding of petty sessions in courthouses, see 1981 NI 26

1 Interpretation of Part 1.

In this Part of this Act:—

Changes to legislation: *There are currently no known outstanding effects for the Administration of Justice Act (Northern Ireland) 1954. (See end of Document for details)*

"council" means the council of a county;

"county" includes a county borough;

"courthouse" means any premises, other than a courtroom, the whole or any part of which is used as courthouse accommodation, and includes any part of such premises which a council is permitted, pursuant to sub-section (3) of section seventy-two of the Local Government (Ireland) Act, 1898 , to use for the purpose of the execution of their duties, together with all buildings, houses, out-offices, edifices, fixtures, fittings, yards, gardens, ways, paths, passages, fences, lights, watercourses, easements, profits, liberties, amenities, privileges, advantages, hereditaments, appurtenances and rights whatsoever belonging or in anywise appertaining to those premises or any part thereof or usually held, used, occupied or enjoyed in connection therewith;

"courthouse accommodation" means accommodation used—

(a) wholly or partly for or in connection with the sittings of any court of justice (including retiring rooms for the presiding judge or magistrate, retiring or refreshment rooms for …[F3] jurors, members of the legal profession, litigants and witnesses and places for the temporary detention of prisoners); or

(b) by any officer of any such court; or

(c) for or in connection with the transaction of any business by law assigned to or usually transacted in or by any office or officer of any such court, or by law assigned to any under-sheriff, both during the sitting of such court and at all other times, whether such business is court business or not;

together with all fixtures, fittings and furniture contained in, or usually held, used, occupied or enjoyed in connection with such accommodation;

"courtroom" means any room or premises rented to a council, pursuant to section seventy-seven of the Grand Jury (Ireland) Act, 1836 , or section eight of the Petty Sessions (Ireland) Act, 1851 , as from time to time in force, for the holding of petty sessions;

"maintenance and equipment" includes the provision and repair of all necessary fixtures, fittings and furniture, the supply of heating and lighting, and the provision of all necessary services, including cleaning.

F3 1974 NI 6

2 Ministry to be responsible, in place of county councils, for future provision and maintenance of courthouses.

(1) Subject to the provisions of this Act, each council shall, in consideration of—

(a) the transfer to the Ministry of Home Affairs (in this Act referred to as "the Ministry") of courthouses pursuant to the provisions of this Part of this Act; and

(b) the payment into the Exchequer of the funds referred to in Part II of this Act and the repeal of any enactment requiring any part of those funds to be paid to any council;

be relieved, as from the appointed day, of its functions, with respect to the provision, maintenance and equipment of courthouses and, as from that day, those functions shall be transferred to the Ministry and the Ministry shall be the authority responsible for the maintenance and equipment of courthouse accommodation, and for providing

with the approval of the Ministry of Finance[F4] such new or additional courthouse accommodation as is necessary for the proper administration of justice.

(2) The Ministry shall have and may exercise all such powers as are necessary for or incidental to the carrying out of its functions under this Part of this Act or to enable it to discharge its responsibilities as aforesaid.

(3) Where it appears to the Ministry to be necessary or expedient for the purpose of this Act that any land should be acquired, the Ministry may, with the approval of the Ministry of Finance[F4], acquire by agreement that land and any easement or right in or over any land adjacent thereto.

(4) The Ministry, with the approval of the Ministry of Finance[F4], may, in whatsoever manner it may think fit, dispose of any premises which in the opinion of the Ministry are no longer necessary for courthouse accommodation, so, however, that where the Ministry so disposes of any premises before the day falling ten years after the appointed day and does not provide or has not provided other courthouse accommodation in lieu thereof the Ministry may pay the proceeds of such disposal to the council in whom such premises were vested immediately before the appointed day.

F4 Now Treasury, SI 1973/2163

Modifications etc. (not altering text)

C3 S. 2(1): functions transferred from Treasury or Minister for the Civil Service to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(4)(a)** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

C4 S. 2(3): functions transferred from Treasury or Minister for the Civil Service to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(4)(a)** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

C5 S. 2(4): functions transferred from Treasury or Minister for the Civil Service to Department of Finance and Personnel (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), **15(4)(a)** (with arts. 15(6), 28-31); S.I. 2010/977, **art. 1(2)**

Ss. 3, 4 spent

5 Supplementary provisions as to transfer of courthouses and courtrooms.

(1) The Ministry may require a council to deliver to it, within such reasonable time as the Ministry may specify, a statement setting out full particulars of all estates and interests in or attaching to courthouses and courtrooms owned by or let to the council and of all property, rights and liabilities held, enjoyed or incurred in connection therewith, and may require such further information to be supplied and documents (including plans, title deeds, agreements and other documents) to be handed over to the Ministry as may appear to the Ministry to be necessary for the due transfer of any property, rights or liabilities under this Part of this Act.

(2) Where, with the permission of the Ministry, the council retains after the appointed day possession of any document relating to the title to, or to the tenancy of, or to the control or management of, any courthouse or courtroom or to any right or liability connected therewith, the council shall be deemed to have given to the Ministry an

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acknowledgment in writing to production of that document and to delivery of copies thereof and an undertaking in writing for the safe custody thereof, and section nine of the Conveyancing and Law of Property Act, 1881 , shall, notwithstanding anything in sub-section (13) thereof, apply to that acknowledgment and undertaking.

(3) In the construction and for the purposes of any enactment, judgment, decree, order, award, deed or other instrument or document (including a policy of insurance) passed or made before the appointed day in relation to any courthouse or other property, rights or liabilities transferred under this Part of this Act, references to the council from whom such property, rights and liabilities are transferred shall be construed as references to the Ministry.

(4) Without prejudice to the generality of the preceding provisions of this section—

(a) where any property or right transferred under this Part of this Act or the title to any such property or right is entered on any register kept in pursuance of any enactment, the name of the Ministry shall at its request be substituted for that of the council on such register and it shall be the duty of the person keeping such register to comply with such request and to take such other action as may be necessary on his part to give effect to any transfer effected under this Part of this Act;

(b) where under this Part of this Act any right or liability of a council becomes a right or liability of the Ministry, the Ministry and all other persons shall, as from the appointed day, have the like rights, powers and remedies for ascertaining, perfecting and enforcing that right or liability as if the right or liability had remained a right or liability of the council;

Para. (c) spent

(5) Any question as to whether any property, right or liability has been or will be transferred under this Part of this Act and any dispute arising between the Ministry and a council with respect to any courthouse or courtroom (including a dispute arising with respect to apportionment of liabilities) may in accordance with county court rules be referred to and determined by the judge of the county court having jurisdiction in the area in which the courthouse concerned is situated, and the determination of such judge on such reference shall be final.

S. 6 rep. by SLR 1976

7 Prison accommodation in Belfast.

Subs. (1)#(3) spent; subs. (4)(5) rep. by SLR 1976; subs. (6)(7) spent

(8) As from the appointed day the Ministry shall be responsible pursuant to section three of the Prison Act (Northern Ireland), 1953 , for providing and maintaining within the county borough of Belfast such accommodation as appears to the Ministry to be necessary for the temporary detention of persons awaiting trial or sentence.

Subs. (9) spent

8 Prison accommodation in Londonderry.

Subs. (1) spent; subs. (2)(3) rep. by SLR 1976

(4) As from the appointed day the Ministry shall be responsible pursuant to section three of the Prison Act (Northern Ireland), 1953, for providing and maintaining within the

county borough of Londonderry such accommodation as appears to the Ministry to be necessary for the temporary detention of persons awaiting trial or sentence.

S. 9 spent

10 Provisions for the charging of capital expenditure on courthouses.

F5 . . . . . .

F5 S. 10 omitted (12.4.2010) by virtue of Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

[F6 11 Local custody and control of courthouse accommodation.

The Lord Chancellor may give directions as to the local custody and control of any courthouse accommodation provided or maintained under this Act.]

F6 1978 c. 23

S. 12 rep. by SLR 1976; 1978 c. 23

13 Non-availability of suitable courthouse accommodation.

(1) Where for any reason suitable accommodation is not for the time being available for the purposes of a particular sitting of any court, the judge of that court or the person who is to act as the judge of that court may, at any time after it comes to his knowledge that such accommodation is not or will not be so available, direct that sitting to be held at some other convenient place …F7 at which suitable accommodation is available.

(2) Where during the sitting of any court accommodation ceases to be available or becomes unsuitable for the purposes of such sitting, the judge of the court may adjourn the remainder of the sitting to any other convenient place …F7 at which suitable accommodation is available.

(3) A judge exercising any power of adjournment conferred by this section may give directions as to the manner in which and the persons to whom notice of such adjournment is to be given and it shall be the duty of all persons to whom such directions are given to comply therewith.

(4) Any judgment delivered or decree or other order made and any other action taken at a sitting adjourned or directed to be held elsewhere under this section shall have the same force and effect as if made at a sitting which had not been so adjourned or directed to be held elsewhere.

(5) References in this section to a judge include, in relation to courts of summary jurisdiction, references to a resident magistrate.

Subs. (6) rep. by SI 1973/2163; 1978 c. 23

F7 1978 c. 23