

Courts (Supplemental Provisions) Act, 1961



Number 39 of 1961.

COURTS (SUPPLEMENTAL PROVISIONS) ACT, 1961.

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| | Acts Referred to |
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| <u>Court Officers Act, 1926</u> | 1926, No. 27 |
| <u>Courts of Justice Act, 1936</u> | 1936, No. 48 |
| <u>Court Officers Act, 1945</u> | 1945, No. 25 |
| <u>Courts of Justice (District Court) Act, 1946</u> | 1946, No. 21 |
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| <u>Courts of Justice (District Court) Act, 1949</u> | 1949, No. 8 |
| <u>Courts of Justice Act, 1953</u> | 1953, No. 32 |
| <u>Interpretation Act, 1937</u> | 1937, No. 38 |
| <u>Lunacy Regulation (Ireland) Act, 1871</u> | 1871, c. 22 |
| <u>Courts of Justice Act, 1928</u> | 1928, No. 15 |
| <u>Solicitors Act, 1954</u> | 1954, No. 36 |
| <u>Offences Against the State Act, 1939</u> | 1939, No. 13 |
| <u>Maritime Jurisdiction Act, 1959</u> | 1959, No. 22 |
| <u>Treason Act, 1939</u> | 1939, No. 10 |

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| <u>Courts of Justice Act, 1926</u> | 1926, No. 1 |
| <u>Wireless Telegraphy Act, 1926</u> | 1926, No. 45 |
| <u>Public Health Acts Amendment Act, 1890</u> | 1890, c. 59 |
| <u>Public Dance Halls Act, 1935</u> | 1935, No. 2 |
| <u>Debtors (Ireland) Act, 1840</u> | 1840, c. 105 |
| <u>Criminal Justice Act, 1951</u> | 1951, No. 2 |
| <u>Courts of Justice and Court Officers (Superannuation) Act, 1961</u> | 1961, No. 16 |
| <u>Summary Jurisdiction Act, 1857</u> | 1857, c. 43 |
| <u>Hire-Purchase (Amendment) Act, 1960</u> | 1960, No. 15 |
| <u>Court Officers Act, 1951</u> | 1951, No. 8 |
| <u>Solicitors Act, 1954</u> | 1954, No. 36 |
| <u>District Justices (Temporary Provisions) Act, 1923</u> | 1923, No. 6 |
| <u>Courts of Justice Act, 1928</u> | 1928, No. 15 |
| <u>Superannuation Act, 1834</u> | 1834, c. 24 |
| <u>Superannuation Act, 1956</u> | 1956, No. 38 |
| <u>Superannuation Act, 1859</u> | 1859, c. 26 |



Number 39 of 1961.

COURTS (SUPPLEMENTAL PROVISIONS) ACT, 1961.

AN ACT TO PROVIDE, IN RELATION TO THE COURTS TO BE ESTABLISHED BY THE COURTS (ESTABLISHMENT AND CONSTITUTION) ACT, 1961, AND THE JUDGES AND OFFICERS OF THOSE COURTS, FOR CERTAIN MATTERS NECESSARY TO SUPPLEMENT THAT ACT, TO CONFER JURISDICTION ON THE JUDGE OF THE CIRCUIT COURT ASSIGNED TO THE CORK CIRCUIT IN ADMIRALTY CAUSES AND IN BANKRUPTCY, TO REPEAL CERTAIN ENACTMENTS, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [16th August, 1961.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I

Preliminary And General

Short title and commencement. **1.**—(1) This Act may be cited as the Courts (Supplemental Provisions) Act, 1961.

(2) This Act shall come into operation on the date on which the Principal Act comes into operation and immediately after the coming into operation of the Principal Act.

Interpretation generally. **2.**—(1) In this Act—

“the Act of 1924” means the Courts of Justice Act, 1924 ;

“the Act of 1926” means the Court Officers Act, 1926 ;

“the Act of 1936” means the Courts of Justice Act, 1936 ;

“the Act of 1945” means the Court Officers Act, 1945 ;

“the Act of 1946” means the Courts of Justice (District Court) Act, 1946 ;

“the Act of 1947” means the Courts of Justice Act, 1947 ;

“the Act of 1949” means the Courts of Justice (District Court) Act, 1949 ;

“the Act of 1953” means the Courts of Justice Act, 1953 ;

“the Circuit Court” means the Court established by section 4 of the Principal Act;

“the Court of Criminal Appeal” means the Court established by section 3 of the Principal Act;

“the District Court” means the Court established by section 5 of the Principal Act;

“the Dublin Metropolitan District” means the district styled and known as the Dublin Metropolitan District under section 64 of the Act of 1936;

“enactment” includes a charter and any instrument made under an enactment;

“the existing Chief Justice” means the judge of the existing Supreme Court who, by virtue of section 5 of the Act of 1924, was, immediately before the operative date, president of that Court;

“the existing Circuit Court” means the Circuit Court of Justice constituted by section 37 of the Act of 1924;

“the existing Court of Criminal Appeal” means the Court of Criminal Appeal constituted by section 8 of the Act of 1924;

“the existing District Court” means the District Court of Justice constituted by section 67 of the Act of 1924;

“the existing High Court” means the High Court of Justice constituted by section 4 of the Act of 1924;

“the existing President of the Circuit Court” means the judge of the existing Circuit Court who, immediately before the operative date, held the office created by section 9 of the Act of 1947;

“the existing President of the High Court” means the judge of the existing High Court who, by virtue of section 4 of the Act of 1924, was, immediately before the operative date, president of that Court;

“the existing Supreme Court” means the Supreme Court of Justice constituted by section 5 of the Act of 1924;

“the High Court” means the Court established by section 2 of the Principal Act;

“justice of the District Court” includes, except where the context otherwise requires, the President of the District Court;

“the Minister” means the Minister for Justice;

“the operative date” means the date on which this Act comes into operation;

“the Principal Act” means the Courts (Establishment and Constitution) Act, 1961 (No. 39 of 1961);

“State authority” means any authority being—

- (a) a Minister of State, or
- (b) the Commissioners of Public Works in Ireland, or
- (c) the Irish Land Commission, or
- (d) the Revenue Commissioners, or
- (e) the Attorney General;

“the Supreme Court” means the Court established by section 1 of the Principal Act.

(2) Except where the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, adapted or applied by or under any other enactment, including this Act.

Repeals and saving.

3.—The enactments mentioned in column (2) of the First Schedule to this Act are hereby repealed to the extent mentioned in column (3) of that Schedule, but, without prejudice to subsection (1) of section 21 of the Interpretation Act, 1937, such of those enactments as relate to the pensions of the judges and justices of the courts established by the Act of 1924 shall, notwithstanding the repeal thereof, continue to apply to any person who, having been a judge of the existing Supreme Court, existing High Court or existing Circuit Court or a justice of the existing District Court, retired or retires from office before the operative date.

PART II

Supreme Court, High Court, Chief Justice, President of the High Court, Central Criminal Court and Court of Criminal Appeal

Supreme Court and High Court

Number of ordinary judges of Supreme Court and High Court.

4.—(1) The number of ordinary judges of the Supreme Court shall be four.

(2) The number of ordinary judges of the High Court shall not be more than six.

Qualifications of judges of Supreme Court and High Court.

5.—(1) (a) The existing Chief Justice shall be qualified for appointment as Chief Justice and, if he is willing to accept office, no other person shall be qualified for appointment as Chief Justice.

(b) The existing President of the High Court shall be qualified for appointment as President of the High Court and, if he is willing to accept office, no other person shall be qualified for appointment as President of the High Court.

(c) Each of the persons who are ordinary judges of the existing Supreme Court immediately before the operative date shall be qualified for appointment as an ordinary judge of the Supreme Court and, if and so long as there is one or more than one of those persons who is willing to accept office and has not been appointed, no other person shall be qualified for appointment as an ordinary judge of the Supreme Court.

(d) Each of the persons who are ordinary judges of the existing High Court immediately before the operative date shall be qualified for appointment as an ordinary judge of the High Court and, if and so long as there is one or more than one of those persons who is willing to accept office and has not been appointed, no other person shall be qualified for appointment as an ordinary judge of the High Court.

(e) Paragraphs (a), (b), (c) and (d) of this subsection apply only in relation to the qualification for appointment of the first judges of the Supreme Court and High Court.

(f) Subsections (2), (3), (4) and (5) of this section shall have effect subject to the preceding paragraphs of this subsection.

(2) (a) A person who is for the time being a practising barrister of not less than twelve years' standing shall be qualified for appointment as a judge of the Supreme Court or the High Court.

(b) For the purposes of paragraph (a) of this subsection, service as a judge of the existing Circuit Court or of the Circuit Court shall be deemed practice at the Bar.

(3) An ordinary judge of the Supreme Court shall be qualified for appointment as President of the High Court or as Chief Justice.

(4) The President of the High Court shall be qualified for appointment as an ordinary judge of the Supreme Court or as Chief Justice.

(5) An ordinary judge of the High Court shall be qualified for appointment as an ordinary judge of the Supreme Court or as President of the High Court or as Chief Justice.

Pensions of judges and High Court. **6.**—(1) The provisions set out in Part I of the Second Schedule to this Act shall apply to the of Supreme Court pensions of judges of the Supreme Court and the High Court.

(2) Where a judge of the Supreme Court or High Court is removed from office on account of incapacity, he shall be deemed for the purpose of pension to have vacated his office owing to permanent infirmity.

General jurisdiction of Supreme Court.

7.—(1) The Supreme Court shall be a superior court of record with such appellate and other jurisdiction as is prescribed by the Constitution.

(2) There shall be vested in the Supreme Court—

(a) all jurisdiction which was, immediately before the commencement of Part I of the Act of 1924, vested in or capable of being exercised by the former Court of Appeal in Southern Ireland or any judge or judges thereof and was, immediately before the operative date, vested in or capable of being exercised by the existing Supreme Court,

(b) all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing Supreme Court.

(3) Subject to subsection (4) of this section, an appeal to or other matter cognisable by the Supreme Court shall be heard and determined by five judges of the Supreme Court, including judges who are by virtue of subsection (3) or (4) of section 1 of the Principal Act additional judges of the Supreme Court.

(4) The Chief Justice or, in his absence, the senior ordinary judge of the Supreme Court for the time being available may determine that an appeal to or other matter cognisable by the Supreme Court, not being a matter so cognisable under Article 12 or Article 26 of the Constitution or a question of the validity of any law having regard to the provisions of the Constitution, is to be heard and determined by three judges and, where such a determination is made, the appeal or matter to which the determination relates shall be heard and determined by three judges of the Supreme Court, including judges who are by virtue of subsection (3) or (4) of section 1 of the Principal Act additional judges of the Supreme Court.

General
jurisdiction of
High Court.

8.—(1) The High Court shall be a superior court of record with such original and other jurisdiction as is prescribed by the Constitution.

(2) There shall be vested in the High Court—

(a) all jurisdiction which was, immediately before the commencement of Part I of the Act of 1924, vested in or capable of being exercised by the former High Court of Justice in Southern Ireland or any division or judge thereof and was, immediately before the operative date, vested in or capable of being exercised by the existing High Court,

(b) all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing High Court.

(3) The jurisdictions vested in the High Court shall include all powers, duties and authorities incident to any and every part of the jurisdictions so vested.

Jurisdiction of
High Court in
lunacy and minor
matters.

9.—(1) There shall be vested in the High Court the jurisdiction in lunacy and minor matters which—

(a) was formerly exercised by the Lord Chancellor of Ireland,

(b) was, at the passing of the Act of 1924, exercised by the Lord Chief Justice of Ireland,
and

(c) was, by virtue of subsection (1) of section 19 of the Act of 1924 and subsection (1) of section 9 of the Act of 1936, vested, immediately before the operative date, in the existing High Court.

(2) The jurisdiction vested in the High Court by subsection (1) of this section shall be exercisable by the President of the High Court or, where the President of the High Court so directs, by an ordinary judge of the High Court for the time being assigned in that behalf by the President of the High Court.

(3) References in the Lunacy Regulation (Ireland) Act, 1871 , and the rules and orders made thereunder to “the Lord Chancellor entrusted as aforesaid” shall be construed as references to the judge of the High Court for the time being exercising the jurisdiction vested in the High Court by subsection (1) of this section.

(4) (a) The President of the High Court or such other Judge of the High Court as may be assigned by him under subsection (2) of this section may from time to time by order made under section 118 of the Lunacy Regulation (Ireland) Act, 1871 , amend any form prescribed by or under that Act for use in relation to the jurisdiction in lunacy matters vested in the High Court by subsection (1) of this section by substituting in such form the expression “ward of court” or such other similar expression as he thinks proper for the word “lunatic” and the expression “person of unsound mind” respectively and by making such further consequential amendments in that form as he thinks necessary and proper.

(b) Any order made under section 4 of the Courts of Justice Act, 1928 , as amended by paragraph (b) of subsection (2) of section 9 of the Act of 1936, which is in force immediately before the operative date shall continue in force and be deemed to have been made under paragraph (a) of this subsection.

(5) Such solicitors, doctors, visitors and other persons as were, immediately before the operative date, retained or nominated in relation to the exercise of any jurisdiction which, by virtue of subsection (1) of section 19 of the Act of 1924 and subsection (1) of section 9 of the Act of 1936, was, immediately before the operative date, vested in the existing High Court shall be retained or nominated by the President of the High Court and section 59 of the Act of 1926, as applied by section 48 of this Act, shall not apply to them.

Chief Justice and President of the High Court

Jurisdiction of
Chief Justice and
President of the
High Court.

10.—(1) There shall be exercisable by the Chief Justice—

(a) the jurisdiction in relation to solicitors which, by virtue of subsection (2) of section 19 of the Act of 1924, and subsection (3) of section 14 of the Solicitors Act, 1954 , was, immediately before the operative date, vested in or capable of being exercised by the existing Chief Justice,

- (b) the power of appointing notaries public and commissioners to administer oaths,
- (c) all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing Chief Justice.

(2) Whenever the Chief Justice is unable owing to illness or for any other reason to transact the business of his office, all jurisdictions, powers, authorities and functions for the time being vested in him in virtue of his office shall be exercised or performed by the President of the High Court or, in the event of the President of the High Court being unable owing to illness or for any other reason to exercise or perform the said jurisdictions, powers, authorities and functions, by the senior ordinary judge of the Supreme Court who is for the time being available.

(3) It shall be the function of the President of the High Court or, where he is not available, the senior ordinary judge of the High Court who is for the time being available to arrange the distribution and allocation of the business of the High Court.

(4) Where the Chief Justice is of opinion that the conduct of a justice of the District Court has been such as to bring the administration of justice into disrepute, the Chief Justice may interview the justice privately and inform him of such opinion.

(5) There shall be exercisable by the President of the High Court all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing President of the High Court.

Central Criminal Court

The Central Criminal Court. **11.**—(1) The High Court exercising the criminal jurisdiction with which it is invested shall be known as An Phríomh-Chúirt Choiriúil (The Central Criminal Court) and is in this Act referred to as the Central Criminal Court.

(2) (a) The jurisdiction exercisable by the Central Criminal Court shall be exercisable by a judge or judges of the High Court (including the President of the High Court) nominated from time to time by the President of the High Court.

(b) The jurisdiction of the Court shall be exercisable by each judge for the time being so nominated save that, where the President of the High Court directs that two or more such judges shall sit together for the purpose of a particular case, the jurisdiction of the Court for that purpose shall be exercised by those judges sitting together.

(3) Every person lawfully brought before the Central Criminal Court may be indicted before and tried and sentenced by that Court, wherever it may be sitting, in like manner in all respects as if the crime with which such person is charged had been committed in the county or county borough in which the said Court is sitting.

(4) References in any other enactment (whether passed before or after this Act) to the Central Criminal Court shall be construed as references to the High Court exercising the criminal jurisdiction with which it is invested.

Court of Criminal Appeal

Jurisdiction of Court of Criminal Appeal. **12.**—(1) The Court of Criminal Appeal shall be a superior court of record and shall, for the purposes of this Act and subject to the enactments applied by section 48 of this Act, have full power to determine any questions necessary to be determined for the purpose of doing justice in the case before it.

(2) There shall be vested in the Court of Criminal Appeal all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing Court of Criminal Appeal.

(3) In subsection (2) of section 44 of the Offences Against the State Act, 1939, the reference to section 30 of the Act of 1924 shall be construed as a reference to subsection (1) of this section.

High Court Circuits

High Court Circuits. **13.**—The grouping of the several counties and county boroughs (other than the county of Dublin and the county borough of Dublin) in the State into High Court Circuits under subsection (1) (repealed by this Act) of section 33 of the Act of 1936 shall, subject to any order which may be made under subsection (2) of the said section 33, as applied by section 48 of this Act, continue to have effect, and references in any enactment to High Court Circuits shall be construed accordingly.

Exercise of Jurisdiction

Jurisdiction to be exercised pursuant to rules of court (Supreme Court, High Court, Chief Justice, President of the High Court, Central Criminal Court and Court of Criminal Appeal).

14.—(1) In this section “rules of court” means rules made under section 36 of the Act of 1924, as applied by section 48 of this Act.

(2) The jurisdiction which is by virtue of this Act vested in or exercisable by the Supreme Court, the High Court, the Chief Justice, the President of the High Court, the Central Criminal Court and the Court of Criminal Appeal respectively shall be exercised so far as regards pleading, practice and procedure generally, including liability to costs, in the manner provided by rules of court, and, where no provision is contained in such rules and so long as there is no rule with reference thereto, it shall be exercised as nearly as possible in the same manner as it might have been exercised by the respective existing courts or judges by which or by whom such jurisdiction was, immediately before the operative date, respectively exercisable.

(3) Rules of court may, in relation to proceedings and matters (not being criminal proceedings or matters or matters relating to the liberty of the person) in the High Court and Supreme Court, authorise the Master of the High Court and other principal officers, within the meaning of the Court Officers Acts, 1926 to 1951, to exercise functions, powers and jurisdiction in uncontested cases and to take accounts, conduct inquiries and make orders of an interlocutory nature.

PART III

Circuit Court

Definitions (Part III).

15.—In this Part of and in the Third , Fourth and Fifth Schedules to this Act—

“action” means a civil proceeding in the Circuit Court commenced by civil bill;

“cause” means any action, suit or original proceeding between a plaintiff and a defendant;

“defendant” includes respondent;

“incorporeal hereditament” includes an easement and a licence in respect of land;

“matter” means any proceeding in the Circuit Court not in a cause;

“plaintiff” includes applicant and petitioner;

“proceedings” includes both causes and matters;

references to the judge of a particular circuit shall be construed as references to the judge of the Circuit Court for the time being assigned to that circuit;

“personality” does not include chattels real;

“land” includes incorporeal hereditaments;

“rules of court” means rules made under section 66 of the Act of 1924, as applied by section 48 of this Act.

Number of ordinary judges of Circuit Court. **16.**—(1) The number of ordinary judges of the Circuit Court shall not be more than eight.

(2) Notwithstanding subsection (1) of this section, if, on the operative date, there are nine ordinary judges of the Circuit Court, then, until the occurrence of the first vacancy in the office of judge of the Circuit Court, the number of ordinary judges of the Circuit Court shall not be more than nine.

Qualifications of judges of Circuit Court. **17.**—(1) (a) The existing President of the Circuit Court shall be qualified for appointment as President of the Circuit Court and, if he is willing to accept office, no other person shall be qualified for appointment as President of the Circuit Court.

(b) Each of the persons (other than the existing President of the Circuit Court) who are judges of the existing Circuit Court immediately before the operative date shall be qualified for appointment as an ordinary judge of the Circuit Court and, if and so long as there is one or more than one of those persons who is willing to accept office and has not been appointed, no other person shall be qualified for appointment as an ordinary judge of the Circuit Court.

(c) Paragraphs (a) and (b) of this subsection apply only in relation to the qualification for appointment of the first judges of the Circuit Court.

(d) Subsections (2) and (3) of this section shall have effect subject to the preceding paragraphs of this subsection.

(2) (a) A person who is for the time being a practising barrister of not less than ten years' standing shall be qualified for appointment as a judge of the Circuit Court.

(b) For the purposes of paragraph (a) of this subsection, service, in the case of a barrister, as a justice of the existing District Court or of the District Court shall be deemed practice at the Bar.

(3) An ordinary judge of the Circuit Court shall be qualified for appointment as President of the Circuit Court.

Age of retirement of judge of Circuit Court. **18.**—(1) The age of retirement of a judge of the Circuit Court shall be seventy years.

(2) Notwithstanding subsection (1) of this section, the age of retirement of a judge of the Circuit Court who was a judge of the existing Circuit Court at the passing of the Act of 1947 shall be seventy-two years.

Pensions of judges of Circuit Court. **19.**—(1) The provisions set out in Part II of the Second Schedule to this Act shall apply to the pensions of judges of the Circuit Court.

(2) Where a judge of the Circuit Court is removed from office on account of incapacity, he shall be deemed for the purpose of pension to have vacated his office owing to permanent infirmity.

Circuits and assignment of judges to circuits. **20.**—(1) The circuits created under section 16 (repealed by this Act) of the Act of 1953 shall be the circuits for the purposes of the Circuit Court.

(2) (a) Where a person is appointed a judge of the Circuit Court, the Government shall permanently assign him to a particular circuit.

(b) Notwithstanding paragraph (a) of this subsection, if, on the operative date, there are nine ordinary judges of the Circuit Court so that, in the making of the first assignments under that paragraph, one of such judges cannot be permanently assigned to a particular circuit, such judge may be permanently assigned by the Government at any time to a circuit and, pending such assignment, may from time to time be temporarily assigned to any circuit by the President of the Circuit Court.

(c) Where a judge of the Circuit Court is temporarily assigned under paragraph (b) of this subsection to a circuit, then, such judge shall, while so temporarily assigned, have, in relation to such circuit and concurrently with any judge permanently assigned thereto and any judge who is temporarily assigned under section 10 of the Act of 1947 as applied by section 48 of this Act to such circuit, all the privileges, powers and duties for the time being conferred or imposed by law on a judge of the Circuit Court permanently assigned to such Circuit.

(3) Any judge of the Circuit Court who is for the time being permanently assigned to a particular circuit may at any time, if he so consents but not otherwise, be transferred by the Government to another circuit, and shall upon such transfer become and be permanently assigned to that other circuit in lieu of the first-mentioned circuit.

Circuit Court to be a court of record. **21.**—The Circuit Court shall be a court of record.

Jurisdiction of Circuit Court, except in applications for new on-licences and in indictable offences. **22.**—(1) (a) Subject to paragraphs (b) and (c) of this subsection, the Circuit Court shall, concurrently with the High Court, have all the jurisdiction of the High Court to hear and determine any proceedings of the kind mentioned in column (2) of the Third Schedule to this Act at any reference number.

(b) Unless the necessary parties to the proceedings in a cause sign, either before or at any time during the hearing, the form of consent prescribed by rules of court, the Circuit Court shall not, by virtue of paragraph (a) of this subsection, have jurisdiction to hear and determine any cause of the kind mentioned in column (2) of the Third Schedule to this Act at a particular reference number in the case mentioned in column (3) of the said Schedule at that reference number.

(c) The Circuit Court shall not, by virtue of paragraph (a) of this subsection, have jurisdiction to hear and determine any matter of the kind mentioned in column (2) of the Third Schedule to this Act at a particular reference number in the case mentioned in column (3) of the said Schedule at that reference number.

(d) The jurisdiction of the Circuit Court to hear and determine proceedings of the kind mentioned in column (2) of the Third Schedule to this Act at a particular reference number shall be exercised by the judge of the Circuit Court mentioned in column (4) of the said Schedule at that reference number.

(e) Where an incorporeal hereditament is involved in any proceedings in respect of which the Circuit Court has jurisdiction by virtue of this subsection, references in column (4) of the Third Schedule to this Act to the circuit where the land or any part of the land is situate shall be construed as references to the circuit where the land or any part of the land to, out of or in respect of which the incorporeal hereditament is annexed, arises, issues or is exercisable is situate.

(2) The Circuit Court shall, concurrently with the High Court, have and exercise the jurisdiction in lunacy matters which was conferred on the Lord Chancellor of Ireland by section 68 of the Lunacy Regulation (Ireland) Act, 1871, that is to say, in cases where the property of the person alleged to be of unsound mind and incapable of managing his affairs does not exceed two thousand pounds in value or the income therefrom does not exceed one hundred pounds per annum.

(3) (a) The Circuit Court shall have and exercise the several jurisdictions which—

- (i) were, under or by virtue of any enactment set out in column (2) of the Fourth Schedule to this Act or any other enactment formerly vested in or capable of being exercised by chairmen of quarter sessions, recorders, county court judges, or quarter sessions, and
 - (ii) were, immediately before the operative date, vested in or capable of being exercised by the existing Circuit Court.
 - (b) The jurisdiction vested in the Circuit Court by paragraph (a) of this subsection under any enactment set out in column (2) of the Fourth Schedule to this Act at a particular reference number shall be exercised by the judge of the Circuit Court mentioned in column (3) of the said Schedule at that reference number.
 - (c) The Minister may from time to time by order make such provisions (not inconsistent with the provisions of paragraph (b) of this subsection) for the exercise by judges of the Circuit Court severally of any jurisdiction vested in the Circuit Court by paragraph (a) of this subsection as are in his opinion necessary or proper having regard to the provisions of this Act relating to the Circuit Court and the judges thereof.
 - (d) Every order made by the Minister under paragraph (c) of this subsection shall, if the order so provides, have and be deemed always to have had effect as on and from the operative date.
- (4) (a) Each British statute mentioned in column (2) of the Fifth Schedule to this Act shall have effect subject to the adaptations specified in column (3) of the said Schedule opposite the mention of that statute.
- (b) The Minister may from time to time by order make such adaptations (not inconsistent with the adaptations effected by paragraph (a) of this subsection) in any enactment (wherein there is a reference to the former civil bill courts, county courts or courts of quarter sessions, to the former assistant barristers, recorders, county court judges or chairmen of quarter sessions or to former officers of those courts) contained in any British statute or Saorstát Éireann statute as are, in his opinion, necessary or proper having regard to the provisions of this Act relating to the Circuit Court and the judges thereof.
 - (c) Every order made by the Minister under paragraph (b) of this subsection shall, if the order so provides, have and be deemed always to have had effect as on and from the operative date.
- (5) (a) There shall also be vested in the Circuit Court all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing Circuit Court.

(b) A particular jurisdiction vested in the Circuit Court by paragraph (a) of this subsection shall, in case the exercise of that jurisdiction by the judges of the Circuit Court severally is not provided for in an enactment applied by section 48 of this Act, be exercised by the judges of the Circuit Court severally in the manner provided by rules of court.

(6) The Circuit Court, as regards any cause of action for the time being within its jurisdiction, shall in any proceedings before it—

(a) grant such relief, redress or remedy or combination of remedies, absolute or conditional, and

(b) give such and the like effect to every ground of defence or counterclaim, legal or equitable,

as ought to be granted or given in the like case by the High Court and in as full and ample a manner.

(7) Without prejudice to any jurisdiction conferred by the previous subsections of this section, the Circuit Court shall have powers of attachment, garnishee and interpleader, and shall have all powers (including the power to appoint a receiver) ancillary to any jurisdiction exercisable by it.

(8) Any party to an action commenced in the Circuit Court and pending therein may at any time apply to the judge of the Circuit Court before whom the action is pending to have the action forwarded to the High Court and thereupon, in case the action is one fit to be tried in the High Court and the High Court appears to be the more appropriate tribunal in the circumstances, the said judge may send forward the action to the High Court upon such terms and subject to such conditions as to costs or otherwise as may appear to him to be just, and an appeal shall lie under section 38 of the Act of 1936, as applied by section 48 of this Act, from the decision of the judge granting or refusing any such application.

(9) A judge of the Circuit Court may, on the application of any party or on his own motion, if he thinks fit, by order change the venue for the trial of any action pending before him from one place of hearing to any other within his circuit, and an appeal shall lie under section 38 of the Act of 1936, as applied by section 48 of this Act, from the decision of the judge of the Circuit Court making or refusing to make any such order.

(10) A judge of the Circuit Court may, on the application of any party to an action which has been partly heard, transfer the remainder or any portion of the hearing to another venue within his circuit or within the Dublin Circuit, and an appeal shall lie under section 38 of the Act of 1936, as applied by section 48 of this Act, from the decision of the judge granting or refusing any such application.

(11) A judge of the Circuit Court may, outside his circuit, hear and determine any application which he has power to hear and determine within that circuit and which, in his opinion, should be dealt with as a matter of urgency.

(12) Where—

(a) an action is pending before a judge of the Circuit Court for the time being assigned to a particular circuit, and

(b) an application is made by any party to such action for the transfer of such action to another circuit for hearing by the judge of the Circuit Court for the time being assigned to such other circuit,

such first-mentioned judge may, with the consent of such other judge, transfer such action accordingly and thereupon such action shall be heard and determined by such other judge, and an appeal shall lie under section 38 of the Act of 1936, as applied by section 48 of this Act, from the decision of the first-mentioned judge granting or refusing any such application.

(13) A judge of the Circuit Court may adjourn the hearing of any proceedings before him to any other court within his circuit.

(14) A judge of the Circuit Court may make out of court any orders which he may deem to be urgent.

(15) (a) Notwithstanding anything contained in Part IV of the Act of 1936, as applied by section 48 of this Act, no appeal shall lie from any decision of the Circuit Court in any proceedings in a cause if, before the decision is given, the parties agree, in writing signed by them, that the decision shall be final.

(b) An agreement under paragraph (a) of this subsection shall not require a stamp.

Jurisdiction of
Cork Circuit Court
Judge in admiralty
causes and in
bankruptcy.

23.—(1) In this section—

“the Cork Circuit” means the circuit of the Circuit Court consisting of the county and county borough of Cork;

“the Cork Circuit Court Judge” means the judge of the Circuit Court for the time being assigned to the Cork Circuit.

(2) (a) The Cork Circuit Court Judge shall constitute and hold a local admiralty court (in this subsection referred to as the Court) to be called the Cork Local Admiralty Court.

(b) The Court shall, within the Cork Circuit with the parts of the sea adjacent to it and within the outer limit of the territorial seas, within the meaning of the Maritime Jurisdiction Act, 1959, have the jurisdiction in admiralty causes which immediately before the commencement of Part II of the Act of 1924 was exercisable by the former Recorder of Cork.

(c) The jurisdiction of the Court shall be exercised by the Cork Circuit Court Judge.

(d) Section 38 of the Act of 1936, as applied by section 48 of this Act, shall apply to every judgment or order of the Court.

(3) (a) The Cork Circuit Court Judge shall constitute and hold a local bankruptcy court (in this subsection referred to as the Court) to be called the Cork Local Bankruptcy Court.

(b) The Court shall, as respects any person residing or having an office or place of business in the Cork Circuit who is a debtor or person sought to be adjudged a bankrupt or an arranging debtor, have the like jurisdiction, power and authority in bankruptcy and as to arrangement with creditors and composition after bankruptcy as are for the time being vested in or capable of being exercised by the High Court.

(c) The jurisdiction of the Court shall be exercised by the Cork Circuit Court Judge.

(d) Section 38 of the Act of 1936, as applied by section 48 of this Act, shall apply to every judgment or order of the Court.

(4) Subsections (6) and (7) of section 22 of this Act shall have effect as if the references therein to the Circuit Court included references to the Cork Local Admiralty Court and the Cork Local Bankruptcy Court.

(5) Subsections (8), (11), (14) and 15 of section 22 of this Act shall apply to proceedings in the Cork Local Admiralty Court and in the Cork Local Bankruptcy Court.

(6) (a) In this subsection references to section 25 (which relates to the remittal or transfer of actions pending in the High Court) of the Act of 1924 are references to that section, as applied by section 48 of this Act and; as amended by section 11 of the Act of 1936, as so applied, and by section 13 of the Act of 1953, as so applied.

(b) Section 25 of the Act of 1924 shall apply to admiralty actions pending in the High Court which might have been commenced in the Cork Local Admiralty Court, and for that purpose references in the said section to the Circuit Court shall be construed as references to the Cork Local Admiralty Court.

(c) Section 25 of the Act of 1924 shall apply to bankruptcy proceedings pending in the High Court which might have been commenced in the Cork Local Bankruptcy Court, and for that purpose references in the said section to the Circuit Court shall be construed as references to the Cork Local Bankruptcy Court.

Jurisdiction of Circuit Court in applications for new on-licences.

24.—(1) In this section “on-licence” has the same meaning as in the Licensing Acts, 1833 to 1960.

(2) The Circuit Court shall have jurisdiction in all cases of applications for new on-licences.

(3) The jurisdiction conferred on the Circuit Court by this section shall be exercised by the judge of the circuit in which the premises in respect of which the new on-licence is sought are situate.

(4) Where the Circuit Court grants under this section a new on-licence, then, notwithstanding anything contained in any enactment, the licence shall not require to be confirmed at any subsequent sitting of the Circuit Court.

Jurisdiction of Circuit Court in indictable offences.

25.—(1) Subject to subsection (2) of this section, the Circuit Court shall have and may exercise every jurisdiction as respects indictable offences for the time being vested in the Central Criminal Court and every person lawfully brought before the Circuit Court in exercise of such jurisdiction may be indicted before and tried and, if convicted, sentenced by the Circuit Court accordingly.

(2) The jurisdiction conferred on the Circuit Court by subsection (1) of this section shall not extend to treason, an offence under section 2 or 3 of the Treason Act, 1939, an offence under section 6, 7 or 8 of the Offences Against the State Act, 1939, murder, attempt to murder, conspiracy to murder, or piracy, including an offence by an accessory before or after the fact.

(3) The jurisdiction vested in the Circuit Court by subsection (1) of this section shall be exercised by the judge of the circuit in which the offence charged has been committed or in which the accused person has been arrested or resides.

(4) In section 6 of the Courts of Justice Act, 1926, as applied by section 48 of this Act, and in subsection (1) of section 14 of the Wireless Telegraphy Act, 1926, the references to section 53 of the Act of 1924 shall be construed as references to subsection (3) of this section.

Transfer of trials in criminal cases by judge of the Circuit Court.

26.—(1) A judge of the Circuit Court may, if he thinks fit, transfer the trial of a criminal issue from the place in his circuit where it is required by law to be held to any other place in that circuit, and, in that event, the trial shall be held at the place to which it is transferred with a jury drawn from the jury district or other area prescribed for trials by the Circuit Court sitting in the latter place.

(2) An order of a judge of the Circuit Court under subsection (1) of this section—

(a) may be made only on the application of the Attorney General or an accused person,

(b) may provide for matters ancillary or incidental to the transfer, and

(c) shall be final and unappealable.

Jurisdiction to be exercised pursuant to rules of court (Circuit Court, Cork Local Admiralty Court and Cork Local Bankruptcy Court). **27.**—(1) The jurisdiction which is by virtue of this Act vested in or exercisable by the Circuit Court, the Cork Local Admiralty Court and the Cork Local Bankruptcy Court respectively shall be exercised so far as regards pleading, practice and procedure generally, including liability to costs, in the manner provided by rules of court, and where, as regards the jurisdiction of the Cork Local Admiralty Court and the Cork Local Bankruptcy Court, there is no provision in such rules and so long as there is no rule in reference thereto, it shall be exercised as nearly as possible in the same manner as it might have been exercised by the former Recorder of Cork.

(2) The rule-making authority for the Circuit Court shall also be the rule-making authority for the Cork Local Admiralty Court and the Cork Local Bankruptcy Court.

PART IV

District Court

General Provisions

Number of justices of District Court. **28.**—The number of justices of the District Court, in addition to the President of the District Court, shall not be more than thirty-four.

Qualifications of justices of District Court and interpretation of section 2 of the Act of 1949, as applied by section 48 of this Act. **29.**—(1) (a) Each of the persons who are justices of the existing District Court immediately before the operative date shall be qualified for appointment as a justice of the District Court and, if and so long as there is one or more than one of those persons who is willing to accept office and has not been appointed, no other person shall be qualified for appointment as a justice of the District Court.

(b) Paragraph (a) of this subsection applies only in relation to the qualification for appointment of the first justices of the District Court.

(c) Subsections (2) and (3) of this section shall have effect subject to the preceding paragraphs of this subsection.

(2) A person who is for the time being a practising barrister or solicitor of not less than ten years' standing shall be qualified for appointment as a justice of the District Court.

(3) A barrister or solicitor who actually practised his profession for not less than ten years shall be qualified for appointment as a justice of the District Court if for the time being he holds an office in respect of which it was (at the time of his appointment thereto) required by statute that every person appointed thereto should be or should have been—

(a) a practising solicitor, or

(b) a practising barrister or solicitor.

(4) Where a person (being, immediately before the operative date, a justice of the existing District Court by virtue of a warrant made under section 2 of the Act of 1949) is appointed a justice of the District Court, he shall, for the purposes of the Act of 1949, as applied by section 48 of this Act, be deemed to have been continued in office under the Act of 1949, as so applied, for a year commencing on the date on which he attained—

(a) if the warrant is the first in respect of him, sixty-five years or

(b) if the warrant is the second in respect of him, sixty-six years, or

(c) if the warrant is the third in respect of him, sixty-seven years, or

(d) if the warrant is the fourth in respect of him, sixty-eight years, or

(e) if the warrant is the fifth in respect of him, sixty-nine years.

Age of retirement of justice of District Court. **30.**—(1) The age of retirement of a justice of the District Court shall be sixty-five years.

(2) Notwithstanding subsection (1) of this section, the age of retirement of a justice of the District Court who, immediately before the 29th day of July, 1946, was a justice of the existing District Court and as such justice was permanently assigned to the Dublin Metropolitan District shall be seventy years.

(3) The references in section 2 of the Act of 1949, as applied by section 48 of this Act, to section 15 (repealed by this Act) of the Act of 1946 shall be construed as references to subsection (1) of this section.

Pensions of justices of District Court. **31.**—(1) The provisions set out in Part III of the Second Schedule to this Act shall apply to the pensions of justices of the District Court.

(2) Where a justice of the District Court is removed from office on account of incapacity, he shall be deemed for the purpose of pension to have vacated his office owing to permanent infirmity.

District court areas and districts be the district court areas for the purposes of the District Court.
and assignment of justices to districts.

(2) The districts created under section 22 (repealed by this Act) of the Act of 1953 and the Dublin Metropolitan District shall be the district court districts for the purposes of the District Court.

(3) The provisions (which relate to the assignment of justices of the District Court to districts) set out in the Sixth Schedule to this Act shall have effect.

Jurisdiction of District Court.

33.—(1) There shall be vested in and transferred to the District Court—

(a) all jurisdiction which, by virtue of sections 77 and 78 of the Act of 1924, was, immediately before the operative date, vested in or capable of being exercised by the existing District Court,

(b) all jurisdiction which, by virtue of any enactment which is applied by section 48 of this Act, was, immediately before the operative date, vested in or capable of being exercised by the existing District Court.

(2) (a) In this subsection—

“the Act of 1890” means the Public Health Acts Amendment Act, 1890, as applied to Ireland by subsection (9) of section 12 of that Act and as amended by section 14 of the Act of 1935;

“the Act of 1935” means the Public Dance Halls Act, 1935.

(b) Section 51 (which relates to music and dancing licences) of the Act of 1890 shall have effect as if for the references therein to licensing justices there were substituted references to the District Court.

(c) The jurisdiction vested in the District Court by this subsection shall be exercised by the justice of the District Court for the time being assigned to the district where there is situate the house, room, garden or other place in respect of which the licence under section 51 of the Act of 1890 is sought.

(d) Subsections (2) and (3) of section 2 and section 9 of the Act of 1935 shall have effect as if the references therein to a public dancing licence included references to a licence under paragraph 2 of section 51 of the Act of 1890.

(3) The District Court shall have jurisdiction to hear and determine an action for wrongful detention (including jurisdiction to make an order for the return of the goods claimed) where the value of the goods claimed does not exceed £50.

(4) (a) The District Court shall have jurisdiction to hear and determine any action commenced after the commencement of this Act which is founded on a credit-sale agreement (within the meaning of the Hire-Purchase Acts, 1946 and 1960) where the amount of the claim does not exceed one hundred pounds.

(b) Paragraph (a) of section 53 of the Act of 1936 shall not apply to an action—

(i) in which the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation in the State, and

(ii) to which paragraph (a) of this subsection relates.

Jurisdiction to be exercised pursuant to rules of court (District Court). **34.**—The jurisdiction which is by virtue of this Act vested in or exercisable by the District Court shall be exercised as regards pleading, practice and procedure generally, including liability to costs, in the manner provided by rules of court made under section 91 of the Act of 1924, as applied by section 48 of this Act.

Provisions relating to the President of the District Court and to the Dublin Metropolitan District

Qualification for appointment as President of the District Court and assignment. **35.**—(1) (a) A justice of the District Court shall be qualified for appointment as President of the District Court, provided however that a person who is a justice of the existing District Court immediately before the operative date shall be qualified for appointment as first President of the District Court.

(b) A person who is qualified for appointment as a justice of the District Court shall be qualified for appointment as President of the District Court, other than as first President thereof.

(2) The President of the District Court shall be permanently assigned by the Government to the Dublin Metropolitan District.

(3) If the President of the District Court is unable to act during any period, then, during that period, the senior of the justices permanently assigned to the Dublin Metropolitan District shall have and exercise the powers of the President under this Act.

General powers of President of the District Court. **36.**—(1) For ensuring the prompt and efficient discharge of the business of the District Court in the several districts thereof, the President of the District Court shall have and exercise the powers conferred on him by subsections (2), (3) and (4) of this section.

(2) (a) Where it appears to the President of the District Court that the conduct of a justice of the District Court is prejudicial to the prompt and efficient discharge of the business of that Court, he shall investigate the matter and may report the result of the investigation to the Minister.

(b) In the course of an investigation under this subsection, the President shall consult the justice concerned.

(3) (a) The President of the District Court may convene meetings of the justices of the District Court for the purpose of discussing matters relating to the discharge of the business of that Court, including, in particular, such matters as the avoidance of undue divergences in the exercise by the justices of the jurisdiction of that Court and the general level of fines and other penalties.

(b) Such meetings shall not be convened more frequently than twice in one year.

(c) Every justice shall attend at every such meeting unless unable to do so owing to illness or any other unavoidable cause and, where a justice is unable to attend such a meeting, he shall as soon as may be inform the President of the reason therefor.

(4) The President of the District Court may, whenever he thinks fit, make recommendations to the Minister in relation to the following matters:

(a) the number of justices of the District Court to be assigned to the Dublin Metropolitan District;

(b) the places for holding the District Court in or for any district court area; and

(c) the days and hours for holding the District Court in or for any district court area other than the area for the time being comprising the Dublin Metropolitan District.

Abolition of Divisions of Dublin Metropolitan Justices. **37.**—On and from the operative date, the three Divisions of the justices permanently assigned to the Dublin Metropolitan District, being the Divisions formed by section 5 (repealed by this Act) of the Act of 1946, shall stand abolished.

Principal Justices of the Dublin Metropolitan District. **38.**—(1) Each person who was nominated under subsection (1) of section 6 (repealed by this Act) of the Act of 1946 to be a Principal Justice of a Division of the Dublin Metropolitan Justices and who is appointed under subsection (1) of section 29 of this Act to be a justice of the District Court shall hold the office of Principal Justice of the Dublin Metropolitan District (to which District such person shall be permanently assigned by the Government) and shall hold that office so long as he holds the office of justice of the District Court.

(2) Where a person who holds the office of Principal Justice of the Dublin Metropolitan District ceases to hold that office, that office, in so far as it was held by that person, shall stand abolished.

Number of justices of Dublin Metropolitan District. **39.**—On the operative date, the Minister shall, after consultation with the President of the District Court, determine the number of justices of the District Court to be permanently assigned to the Dublin Metropolitan District and may from time to time, as he shall think fit, after consultation with the said President, alter the number of justices to be so assigned to that District.

Places at which business of Dublin Metropolitan District is to be transacted. **40.**—On the operative date, the Minister shall, after consultation with the President of the District Court, appoint the places in the Dublin Metropolitan District for the transaction of the business of the District Court in that District and may from time to time, as he shall think fit, after consultation with the said President, alter the places so appointed.

Number of sitting days in each week for justices assigned to Dublin Metropolitan District. **41.**—The Minister may from time to time, as he shall think fit, after consultation with the President of the District Court, determine the number of days in each week on which the justices of the District Court assigned to the Dublin Metropolitan District shall normally sit in that District for the transaction of the business of the District Court.

Metropolitan District.

Business of District Court in Dublin Metropolitan District. **42.**—(1) The President of the District Court shall—

(a) arrange for the distribution of the business of the District Court in the Dublin Metropolitan District amongst the several justices of the District Court assigned to that District, and

(b) determine the class or classes of business to be transacted in each of the several places appointed by the Minister under section 40 of this Act for the transaction of the business of the District Court in the Dublin Metropolitan District and the days and hours at which such class or classes of business shall be transacted in the several places so appointed.

(2) Before arranging for the distribution of any business under paragraph (a) of subsection (1) of this section, the President shall consult with any Principal Justice of the Dublin Metropolitan District.

Restriction of section 26 of Act of 1953. **43.**—Before exercising the power conferred on him by paragraph (f) of subsection (1) of section 26 of the Act of 1953, as applied by section 48 of this Act, the Minister shall consult the President of the District Court.

Ex officio members of District Court Rules Committee. **44.**—The ex officio members of the District Court Rules Committee established by section 71 of the Act of 1936, as applied by section 48 of this Act, shall be the President of the District Court (who shall be chairman of the Committee) and such one of the district court clerks of the Dublin Metropolitan District as the Minister shall nominate in that behalf, who shall be secretary of the Committee.

PART V

Miscellaneous Provisions

Administration of justice otherwise than in public. **45.**—(1) Justice may be administered otherwise than in public in any of the following cases:

- (a) applications of an urgent nature for relief by way of habeas corpus, bail, prohibition or injunction;
- (b) matrimonial causes and matters;
- (c) lunacy and minor matters;
- (d) proceedings involving the disclosure of a secret manufacturing process;

(2) The cases prescribed by subsection (1) of this section shall be in addition to any other cases prescribed by any Act of the Oireachtas.

(3) Any provision contained in any statute of the Parliament of the former United Kingdom or of the Oireachtas of Saorstát Éireann which provided for the administration of justice otherwise than in public and which is not in force solely by reason of its being inconsistent with the provisions of the Constitution of Saorstát Éireann or the Constitution, as the case may be, shall have full force and effect.

Provisions in relation to remuneration and pensions of judges and justices. **46.**—(1) There shall be paid to the several judges of the Supreme Court and of the High Court the following remuneration—

- (a) to the Chief Justice the sum of £5,335 a year,
- (b) to the President of the High Court and to each of the ordinary judges of the Supreme Court the sum of £4,070 a year,
- (c) to each of the ordinary judges of the High Court the sum of £3,575 a year.

(2) There shall be paid to the several judges of the Circuit Court the following remuneration—

(a) to the President of the Circuit Court the sum of £3,575 a year,

(b) to each of the ordinary judges of the Circuit Court the sum of £2,835 a year.

(3) There shall be paid to the several justices of the District Court the following remuneration—

(a) to the President of the District Court the sum of £2,500 a year,

(b) to each Principal Justice of the Dublin Metropolitan District the sum of £2,215 a year,

(c) to each other justice of the District Court who is for the time being permanently assigned to the Dublin Metropolitan District the sum of £2,070 a year,

(d) to the justice of the District Court who is for the time being permanently assigned to the district court district which comprises or includes the County Borough of Cork the sum of £2,070 a year,

(e) to each other justice of the District Court the sum of £1,925 a year.

(4) There shall be charged on and payable out of the Central Fund or the growing produce thereof—

(a) the remuneration payable under this Act to a judge of the Supreme Court, the High Court or the Circuit Court or a justice of the District Court, and

(b) the pension payable under this Act to a judge of the Supreme Court, the High Court, the Circuit Court or a justice of the District Court, and

(c) the superannuation allowance and additional allowance payable under this Act to a justice of the District Court to whom paragraph 9 of the Second Schedule to this Act applies, and

(d) the gratuity payable under this Act in respect of a justice of the District Court to whom paragraph 9 of the Second Schedule to this Act applies.

(5) Not more than one pension shall be payable under this Act to the same person.

(6) Where a person in receipt of a pension under this Act is employed in a situation remunerated out of moneys provided by the Oireachtas or out of the Central Fund, then—

(a) such pension shall not be payable in respect of any period during which the remuneration of such person in such situation is equal to or greater than his remuneration in the judicial office in respect of which he is entitled to such pension, and

(b) so much only of such pension shall be payable in respect of any period during which the remuneration of such person in such situation is less than his remuneration in the said judicial office as with his remuneration in such situation will amount to his remuneration in the said judicial office.

(7) In the application of subsection (5) of this section to a justice of the District Court to whom paragraph 9 of the Second Schedule to this Act applies, references to a pension shall be construed as references to a superannuation allowance and to an additional allowance.

(8) In the application of subsection (6) of this section to a justice of the District Court to whom paragraph 9 of the Second Schedule to this Act applies, references to a pension shall be construed as references to a superannuation allowance.

Interest on judgment debts. **47.**—(1) Every judgment debt due upon a judgment of the Circuit Court obtained on or after the operative date shall be deemed a judgment debt within the meaning of section 26 (which provides that judgment debts are to carry interest) of the Debtors (Ireland) Act, 1840 .

(2) Section 26 of the Debtors (Ireland) Act, 1840 , and the said section 26, as extended by subsection (1) of this section, shall apply to a judgment debt due to or from a State authority.

Application of enactments relating to existing courts and judges and officers thereof, and rules of court. **48.**—(1) (a) Subject to paragraph (b) of this subsection, this section applies to the following enactments—

- (i) any enactment contained in the Courts of Justice Acts, 1924 to 1961, the Court Officers Acts, 1926 to 1961, or the Criminal Justice Act, 1951 ,
- (ii) any other enactment wherein there is a reference to a court established by the Act of 1924 or to a judge or officer thereof,
- (iii) any instrument (other than rules of court) which is in force immediately before the operative date and was made under any enactment referred to in subparagraph (i) or (ii) of this paragraph.

(b) This section does not apply to—

- (i) any enactment which has been repealed before the operative date or which is repealed by this Act, or
- (ii) subsection (2) of section 19 and sections 77 and 78 of the Act of 1924.

(2) In the application of this section in relation to the existing District Court and the District Court a reference to a judge shall be construed as a reference to a justice thereof.

(3) Every enactment to which this section applies shall apply to the courts established by the Principal Act and to the judges and officers thereof as if it were enacted in this Act, with and subject to—

(a) the modifications specified in subsection (5) of this section,

(b) such adaptations and other modifications as may be made by the Minister under subsection (6) of this section.

(4) Rules of court made under the enactments to which this section applies and in force immediately before the operative date shall be deemed to have been made under those enactments, as applied by subsection (3) of this section, and shall have effect accordingly, but with and subject to the modifications specified in subsection (5) of this section, and any such rules of court may be altered or annulled as if they had been made under those enactments as so applied.

(5) The following are the modifications referred to in paragraph (a) of subsection (3) and in subsection (4) of this section—

(a) a reference to the court mentioned in column (2) of Part I of the Seventh Schedule to this Act at a particular reference number shall be construed as a reference to the court mentioned in column (3) of the said Part I at that reference number,

(b) a reference to a judge of the court mentioned in column (2) of the said Part I at a particular reference number shall be construed as a reference to a judge of the court mentioned in column (3) of the said Part I at that reference number, and

(c) a reference to the judge mentioned in column (2) of Part II of the Seventh Schedule to this Act at a particular reference number shall be construed as a reference to the judge mentioned in column (3) of the said Part II at that reference number.

(6) (a) The Minister may from time to time by order make such adaptations or modifications (not inconsistent with the modifications effected by subsection (5) of this section) in or of any enactment to which this section applies as are, in his opinion, necessary and proper in order to give effect to the provisions of this Act.

(b) Every order made by the Minister under paragraph (a) of this subsection shall, where the order so provides, have and be deemed always to have had effect as on and from the operative date.

(7) “This Act” where it occurs in any enactment applied by this section shall, unless the context otherwise requires, be construed as referring to the Act which includes that enactment.

(8) Subsection (1) of section 51 of the Act of 1936, as applied by this section, shall have effect as if “ten years' standing” were substituted for “six years' standing”.

(9) Subsection (1) of section 27 of the Act of 1953, as applied by this section, shall have effect as if for the reference therein to section 11 (repealed by this Act) of the Act of 1946 there were substituted a reference to section 40 of this Act.

(10) (a) Paragraph (a) of subsection (1) of section 2 of the Act of 1961 shall not be taken to refer to a person who, immediately before the passing of the Act of 1961, was a judge of the existing Supreme Court, High Court or Circuit Court or a justice of the existing District Court and is appointed a judge on the operative date.

(b) The reference in subsections (2), (4) and (5) of section 4 of the Act of 1961 to the Court Officers Acts, 1926 to 1951, shall be deemed to include a reference to this

(c) Section 5 of the Act of 1961 shall have effect as if there were inserted at the end of subsection (2) "or under section 58 of the Courts (Supplemental Provisions) Act,

(d) In this subsection "the Act of 1961" means the Courts of Justice and Court Officers (Superannuation) Act, 1961 .

Preservation of
continuity of
administration
and enforcement
of justice.

49.—(1) The continuity of the administration and enforcement of justice shall not be interrupted by the coming into operation of the Principal Act or this Act.

(2) Without prejudice to the generality of subsection (1) of this section—

(a) any act done or proceedings taken before the operative date in respect of any cause or matter in the court mentioned in column (2) of Part I of the Seventh Schedule to this Act at a particular reference number shall be deemed to have been done or taken respectively in the court mentioned in column (3) of the said Part I at that reference number,

(b) any act done or proceedings taken before the operative date in respect of any cause or matter before the judge mentioned in column (2) of Part II of the Seventh Schedule to this Act at a particular reference number (being reference number 1 or 2) shall be deemed to have been done in that cause or matter before the judge mentioned in column (3) of the said Part II at that reference number,

(c) any act done or proceedings taken before the operative date in respect of any cause or matter before the existing Cork Circuit Court Judge exercising jurisdiction in admiralty shall be deemed to have been done or taken in the Cork Local Admiralty Court,

(d) any act done or proceedings taken before the operative date in respect of any cause or matter before the existing Cork Circuit Court Judge exercising jurisdiction in bankruptcy shall be deemed to have been done or taken in the Cork Local Bankruptcy Court.

(3) In subsection (2) of this section “the existing Cork Circuit Court Judge” means the judge of the existing Circuit Court for the circuit of the existing Circuit Court consisting of the county and county borough of Cork.

Appeals from
District Court in
criminal cases
against sentence
only.

50.—Where—

(a) an order is made in a criminal case by a justice of the District Court convicting a person and sentencing him to pay a penal or other sum or to do anything at any expense or to undergo a term of imprisonment or to be detained in Saint Patrick's Institution, and

(b) an appeal is taken against the order, and

(c) either—

(i) the notice of appeal states that the appeal is against so much only of the order as relates to the sentence, or

(ii) the appellant, on the hearing of the appeal, indicates that he desires to appeal against so much only of the order as relates to the sentence,

then, notwithstanding any rule of law, the Circuit Court shall not, on the hearing of the appeal, re-hear the case except to such extent as shall be necessary to enable the court to adjudicate on the question of sentence.

Extension of
section 2 of the
Summary
Jurisdiction Act,
1857.

51.—(1) Section 2 of the Summary Jurisdiction Act, 1857, is hereby extended so as to enable any party to any proceedings whatsoever heard and determined by a justice of the District Court (other than proceedings relating to an indictable offence which was not dealt with summarily by the court) if dissatisfied with such determination as being erroneous on a point of law, to apply in writing within fourteen days after such determination to the said justice to state and sign a case setting forth the facts and the grounds of such determination for the opinion thereon of the High Court.

(2) Upon the making of an application under section 2 of the Summary Jurisdiction Act, 1857, as extended by subsection (1) of this section, for a case stated, the determination in respect of which the application is made shall be suspended—

(a) where the justice of the District Court to whom the application is made grants the application, until the case stated has been heard and determined, and

(b) where he refuses to grant the application, until he so refuses.

(3) The references in sections 6 , 8 , 9 , 10 and 14 of the Summary Jurisdiction Act, 1857 , to that Act shall be construed as references to that Act as extended by subsection (1) of this section.

(4) In section 2 of the Summary Jurisdiction Act, 1857 , and in this section, "party" means any person who was entitled to be heard and was heard in the proceedings in which the determination in respect of which an application for a case stated is made was given.

Case stated for
High Court on
question of law.

52.—(1) A justice of the District Court shall, if requested by any person who has been heard in any proceedings whatsoever before him (other than proceedings relating to an indictable offence which is not being dealt with summarily by the court) unless he consider the request frivolous, and may (without request) refer any question of law arising in such proceedings to the High Court for determination.

(2) An appeal shall lie by leave of the High Court to the Supreme Court from every determination of the High Court on a question of law referred to the High Court under subsection (1) of this section.

Application of
section 26 of Hire-
Purchase
(Amendment) Act,
1960.

53.— Section 26 of the Hire-Purchase (Amendment) Act, 1960 , shall apply to any action pending in the High Court which is founded on a credit-sale agreement (within the meaning of the Hire-Purchase Acts, 1946 and 1960).

Jurisdiction to
bind to the peace
or to good
behaviour.

54.—The jurisdiction formerly exercisable by justices of the peace to make an order binding a person to the peace or to good behaviour or to both the peace and good behaviour and requiring him to enter into a recognizance in that behalf may be exercised by —

(a) a judge of the Supreme Court or the High Court, or

(b) a judge of the Circuit Court within the circuit to which he is for the time being assigned, or

(c) a justice of the District Court within the district to which he is for the time being assigned.

Offices and
officers, etc. under
Court Officers
Acts, 1926 to
1951.

55.—(1) The provisions set out in the Eighth Schedule to this Act shall apply in relation to offices and officers to be attached to the High Court, the Supreme Court and the President of the High Court respectively.

(2) (a) Every Circuit Court office shall become and be attached to the Circuit Court.

(b) Every county registrar shall become and be attached to the Circuit Court.

(c) Every assignment of a county registrar made or deemed to have been made under section 10 of the Act of 1945 before the operative date shall, if it is in force immediately before the operative date, continue in force and be deemed to have been made under the said section 10, as applied by section 48 of this Act.

(3) (a) Every district court clerk shall become and be attached to the District Court.

(b) Every assignment of a district court clerk made under section 48 of the Act of 1926 before the operative date shall, if it is in force immediately before the operative date, continue in force and be deemed to have been made under the said section 48 as applied by section 48 of this Act.

(4) Any requisition made under section 9 of the Act of 1945 before the operative date shall, if it is in force immediately before the operative date, continue in force and be deemed to have been made under the said section 9, as applied by section 48 of this Act.

(5) Any appointment made under section 4 (which relates to deputies for district court clerks) of the Court Officers Act, 1951, before the operative date shall, if it is not terminated before the operative date, be deemed to have been made under the said section 4, as applied by section 48 of this Act.

(6) The following provisions shall apply to any person who, immediately before the operative date, holds any office, employment or position under the Court Officers Acts, 1926 to 1951—

(a) he shall continue to hold his office, employment or position as if this Act had not been passed,

(b) nothing in this Act shall affect the terms and conditions on and subject to which he held his office, employment or position immediately before the operative date.

(7) The business to be transacted in the Circuit Court office for the circuit consisting of the county and county borough of Cork, pursuant to section 37 of the Act of 1926, shall include the business of the Cork Local Admiralty Court and the Cork Local Bankruptcy Court, and section 65 of the Act of 1936 (which relates to the prescribing of court fees) shall have effect accordingly.

Power to continue county registrars in office after reaching age of sixty-five years. **56.**—(1) (a) In this section “the Committee” means a committee consisting of—

- (i) the Chief Justice,
- (ii) the President of the High Court, and
- (iii) the Attorney General.

(b) The Committee may act by a majority of its members and a warrant under this section shall be sufficiently authenticated if signed by two members of the Committee.

(2) Where—

- (a) a county registrar is about to reach the age of sixty-five years, and
- (b) he satisfies the Committee that he is not suffering from any disability which would render him unfit to discharge efficiently the duties of his office,

the Committee may, if they so think proper after consultation with the Minister, by warrant made before such county registrar attains the said age, continue him in office for one year commencing on the date on which he will attain the said age.

(3) Where—

- (a) a county registrar to whom a warrant under subsection (2) of this section or under this subsection relates, or to whom a warrant under this subsection is deemed to relate, is about to reach the age of (as the case may be) sixty-six, sixty-seven, sixty-eight or sixty-nine years, and

- (b) he satisfies the Committee that he is not suffering from any disability which would render him unfit to continue to discharge efficiently the duties of his office,

the Committee may, if they so think proper after consultation with the Minister, by warrant made before such county registrar attains the said age, continue him in office for one year commencing on the date on which he will attain the said age.

(4) Where, immediately before the operative date, there is a county registrar whose age of retirement was extended under subsection (6) of section 35 of the Act of 1926, such county registrar shall be deemed to have been continued in office by warrant under subsection (3) of this section and to be a county registrar to whom that subsection relates.

(5) The provisions of this section shall have effect notwithstanding anything contained in subsection (6) of section 35 of the Act of 1926.

Pension of Master of the High Court, Taxing-Master and county registrar. **57.**—(1) Where—

(a) a person who holds the office of Master of the High Court, Taxing-Master or county registrar ceases to hold that office (otherwise than on being removed from that office by the Government on the ground of misconduct or inefficiency) either after attaining the age of sixty-five years or upon medical certificate that he is incapable, from infirmity of mind or body, of discharging the duties of that office and that the infirmity is likely to be permanent, and

(b) he has completed five or more years of continuous service in one or more of the said offices

he shall, subject to the provisions of this section, be eligible for a pension consisting of—

(i) if he has completed twenty or more years of such service, two-thirds of the annual remuneration in respect of the office which he ceases to hold, or

(ii) if he has not completed twenty years of such service, one-sixth of the annual remuneration in respect of the office which he ceases to hold together with one-thirtieth of that remuneration for each (if any) completed year of such service in excess of five.

(2) Where a person in receipt of a pension under this section is employed in a situation remunerated out of moneys provided by the Oireachtas, then

(a) the pension shall not be payable in respect of any period during which his remuneration in respect of such situation is equal to or greater than the remuneration by reference to which the pension was computed, and

(b) so much only of the pension shall be payable in respect of any period during which his remuneration in respect of such situation is less than the remuneration by reference to which the pension was computed as with his remuneration in respect of such situation will amount to the remuneration by reference to which the pension was computed.

(3) A reference in this section to service of any person shall be construed as a reference to service of such person in respect of which he was remunerated, exclusive of any period during which he was absent on account of illness and was remunerated at a rate determined by reference to the rate which would be appropriate if he were on pension.

(4) Pensions under this section may be granted by the Minister for Finance.

Special provisions for person who, on the operative date, holds the office of Master of the High Court, Taxing-Master or county registrar unless and until he elects under this section to accept the provisions of the said section 57.

office of Master of the High Court, Taxing-Master or county registrar.

(2) A person who, on the operative date, holds the office of Master of the High Court, Taxing-Master or county registrar may, by notice in writing sent to the Minister before the expiration of three months after the operative date, elect to accept the provisions of section 57 of this Act.

(3) Notwithstanding the repeal by this Act of sections 4 and 5 of the Act of 1945—

(a) those sections shall continue to have effect in relation to a person who, at the passing of the Act of 1945, held the office of Taxing-Master or county registrar and holds such office on the operative date, unless and until such person elects under this section to accept the terms of section 57 of this Act;

(b) section 4 shall continue to have effect in relation to a person who was appointed to the office of Master of the High Court, Taxing-Master or county registrar after the passing of the Act of 1945 and holds such office on the operative date, unless and until such person elects under this section to accept the terms of section 57 of this Act.

Officers of Cork Local Admiralty Court and Cork Local Bankruptcy Court.

59.—(1) In this section—

“the existing Cork Circuit Court Judge” means the judge of the existing Circuit Court for the circuit of the existing Circuit Court consisting of the county and county borough of Cork;

“the Cork County Registrar” means the county registrar for the county and county borough of Cork.

(2) (a) In this subsection “the Court” means the Cork Local Admiralty Court constituted by subsection (2) of section 23 of this Act.

(b) There shall be attached to the Court the following officers—

(i) a registrar,

- (ii) a marshal.
 - (c) The Cork County Registrar shall be the registrar of the Court.
 - (d) The marshal of the Court shall be appointed by the Minister and shall hold office on such terms and conditions as the Minister, with the sanction of the Minister for Finance, shall determine.
 - (e) The authorities, powers, duties and functions of the registrar of the Court shall correspond with those conferred or imposed by statute or rule of court on the officer attached to the High Court who is acting as Admiralty Registrar of the High Court.
 - (f) The authorities, powers, duties and functions of the marshal of the Court shall correspond with those conferred or imposed by statute or rule of court on the officer attached to the High Court who is acting as Admiralty Marshal of the High Court.
 - (g) The person (if any) who, immediately before the operative date, held the office of or acted as marshal for the purposes of the jurisdiction in admiralty exercised, immediately before the operative date, by the existing Cork Circuit Court Judge shall, by virtue of this paragraph, become and be marshal of the Court and shall hold that office upon the terms and conditions upon which, immediately before the operative date, he held such first-mentioned office.
- (3) (a) In this subsection, “the Court” means the Cork Local Bankruptcy Court constituted by subsection (3) of section 23 of this Act.
- (b) There shall be attached to the Court the following officers—
 - (i) a registrar,
 - (ii) an official assignee,
 - (iii) a messenger,
 - (iv) such other officers (if any) as the Minister, with the concurrence of the Minister for Finance, shall determine.
 - (c) The Cork County Registrar shall be the registrar of the Court.
 - (d) Each officer of the Court (other than the registrar of the Court) shall be appointed by the Minister and shall hold office on such terms and conditions as the Minister, with the sanction of the Minister for Finance, shall determine.
 - (e) The authorities, powers, duties and functions of the registrar of the Court shall correspond with those conferred or imposed on one of the Examiners or the Examiner (where there is only one Examiner) by subparagraph (2) of paragraph 11 of the Eighth Schedule to this Act.

- (f) The authorities, powers, duties and functions of the official assignee of the Court shall correspond with those conferred or imposed by statute or rule of court on the Official Assignee in Bankruptcy.
- (g) All such and the like property, estate and effects as would vest in the Official Assignee in Bankruptcy in the case of proceedings instituted in the High Court shall vest in the official assignee of the Court where proceedings are instituted in the Court, and the enactments regulating and affecting the vesting of any of such property, estate and effects in the Official Assignee in Bankruptcy and the divesting thereof shall also regulate and affect the vesting of the same in the official assignee of the Court and the divesting thereof.
- (h) The person (if any) who, immediately before the operative date, held the office of or acted as official assignee for the purposes of the jurisdiction in bankruptcy exercised immediately before the operative date by the existing Cork Circuit Court Judge shall, by virtue of this paragraph, become and be official assignee of the Court and shall hold that office upon the terms and conditions upon which, immediately before the operative date, he held such first-mentioned office.
- (i) The rights, powers, duties and obligations of the messenger of the Court shall correspond with those conferred or imposed by statute or rule of court on the messenger attached to the Office of the Official Assignee in Bankruptcy.

(4) In section 9 of the Act of 1945, as applied by section 48 of this Act, the references to a court shall be construed as including references to the Cork Local Admiralty Court and the Cork Local Bankruptcy Court.

Right of audience of solicitors in Circuit Court, Cork Local Admiralty Court and Cork Local Bankruptcy Court. **60.**—A solicitor who is acting generally for a party in an action, suit, matter or criminal proceedings in the Circuit Court, the Cork Local Admiralty Court or the Cork Local Bankruptcy Court and a solicitor qualified to practise (within the meaning of the Solicitors Act, 1954) who is acting as his assistant shall have a right of audience in such Court.

Solicitors and commissioners for oaths. **61.**—All persons who, immediately before the operative date, were solicitors of the courts mentioned in column (2) of Part I of the Seventh Schedule to this Act and all persons who, immediately before the operative date, were commissioners to administer oaths shall on the operative date become respectively solicitors of the courts mentioned in column (3) of the said Part I and commissioners to administer oaths.

FIRST SCHEDULE

Enactments Repealed

Section 3.

| Session and Chapter or Number and Year | Short Title | Extent of Repeal |
|---|--------------------------------|--|
| (1) | (2) | (3) |
| 5 & 6 Vic. c. 24. | Dublin Police Act, 1842 . | Section 68. |
| 43 & 44 Vic. c. 39. | Lunacy (Ireland) Act, 1880. | The whole Act. |
| 6 Edw. 7. c. 37. | Labourers (Ireland) Act, 1906. | In subsection (1) of section 31, all words from "and the Local Government Board" to the end of the subsection. |
| No. 10 of 1924. | Courts of Justice Act, 1924 . | Section 2; in section 3, the definition of "Central Criminal Court"; sections 4, 5, 6, 7, 8, 11, 13, 14, 16, 17 and 18; subsections (1) and (3) of section 19; in section 20, the words "From and after the commencement of this Act"; sections 21 and 22; in section 27, the words "From and after the commencement of this Act"; sections 30, 37, 41, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 55, 56 and 57; in section 60, all words from "Any judgment" to the end of the section; sections 67, 69, 70 and 74; in section 78, all words from "and the provisions" to the end of the section; sections 82, 83, 89, 93, 98, 99, 100, 102, 103 and 104; the Schedule. |
| No. 1 of 1926. | Courts of Justice Act, 1926 . | Sections 2, 3, 4 and 7. |

| | | |
|-----------------|------------------------------------|---|
| No. 27 of 1926. | Court Officers Act, 1926 . | Subsection (2) of section 1; in section 2, the definitions of "the Chief Justice" and "court" subsections (1) and (2) of section 3; in subsection (6) of section 3, the words from "but such age"to the end of the subsection; sections 4, 5, 6, 7, 10, 11, 13, 14, 19, 20, 21, 22, 25 and 26; in subsection (1) of section 28, the words "the Central Office and"; subsection (2) of section 28; section 30; in subsection (6) of section 35, from the words "but such age" to the end of the subsection; in subsection (1) of section 38, the words "or, where a local bankruptcy court formerly existed, the registrar, or any other officer of that court except the official assignee"; sections 45, 49 and 50; in subsection (1) of section 51, the words "after the appointed day" subsection (2) of section 51; section 55; subsection (4) of section 59; section 62; subsections (1), (2), (3), (4) and (6) of section 63; section 64. |
| No. 29 of 1927. | Courts of Justice Act, 1927 . | The whole Act. |
| No. 15 of 1928. | Courts of Justice Act, 1928 . | In subsection (1) of section 1, the definition of "the Chief Justice" subsection (2) of section 1; sections 2, 3, 4, 8, 9 , 13, 14, 15 and 22; the Schedule. |
| No. 35 of 1928. | Courts of Justice (No.2) Act, 1928 | The whole Act. |
| No. 40 of 1931. | Courts of Justice (No.2) Act, 1931 | The whole Act. |

| | | |
|-----------------|--|---|
| No. 48 of 1936. | Courts of Justice Act, 1936 . | Sections 3, 4, 5 and 6; subsection (1) of section 7; sections 8, 9, 15, 17, 18, 19, 25, 26, 27 and 28; in subsection (3) of section 31, the words “, on the commencement of this Part of this Act,” and “, as on and from such commencement,”; subsection (1) of section 33; in subsection (2) of section 33, the words “At any time after the commencement of this Part of this Act,”; sections 45, 48 and 50; subsections (2) and (4) of section 51; sections 54 and 56; paragraph (c) of subsection (3) of section 64; the First Schedule. |
| No. 25 of 1945. | Court Officers Act, 1945 . | Sections 2, 3, 4, 5, 7 and 8. |
| No. 21 of 1946. | Courts of Justice (District Court) Act, 1946 . | In section 2, all definitions except the definitions of “Justice” and “the Minister” sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 22; the Schedule. |
| No. 20 of 1947. | Courts of Justice Act, 1947 . | Sections 2, 4, 5, 6, 7 and 8; subsections (1) and (2) of section 9; in subsection (3) of section 9, the words “shall be appointed from amongst the Circuit Judges by the President acting on the advice of the Government and” subsection (4) of section 9; sections 13, 14, 15, 17, 18 and 20; the Schedule. |
| No. 8 of 1949. | Courts of Justice (District Court) Act, 1949 . | Sections 3 and 4; the Schedule. |
| No. 2 of 1951. | Criminal Justice Act, 1951 . | Sections 19 and 26; the Second Schedule. |
| No. 32 of 1953. | Courts of Justice Act, 1953 . | Sections 3, 4, 6, 7, 8, 9, 10, 11, 16, 17 and 18; subsection (1) of section 19; sections 20, 21, 22, 23, 24, 25 and 32; the Schedule. |
| No. 35 of 1959. | Courts of Justice Act, 1959 . | The whole Act. |

No. 15 of 1960.

Hire-Purchase (Amendment) Act, Paragraph (a) of subsection (1) of section
1960 . 19; paragraph (a) of subsection (2) of
section 19.

SECOND SCHEDULE

Pensions of Judges of Courts Established by the Principal Act

Sections 6 , 19 and 31.

Part I

Pensions of Judges of Supreme Court and High Court

1. In this Part "service" means service as a judge of the Supreme Court, the High Court, the Circuit Court, the existing Supreme Court, the existing High Court or the existing Circuit Court.

2. (1) This paragraph applies to a judge of the Supreme Court or the High Court who—

(a) was appointed a judge of the existing Supreme Court or the existing High Court after the passing of the Act of 1953, or

(b) never held office as a judge of the existing Supreme Court or the existing High Court.

(2) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, having reached the age of sixty-five years, vacates his office after fifteen years' service or upwards a pension for life of two-thirds of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years' service or upwards a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-twentieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of two-thirds of such remuneration.

3. (1) This paragraph applies to a judge of the Supreme Court or the High Court who held office as a judge of the existing Supreme Court or the existing High Court on the passing of the Act of 1953.

(2) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who vacates his office after fifteen years' service or upwards a pension for life of two-thirds of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the Supreme Court or the High Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years' service or upwards and less than fifteen years' service a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-twentieth of such remuneration for every completed year of service in excess of five.

Part II

Pensions of Judges of Circuit Court

4. In this Part "service" means service as a judge of the Circuit Court or the existing Circuit Court or as a justice of the District Court or the existing District Court.

5. (1) This paragraph applies to a judge of the Circuit Court who—

(a) was appointed a judge of the existing Circuit Court after the passing of the Act of 1953, or

(b) never held office as a judge of the existing Circuit Court.

(2) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, having reached the age of sixty-five years, vacates his office after fifteen years' service or upwards a pension for life of two-thirds of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years' service or upwards a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-twentieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of two-thirds of such remuneration.

6. (1) This paragraph applies to a judge of the Circuit Court who held office as a judge of the existing Circuit Court on the passing of the Act of 1953.

(2) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who vacates his office after fifteen years' service or upwards a pension for life of two-thirds of his remuneration at the time of such vacation of office.

(3) There shall be granted to a judge of the Circuit Court to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years' service or upwards and less than fifteen years' service a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-twentieth of such remuneration for every completed year of service in excess of five.

Part III

Pensions of Justices of District Court

7. In this Part—

“justice”, where used without qualification, means a justice of the District Court;

“service”, in relation to a justice, means any service by him, being—

(a) service as a District Justice under the District Justices (Temporary Provisions) Act, 1923

(b) service as a justice of the existing District Court,

(c) service as an additional justice, appointed under section 13 of the Courts of Justice Act, 1928, of the existing District Court, or

(d) service as a justice;

“the Superannuation Acts” means the Superannuation Act, 1834, as amended and extended by subsequent enactments, other than the Superannuation Act, 1956.

8. (1) This paragraph applies to a justice who—

(a) was appointed a justice of the existing District Court on or after the passing of the Act of 1936, or

(b) never held office as a justice of the existing District Court.

(2) There shall be granted to a justice to whom this paragraph applies and who, having reached the age of sixty-five years, vacates his office after twenty years' service or upwards a pension for life of two-thirds of his remuneration at the time of such vacation of office.

(3) There shall be granted to a justice to whom this paragraph applies and who, owing to age or permanent infirmity, vacates his office after five years' service or upwards a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-thirtieth of such remuneration for every completed year of service in excess of five, subject to a maximum pension of two-thirds of such remuneration.

9. (1) This paragraph applies to a justice who held office as a justice of the existing District Court on the passing of the Act of 1936.

(2) Unless and until he makes the election provided for in subparagraph (3) of this paragraph, the following provisions shall apply to a justice to whom this paragraph applies, namely, his office shall be a pensionable office within the meaning of the Superannuation Acts, and the superannuation allowance, additional allowance or gratuity granted to or in respect of him on the vacation of his office shall be ascertained in the manner and subject to the conditions prescribed by those Acts, and a certificate by the Chief Justice shall be a sufficient certificate for the purposes of section 8 of the Superannuation Act, 1859.

(3) A justice to whom this paragraph applies may, by notice in writing sent to the Minister for Finance at any time before he vacates his office, elect to accept the pension terms provided by this subparagraph, and in that case the following provisions shall apply to him—

- (a) there shall be granted to him, if he vacates his office after thirty years' service or upwards, a pension for life of two-thirds of his remuneration at the time of such vacation of office;
- (b) there shall be granted to him, if, owing to age or permanent infirmity, he vacates his office after ten years' service or upwards and less than thirty years' service, a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-fortieth of such remuneration for every completed year of service in excess of ten.

10. Where—

- (a) a justice, having completed ten years' service or upwards, vacates his office with the consent of the Government, and
- (b) such justice is not entitled under paragraphs 8 or 9 of this Schedule to a pension in respect of his service,

he shall be entitled to a pension for life of one-sixth of his remuneration at the time of such vacation of office with the addition of one-fortieth of such remuneration for every completed year of service in excess of ten, subject to a maximum pension of two-thirds of such remuneration.

THIRD SCHEDULE

Civil Proceedings In Respect Of Which The Jurisdiction Of The High Court Is, With Quantitative Limitations, Conferred On The Circuit Court, And Judges Of The Circuit Court By Whom The Jurisdiction Is To Be Exercised

Section 22 (1) .

| Ref.No | Civil proceedings in respect of which jurisdiction is conferred on the Circuit Court | Exclusion of jurisdiction (except by consent of necessary parties) in certain cases | Judge of Circuit Court by whom jurisdiction is to be exercised |
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| (1) | (2) | (3) | (4) |

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| 1. | An action (other than an action of the kind specified in column (2) of this Schedule at reference number 3, 4 or 5) founded on contract or quasi-contract. | Where the amount of the claim exceeds £600. | At the election of the plaintiff (whether the claim be to enforce, rescind, dissolve or annul the contract or for damages or other relief for the breach thereof)— |
| 2. | An action (other than an action of the kind specified in column (2) of this Schedule at reference number 3, 4 or 5) founded on contract where the debt or demand claimed consists of a balance after a set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, being a set-off admitted by the plaintiff in the particulars of his claim or demand. | Where the amount of the balance claimed exceeds £600. | <p>(a) the judge of the circuit within which the contract was made, or</p> <p>(b) the judge of the circuit where the defendant or one of the defendants resides or carries on business.</p> |
| 3. | An action by the owner of goods let under a hire-purchase agreement (within the meaning of the Hire - Purchase Acts, 1946 and 1960) to enforce a right to recover possession of the goods from the hirer. | <p>Where the hire-purchase price (within the meaning of the said Acts) exceeds £1,000.</p> <p>Where the amount of the claim exceeds £1,000.</p> | In case the defendant or one of the defendants ordinarily resides or carries on business in the State—the judge of the circuit where the defendant or one of the defendants resides or carries on business. |
| 4. | An action by the owner of goods let under a hire-purchase agreement (within the meaning of the Hire - Purchase Acts, 1946 and 1960) to enforce payment of a sum due under the hire-purchase agreement or under any contract of guarantee relating thereto. | | In any other case—the judge of the circuit within which the hire-purchase agreement was made. |

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| 5. | An action commenced after the commencement of the Act founded on a credit-sale agreement (within the meaning of the Hire-Purchase Acts, 1946 and 1960). | Where the amount of the claim exceeds £1,000. | In case the defendant or one of the defendants ordinarily resides or carries on business in the State—the judge of the circuit where the defendant or one of the defendants resides or carries on business. In any other case—the judge of the circuit within which the credit-sale agreement was made. |
| 6. | An action (other than an action for wrongful detention or matrimonial proceedings) founded on tort (other than criminal conversation with a man's wife). | Where the amount of the claim exceeds £600. | At the election of the plaintiff— (a) the judge of the circuit where the tort is alleged to have been committed, or (b) the judge of the circuit where the defendant or one of the defendants resides or carries on business. |
| 7. | An action for wrongful detention. | Where the value of the goods claimed exceeds £600. | The judge of the circuit where the defendant or one of the defendants resides or carries on business. |
| 8. | An action in which the title to land comes into question, other than an action of ejectment. | Where the rateable valuation of the land exceeds £60. | The judge of the circuit where the land or any part of the land is situate. |

9. An action of ejectment other than—

(a) an action under section 82 of the Civil Bill Courts (Ireland) Act, 1851, or under section 78 of 80 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 (hereinafter in this Schedule referred to as the Act of 1860), or

(b) an action of the kind specified in column (2) of this Schedule at reference number 10.

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| 10. | An action of ejectment for a year's rent in arrear maintainable in the High Court under section 52 of the Act of 1860. | Where the rateable valuation of the land exceeds £60. | The judge of the circuit where the land in respect of which the rent in arrear is payable or any part of that land is situate. |
| 11. | An action for rent in arrear maintainable in the High Court under section 45 of the Act of 1860. | Where the rent in arrear exceeds £600. | |
| 12. | An action for use and occupation of land maintainable in the High Court under section 46 of the Act of 1860. | Where the amount claimed exceeds £600. | The judge of the circuit where the land or any part of the land is situate. |

13. An action for double rent for overhold-ing land maintainable in the High Court under section 76 of the Act of 1860.
14. An action to recover double the value of goods fraudulently carried off or concealed or clandestinely removed to prevent distress for arrears of rent and maintainable in the High Court under section 3 of the pre-Union Irish statute 15 Geo. 2. c. 8 (Ir.) (1741) entitled "An Act for the more effectual securing the payment of rents, and preventing frauds by tenants".
15. An application under—(a) section 34 or 52 of the Registration of Title Act, 1891, or (b) section 13 of the Registration of Title Act, 1942 (No. 26 of 1942).
16. An action in respect of the grant or revocation of the grant of probate of the will or letters of administration of the estate of a deceased person in case there is any contention in relation thereto.
- Where the value of the goods removed exceeds £300.
- Where the rateable valuation of the land exceeds £60.
- Where the estate of the deceased person—
- (a) in so far as it consists of personalty, exceeded at the time of his death in amount or value £2,000, exclusive of what he may have been entitled to as a trustee and not beneficially, but without deducting
- The judge of the circuit where the defendant or one of the defendants resides or carries on business.
- The judge of the Circuit where the land or any part of the land is situate.

17. Proceedings for the administration of the estate of a deceased person. anything on account of debts due and owing from the deceased, or The judge of the circuit where the testator or intestate had at the time of his death a fixed place of abode.
- (b) in so far as it consisted of land of which he was at the time of his death beneficially seised or possessed, exceeded the rateable valuation of £60.
18. Proceedings for the dissolution of a partnership or the taking of partnership or other accounts. Where the property of the partnership— (a) in so far as it consists of personalty, exceeds in amount or value £2,000, or (b) in so far as it consists of land, exceeds the rateable valuation of £60. At the election of the plaintiff— (a) the judge of the circuit where the partnership business was or is carried on, or (b) the judge of the circuit where the defendant or one of the defendants resides or carries on business.
19. Proceedings for any of the following purposes— (a) the redemption of mortgages on land, (b) the raising of portions or other charges on land, (c) the sale and distribution of the proceeds of any land subject to any mortgage, lien or charge. Where the rateable valuation of the land exceeds £60. The judge of the circuit where the land or any part of the land is situate.

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| 20. | Proceedings for the execution of trusts, charitable or private. | Where— | The judge of the circuit where |
| | | (a) the trust estate or fund, in so far as it consists of personalty, exceeds in amount or value £2,000, or | the defendant or one of the defendants resides or carries on business. |
| | | (b) the trust estate, in so far as it consists of land, exceeds the rateable valuation of £60. | |
| 21. | Proceedings for the rectification or setting aside or cancellation of deeds or other written instruments. | Where the subject matter— | Where the subject matter |
| | | (a) in so far as it consists of personalty, exceeds in amount or value £2,000, or | consists entirely of personalty, the judge of the circuit where the defendant or one of the defendants resides or carries on business. |
| | | (b) in so far as it consists of land, exceeds the rateable valuation of £60. | Where the subject matter consists in whole or in part of land, at the option of the plaintiff— |
| | | | (a) the judge of the circuit where the defendant or one of the defendants resides or carries on business, or |
| | | | (b) the judge of the circuit where the land or any part of the land is situate. |
| 22. | Proceedings for specific performance of contracts. | | |
| 23. | Proceedings for the partition or sale of land. | Where the rateable valuation of the land exceeds £60. | The judge of the circuit where the land or any part of the land is situate. |

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| 24. | Proceedings for the wardship of infants and the care of infants' estates. | Where the property— (a) in so far as it consists of personalty, exceeds in amount or value £2,000, or (b) in so far as it consists of land, exceeds the rateable valuation of £60. | The judge of the circuit where the infant or one of the infants resides. |
| 25. | Proceedings under the Settled Land Acts, 1882 to 1890. | Where the property— (a) in so far as it consists of capital money arising under the said Acts, exceeds in amount or value £2,000, or (b) in so far as it consists of land, exceeds the rateable valuation of £60. | The judge of the circuit where the land or the land (represented by the capital money) or any part of the land is situate. |
| 26. | Proceedings under the Trustee Acts, namely, the Trustee Act, 1893, the Trustee Act, 1893, Amendment Act, 1894, and the Trustee Act, 1931 (No. 20 of 1931). | Where the trust property— (a) in so far as it consists of personalty, exceeds in amount or value £2,000, or (b) in so far as it consists of land, exceeds the rateable valuation of £60. | The judge of the circuit where the applicant or one of the applicants resides. |

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| <p>27. An action (in relation to property) claiming an injunction, otherwise than as ancillary to other relief.</p> | <p>Where the property—</p> <p>(a) in so far as it consists of personalty, exceeds in amount or value £2,000, or</p> <p>(b) in so far as it consists of land, exceeds the rateable valuation of £60.</p> | <p>Where the property consists only of personalty, the judge of the circuit where the defendant or one of the defendants resides or carries on business. Where the property consists of land, at the option of the plaintiff—</p> <p>(a) the judge of the circuit where the defendant or one of the defendants resides or carries on business, or</p> <p>(b) the judge of the circuit where the land or any part of the land is situate.</p> |
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| <p>28. Proceedings in relation to property not hereinbefore specified in this Schedule and which immediately before the commencement of Part I of the Courts of Justice Act, 1924 (No. 10 of 1924), were assigned to the Chancery Division of the former High Court of Justice in Southern Ireland, other than proceedings in relation to companies.</p> | <p>Where the property—</p> <p>(a) in so far as it consists of personalty, exceeds in amount or value £2,000, or</p> <p>(b) in so far as it consists of land, exceeds the rateable valuation of £60.</p> | <p>Where the proceedings are in a cause, the judge of the circuit where the defendant or one of the defendants resides or carries on business.</p> <p>Where the proceedings are in a matter and any land is involved, at the option of the applicant—</p> <p>(a) the judge of the circuit where the applicant resides or carries on business, or</p> <p>(b) the judge of the circuit where the land or any part of the land is situate.</p> <p>Where the proceedings are in a matter, and no land is involved, the judge of the circuit where the applicant resides or carries on business.</p> |
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| 29. | Proceedings (other than proceedings under the <i>Gárda Síochána</i> (Compensation) Acts, 1941 and 1945) by any person, including a State authority, to recover any sum (including a sum recoverable by way of debt, penalty, forfeiture or otherwise, but excluding a fine to which a person is liable on conviction of a criminal offence) recoverable by virtue of any enactment, other than an enactment set out in the Fourth Schedule to this Act. | Where the amount due or recoverable exceeds £600. | The judge of the circuit where the defendant or one of the defendants resides or carries on business. |
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FOURTH SCHEDULE

Jurisdiction of the Circuit Court under certain British statutes and Saorstát éireann statutes, and judges of the Circuit Court by whom the jurisdiction is to be exercised

Section 22 (3).

| Ref. No. | Enactments conferring jurisdiction on former Recorders, County Court Judges, Chairmen of Quarter Sessions, or Courts of Quarter Sessions | Judge of Circuit Court by whom jurisdiction is to be exercised |
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| (1) | (2) | (3) |
| 1. | Excise Management Act, 1827 (7 and 8 Geo. 4. c. 53)—section 82. | The judge of the circuit in which is situate the courthouse in which the judgment appealed against was given. |
| 2. | Grand Jury (Ireland) Act, 1836 (6 & 7 Will. 4. c. 116)— section 87. | The judge of the circuit where the defendant resides. |
| 3. | Poor Relief (Ireland) Act, 1838 (1 & 2 Vic. c. 56)— sections 73 and 78. | The judge of the circuit where the person liable to pay the rate resides. |
| 4. | Poor Relief (Ireland) Act, 1838 (1 & 2 Vic. c. 56)— sections 106 to 109 and section 112. | The judge of the circuit where the rate was made. |

5. Drainage (Ireland) Act, 1842 (5 & 6 Vic. c. 89)— section 58. The judge of the circuit where any part of the drain, stream or rivulet required to be cleaned or scoured is situate.
6. Scientific Societies Act, 1843 (6 & 7 Vic. c. 36)— sections 5 and 6. The judge of the circuit where the land or buildings of the society are situate.
7. Poor Relief (Ireland) Act, 1843 (6 & 7 Vic. c. 92)— sections 2 and 3. The judge of the circuit where the property is situate.
8. County Dublin Grand Jury Act, 1844 (7 & 8 Vic. c. 106)— section 110. The judge of the circuit where the defendant resides.
9. Drainage (Ireland) Act, 1846 (9 & 10 Vic. c. 4)— section 42 (so far as the section relates to the recovery of costs and expenses of cleaning, scouring out and removal of accumulated matter from aqueducts, culverts or tunnels under canals). The judge of the circuit where the aqueduct, culvert or tunnel is situate.
10. Drainage (Ireland) Act, 1846 (9 & 10 Vic. c. 4)— section 42 (so far as the section relates to the recovery by the Commissioners of Public Works in Ireland of the costs and expenses of altering aqueducts, culverts, or tunnels under canals so as to prevent injury to lands). The judge of the circuit where the lands are situate.
11. Ejectment and Distress (Ireland) Act, 1846 (9 & 10 Vic. c. 111)— section 8. The judge of the circuit in which is situate the courthouse in which the order or decree for recovery of possession was made.
12. Landed Property Improvement (Ireland) Act, 1847 (10 & 11 Vic. c. 32)— section 40. The judge of the circuit where the defendant resides.
13. Eviction (Ireland) Act, 1848 (11 & 12 Vic. c. 47)— section 6. The judge of the circuit where the defendant resides.
14. Poor Relief (Ireland) Act, 1849 (12 & 13 Vic. c. 104)— section 29. The judge of the Circuit Court before whom the legal proceedings are pending.

15. Civil Bill Courts (Ireland) Act, 1851 (14 & 15 Vic. c. 57)—proviso to section 35. The judge of the Circuit Court before whom the case is heard and determined.
16. Civil Bill Courts (Ireland) Act, 1851 (14 & 15 Vic. c. 57)— The judge of the circuit where the land distrained or threatened to be distrained is situate.
sections 38 and 39.
17. Civil Bill Courts (Ireland) Act, 1851 (14 & 15 Vic. c. 57)— The judge of the circuit where the land is situate.
section 82.
18. Valuation (Ireland) Act, 1852 (15 & 16 Vic. c. 63)— The judge of the circuit where the tenement or rateable hereditament is situate; or, in the case of an incorporeal hereditament, the judge of the circuit where the property or any part of the property to, out of or in respect of which the incorporeal hereditament is annexed, arises, issues or is exercisable is situate; or, in the case of a half-rent, the judge of the circuit where the property in respect of which the half-rent is determined is situate.
sections 16, 22, 23 and 31.
19. Succession Duty Act, 1853 (16 & 17 Vic. c. 51)— At the election of the appellant—
section 50. (a) the judge of the circuit where the appellant resides, or
(b) the judge of the circuit where the property is situate.
20. Boundary Survey (Ireland) Act, 1854 (17 & 18 Vic. c. 17)— The judge of the circuit where the boundary line or any part thereof is situate.
section 9.
21. Towns Improvement (Ireland) Act, 1854 (17 and 18 Vic. c. 103)— The judge of the circuit where the works to be constructed are situate.
section 41.
22. Literary and Scientific Institutions Act, 1854 (17 & 18 Vic. c. 112)— The judge of the circuit where the principal building of the institution is situate.
sections 29 and 30.
23. Drainage (Ireland) Act, 1856 (19 & 20 Vic. c. 62)— The judge of the circuit where the defendant resides.
section 39.

24. Boundary Survey (Ireland) Act, 1857 (20 & 21 Vic. c. 45)—
 section 5. The judge of the circuit where the boundary line or any part thereof is situate.
25. Landlord and Tenant Law Amendment Act, Ireland, 1860 (23 & 24 Vic. c. 154) (hereinafter in this Schedule referred to as the Act of 1860)—
 sections 30 and 31. At the election of the landlord—
 (a) the judge of the circuit where the tenant resides, or
 (b) the judge of the circuit where the land or any part of the land is situate.
26. The Act of 1860—
sections 32 and 33. The judge of the circuit where the land or any part of the land is situate.
27. The Act of 1860—
 section 37. The judge of the circuit where the land in relation to which the precept, order or conviction was made is situate.
28. The Act of 1860—
 section 38. The judge of the circuit where the defendant resides.
29. The Act of 1860—
 sections 61, 63, 71, 78, 80, 82 and 95. The judge of the circuit where the land or any part of the land is situate.
30. Valuation (Ireland) Act, 1864 (27 & 28 Vic. c. 52)—
 sections 1 and 3. The judge of the circuit where the tenement or rateable hereditament is situate; or, in the case of an incorporeal hereditament, the judge of the circuit where the property or any part of the property to, out of or in respect of which the incorporeal hereditament is annexed, arises, issues or is exercisable is situate; or, in the case of a half-rent, the judge of the circuit where the property in respect of which the half-rent is determined is situate.
31. Attorneys' and Solicitors' Act, 1870 (33 & 34 Vic. c. 28)—
 section 8. At the option of the person seeking to enforce or set aside the agreement—
 (a) the judge of the circuit where the other party to the agreement resides, or
 (b) the judge of the circuit where the agreement was made.

32. Landlord and Tenant (Ireland) Act, 1870 (33 & 34 Vic. c. 46)— The judge of the circuit where the matter requiring the cognizance of the Court arises.
Part I.
33. Landlord and Tenant (Ireland) Act, 1870 (33 & 34 Vic. c. 46)—sections 42, 43, 44, 47 and 56. The judge of the circuit where the holding in respect of which the charging order is sought or any part of that holding is situate.
34. Charitable Donations and Bequests (Ireland) Act, 1871 (34 & 35 Vic. c. 102)— The judge of the circuit where the defendant resides.
sections 8 and 16.
35. Bankruptcy (Ireland) Amendment Act, 1872 (35 & 36 Vic. c. 58)— The judge of the circuit where the debtor had a fixed abode at the time of adjudication of bankruptcy.
sections 81 and 82.
36. Building Societies Act, 1874 (37 & 38 Vic. c. 42)— The judge of the circuit where the building society has its chief office or place of meeting for the business of the society.
sections 24, 34, 35 and 36.
37. Hosiery Manufacture (Wages) Act, 1874 (37 & 38 Vic. c. 48)— The judge of the circuit where the offence was committed.
sections 3 and 4.
38. Employers and Workmen Act, 1875 (38 & 39 Vic. c. 90)— The judge of the Circuit Court before whom the proceedings are pending.
sections 3 and 8.
39. Rivers Pollution Prevention Act, 1876 (39 & 40 Vic. c. 75)— The judge of the circuit where the offence was committed.
section 10.
40. County Officers and Courts (Ireland) Act, 1877 (40 & 41 Vic. c. 56)— The judge of the Circuit Court before whom the proceedings are pending.
sections 41 and 47.
41. Public Health (Ireland) Act, 1878 (41 & 42 Vic. c. 52)— The judge of the circuit where the defendant resides.
sections 120, 122 and 260.
42. Public Health (Ireland) Act, 1878 (41 & 42 Vic. c. 52)— The judge of the circuit where the cause of appeal has arisen.
section 269.

43. Bankers' Books Evidence Act, 1879 (42 & 43 Vic. c. 11)— section 10. The judge of the Circuit Court before whom the proceedings are pending.
44. Inland Revenue Act, 1880 (43 & 44 Vic. c. 20)— section 43 (7). The judge of the circuit where the premises are situate.
45. Guardianship of Infants Act, 1886 (49 & 50 Vic. c. 27). The judge of the circuit where the respondent or any of the respondents resides.
46. Partnership Act, 1890 (53 & 54 Vic. c. 39). The judge of the circuit where the defendant resides.
47. Public Health Acts Amendment Act, 1890 (53 & 54 Vic. c. 59)— section 7 (1). The judge of the circuit where the functional area of the local authority is situate.
48. Industrial and Provident Societies Act, 1893 (56 & 57 Vic. c. 39)— sections 23 and 48. At the option of the society—
 (a) the judge of the circuit where the registered office of the society is situate,
 or
 (b) the judge of the circuit where the defendant resides.
49. Industrial and Provident Societies Act, 1893 (56 & 57 Vic. c. 39)— section 49. The judge of the circuit where the registered office of the society is situate.
50. Finance Act, 1894 (57 & 58 Vic. c. 30)— section 10 (5). At the option of the appellant—
 (a) the judge of the circuit where the appellant resides, or
 (b) the judge of the circuit where the property in respect of which the dispute arises is situate.
51. Friendly Societies Act, 1896 (59 & 60 Vic. c. 25)— sections 31 and 55. The judge of the circuit where the defendant resides.
52. Friendly Societies Act, 1896 (59 & 60 Vic. c. 25)— sections 68, 70 and 78. The judge of the circuit where the registered office of the society is situate.

53. Local Government (Ireland) Act, 1898 (61 & 62 Vic. c. 37)—
section 5.
- In case—
- (a) the criminal injury comes within section 140 of the Grand Jury (Ireland) Act, 1836 ,
and
- (b) it was committed on the verge or within one mile of the boundary of two or more counties, and
- (c) all such counties are not within the same circuit,
- the judge of any circuit (to be selected by the applicant) which includes one or more of such counties.
- In any other case, the judge of the circuit where the criminal injury was committed.
54. Small Dwellings Acquisition Act, 1899 (62 & 63 Vic. c. 44)—
section 5 (2) and (5), as applied to Ireland by section 14 (2).
- The judge of the circuit where the house is situate.
55. Alkali, Etc. Works Regulation Act, 1906 (6 Edw. 7. c. 14)—
section 17.
- The judge of the circuit where the offence was committed.
56. Open Spaces Act, 1906 (6 Edw. 7. c. 25)—
section 4.
- The judge of the circuit where the whole or any part of the open space is situate.
57. Labourers (Ireland) Act, 1906 (6 Edw. 7. c. 37)—
section 6.
- The judge of the circuit where the land comprised in the improvement scheme is situate.
58. Labourers (Ireland) Act, 1906 (6 Edw. 7. c. 37)—
section 11.
- The judge of the circuit where the land in respect of which the sum was paid as purchase money or compensation under paragraph (1) of the said section 11 is situate.
59. Workmen's Compensation Act, 1906 (6 Edw. 7. c. 58)—
Second Schedule.
- The judge of the Circuit Court before whom the proceedings are pending.

60. Public Health Acts Amendment Act, 1907 (7 Edw. 7. c. 53)—
section 7 (1). The judge of the circuit where the functional area of the local authority is situate.
61. Children Act, 1908 (8 Edw. 7. c. 67)—
section 58 (2). The judge of the Circuit Court before whom the child is charged.
62. Finance (1909-10) Act, 1910 (10 Edw. 7 & 1 Geo. 5. c. 8)—
section 33 (4). At the option of the appellant—
(a) the judge of the circuit where the appellant resides, or
(b) the judge of the circuit where the property is situate.
63. Labourers (Ireland) Act, 1911 (1 & 2 Geo. 5. c. 19) —
section 6. The judge of the circuit where the land, in respect of which the purchase money or compensation is payable, is situate.
64. Public Roads (Ireland) Act, 1911 (1 & 2 Geo. 5. c. 45)—
section 1 (4). At the election of the plaintiff—
(a) the judge of the circuit where the damage was done, or
(b) the judge of the circuit where the defendant or one of the defendants resides or carries on business.
65. Pilotage Act, 1913 (2 & 3 Geo. 5. c. 31)—
section 28. The judge of the circuit where the port for which the pilot is licensed is situate.
66. Criminal Justice Administration Act, 1914 (4 & 5 Geo. 5. c. 58)—
section 10. The judge of the circuit in which is situate the courthouse in which the offender was summarily convicted.
67. Income Tax Act, 1918 (8 & 9 Geo. 5. c. 40)—
section 196. The judge of the circuit where the assessment was made.
68. Housing (Ireland) Act, 1919 (9 & 10 Geo. 5. c. 45) —
section 12. The judge of the circuit where the land in respect of which the purchase money or compensation is payable is situate.
69. Housing (Ireland) Act, 1919 (9 & 10 Geo. 5. c. 45) —
section 25. The judge of the circuit where the land is situate.

70. Sheriffs (Ireland) Act, 1920 (10 & 11 Geo. 5. c. 26) — The judge of the circuit where the seizure was made.
section 7.
71. Electoral Act, 1923 (No. 12 of 1923)— The judge of the circuit where the registration area of the registration officer concerned is situate.
section 16.
72. Land Act, 1923 (No. 42 of 1923) — The judge of the circuit where the land is situate.
section 69 (3).

FIFTH SCHEDULE

Adaptations (in relation to the Circuit Court and the judges thereof) of certain British statutes relating to former County Courts, Courts of Quarter Sessions and judges thereof

Section 22 (4)

| Session and Chapter | Short Title | Adaptation |
|----------------------|---------------------------------|---|
| (1) | (2) | (3) |
| 7 & 8 Geo. 4. c. 53. | Excise Management Act, 1827 . | The references to the justices of the peace assembled at the general quarter sessions shall be construed as references to the Circuit Court. |
| 6 & 7 Vic. c. 36. | Scientific Societies Act, 1843. | In section 2, the references to the recorder or justices shall be construed as references to the judge of the circuit where the land or buildings of the society are situate. |

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| 12 & 13 Vic. c. 104. | Poor Relief (Ireland) Act, 1849 . | In section 18, the reference to a judgment obtained in any action or suit in a superior court shall be construed as including a reference to a judgment of the Circuit Court. |
| | | In section 29, the references to an assistant barrister, the chairman of the sessions of the peace of the county of Dublin or a recorder shall be construed as references to the judge of the Circuit Court before whom the proceedings are pending. |
| 14 & 15Vic. c. 90. | Fines (Ireland) Act, 1851 . | In section 10, as amended by section 2 of the Summary Jurisdiction (Ireland) Act, 1918 (8 & 9 Geo. 5. c. 18), the references to an assistant barrister, recorder of a city or borough and the chairman of quarter sessions for the county of Dublin shall be construed as references to a judge of the Circuit Court. |
| 14 & 15 Vic. c. 93. | Petty Sessions (Ireland) Act, 1851 | In section 34, as amended by section 2 of the Summary Jurisdiction (Ireland) Act, 1918 (8 & 9 Geo. 5. c. 18), the first reference to quarter sessions shall be construed as a reference to the Circuit Court. |
| 17 & 18 Vic. c. 103. | Towns Improvement (Ireland) Act, 1854 . | In section 44, the reference to the court of the assistant barrister shall be construed as a reference to the Circuit Court. |
| 23 & 24 Vic. c. 4. | Annual Revision of Rateable Property (Ireland) Amendment Act, 1860. | References to the court of quarter sessions shall be construed as references to the Circuit Court. References to the chairman of quarter sessions shall be construed as references to a judge of the Circuit Court. |

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| 23 & 24 Vic. c. 154. | Landlord and Tenant Law Amendment Act, Ireland, 1860 . | In section 70, the reference to an assistant barrister shall be construed as a reference to a judge of the Circuit Court. In section 79, the references to the chairman of the county shall be construed as references to the judge of the circuit where the lands or premises to which the certificate of desertion relates or any part thereof are situate. |
| 27 & 28 Vic. c. 52. | Valuation (Ireland) Act, 1864. | The references to quarter sessions shall be construed as references to the Circuit Court. |
| 33 & 34 Vic. c. 28. | Attorneys' and Solicitors' Act, 1870 . | In section 8, the references to fifty pounds shall be construed as references to six hundred pounds. |
| 33 & 34 Vic. c. 46. | Landlord and Tenant (Ireland) Act, 1870 . | In sections 59, 60 and 61, the references to the civil bill court of a county shall be construed as references to the judge of the circuit where the county is situate. |
| 34 & 35 Vic. c. 78. | Regulation of Railways Act, 1871 . | In section 7, the reference to a county court judge shall be construed as a reference to a judge of the Circuit Court. |
| 35 & 36 Vic. c. 58. | Bankruptcy (Ireland) Amendment Act, 1872. | In sections 81 to 86, the references to the chairman of quarter sessions within whose jurisdiction the debtor had a fixed abode at the time of the adjudication of bankruptcy shall be construed as references to the judge of the circuit where the debtor had a fixed abode at the time of the adjudication of bankruptcy. |
| 37 & 38 Vic. c. 72. | Fines (Ireland) Act, 1851, Amendment Act, 1874 . | In section 2, the reference to an assistant barrister, recorder or chairman shall be construed as a reference to a judge of the Circuit Court. |

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| 38 & 39 Vic. c. 17. | Explosives Act, 1875 . | In section 66, the reference to a county court judge shall be construed as a reference to a judge of the Circuit Court. |
| 38 & 39 Vic. c. 90. | Employers and Workmen Act, 1875 . | In section 8, the reference to a county court shall be construed as a reference to the Circuit Court. |
| 39 & 40 Vic. c. 36. | Customs Consolidation Act, 1876 . | In the definition (contained in section 284) of "justice", the reference to a county court judge shall be construed as a reference to a judge of the Circuit Court. |
| 40 & 41 Vic. c. 56. | County Officers and Courts (Ireland) Act, 1877 . | In section 47, the reference to five hundred pounds shall be construed as a reference to two thousand pounds and the reference to thirty pounds as a reference to sixty pounds. |
| 41 & 42 Vic. c. 52. | Public Health (Ireland) Act, 1878 . | In section 115, the reference to the court of quarter sessions shall be construed as a reference to the Circuit Court. |
| 41 & 42 Vic. c. 76. | Telegraph Act, 1878. | In section 4 (including that section as applied by section 4 of the Telegraph Act, 1892 (55 & 56 Vic. c. 49), sections 3 and 5 of the Telegraph (Construction) Act, 1908 (8 Edw. 7. c. 33), and section 1 of the Telegraph (Construction) Act, 1916 (6 & 7 Geo. 5. c. 40)), the references to the judge of the county court having jurisdiction within the district in which the difference has arisen shall be construed as references to the judge of the circuit where the district is situate. |
| 44 & 45 Vic. c. 49. | Land Law (Ireland) Act, 1881 . | In subsection (1) of section 37, the reference to the civil bill court of the county where the matter requiring the cognizance of the court arises shall be construed as a reference to the judge of the circuit where the matter requiring the cognizance of the court arises. |

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| 56 & 57 Vic. c. 39. | Industrial and Provident Societies Act, 1893 . | In section 61, the reference to the county court of the district where the registered office of the society is situate shall be construed as a reference to the judge of the circuit where the registered office of the society is situate. |
| 57 & 58 Vic. c. 60. | Merchant Shipping Act, 1894 . | In paragraph (c) of subsection (4) of section 547, the reference to the recorder or the chairman of quarter sessions shall be construed as a reference to a judge of the Circuit Court. |
| 8 Edw. 7. c. 57. | Coal Mines Regulation Act, 1908. | In subsection (5) of section 1, the reference to the judge of county courts for the district in which the mine is situate shall be construed as a reference to the judge of the circuit where the mine is situate. |
| 8 Edw. 7. c. 67. | Children Act, 1908. | In subsection (4) of section 74 and in subsection (2) of section 75, the references to the court of quarter sessions shall be construed as references to the Circuit Court. |
| 1 & 2 Geo. 5. c. 19. | Labourers (Ireland) Act, 1911. | In subsection (1) of section 6 (including that section as applied by section 12 of the Housing (Ireland) Act, 1919 (9 & 10 Geo. 5. c. 45)), the references to the county court shall be construed as references to the Circuit Court, and the reference to one hundred pounds shall be construed as a reference to six hundred pounds. |
| 1 & 2 Geo. 5. c. 45. | Public Roads (Ireland) Act, 1911. | In subsection (4) of section 1, the reference to two hundred and fifty pounds shall be construed as a reference to six hundred pounds. |

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| 1 & 2 Geo. 5. c. 50. | Coal Mines Act, 1911. | In section 11 (including that section as applied by section 1 of the Coal Mines Act, 1914 (4 & 5 Geo. 5. c. 22)), the reference to a county court judge shall be construed as a reference to a judge of the Circuit Court. In subsection (3) of section 77, the reference to the judge of the county court for the district in which the mine is situate shall be construed as a reference to the judge of the circuit where the mine is situate. |
| 2 & 3 Geo. 5. c. 30. | Trade Union Act, 1913 . | In subsection (2) of section 3, the references to the county court shall be construed as references to the Circuit Court. |
| 9 & 10 Geo. 5. c. 45. | Housing (Ireland) Act, 1919 . | In subsection (3) of section 25, the reference to thirty pounds shall be construed as a reference to sixty pounds and the reference to the county court as a reference to the Circuit Court. |
| 10 & 11 Geo. 5. c. 26. | Sheriffs (Ireland) Act, 1920 . | In section 7, the references to a civil bill court shall be construed as references to the Circuit Court. |

SIXTH SCHEDULE

Assignment of justices of District Court to district court districts

Section 32 (3) .

Definitions.

1. In this Schedule—

“district” means a district court district;

“district justice” means a justice of the District Court, but does not include a temporary district justice;

“temporary district justice” means a person appointed under section 51 of the Act of 1936, as applied by section 48 of this Act to act as a district justice.

Permanent assignment of district justices to districts.

2. (1) (a) Where a person is appointed a district justice, then, subject to clause (b) of this subparagraph, the Government, if they think fit, may, upon such appointment, assign him permanently to a particular district.

(b) Where, at the time of the appointment of a person to be a district justice, there are four district justices not permanently assigned to particular districts, the Government shall assign that person permanently to a particular district.

(2) Where a district justice is not upon appointment permanently assigned to a particular district, the Government may at any time assign him permanently to a particular district.

(3) A district justice who is permanently assigned to a particular district may, with his consent, be transferred by the Minister to another district and, if he is so transferred, he shall upon such transfer become and be permanently assigned to such other district in lieu of being permanently assigned to such first-mentioned district.

(4) (a) Where a district justice is permanently assigned to a particular district, the Government, at his request, may, if they think fit, terminate his permanent assignment to that district.

(b) Where the permanent assignment of a district justice is terminated under clause (a) of this subparagraph, the Government may at any time thereafter assign him permanently to a particular district.

Temporary assignment to districts of district justices and temporary district justices.

3. (1) A district justice who is permanently assigned to a particular district may, with his consent, from time to time be temporarily assigned by the Minister to another district, but such temporary assignment shall be without prejudice to the exercise and performance by him of the privileges, powers and duties for the time being conferred or imposed on him by law in relation to the district to which he is permanently assigned.

(2) A district justice who is not for the time being permanently assigned to a district may from time to time be assigned by the Minister to any district.

(3) A temporary district justice may from time to time be temporarily assigned by the Minister to any district.

(4) Where a person is temporarily assigned to a district under subparagraph (1), (2) or (3) of this paragraph—

(a) in case there is for the time being a district justice permanently assigned to that district—he shall, in relation to that district have, while so temporarily assigned, concurrently with that district justice, all the privileges, powers and duties for the time being conferred or imposed by law on that district justice,

(b) in any other case—he shall, in relation to that district have, while so temporarily assigned, all such privileges, powers and duties as would for the time being be conferred or imposed by law if he were a district justice permanently assigned to that district.

(5) The Minister may at any time terminate a temporary assignment made under this paragraph.

District justice acting in certain cases for another district justice who is permanently assigned to a district.

4. (1) Wherever it appears to the President of the District Court, on the representation of a justice of the District Court permanently assigned to a particular district, that such justice cannot properly deal with any matter before him by reason of the fact that he has a personal interest therein or such personal knowledge of the facts or of the parties as might prejudice the trial of that matter, the President of the District Court may nominate another justice of the District Court, who so consents, to hear and determine that matter in that district and, if the President does so, then that matter may be heard and determined accordingly.

(2) In the case of illness or absence of the district justice permanently assigned to a district (in this subparagraph referred to as the first justice), another district justice may, with the consent of the Minister (in addition, if he is permanently assigned to another district, to exercising and performing the privileges, powers and duties conferred by law in relation to the district to which he is permanently assigned) exercise and perform during such illness or absence, the privileges, powers and duties for the time being conferred or imposed by law on the first justice in relation to the district to which the first justice is permanently assigned.

(3) Where a district justice permanently assigned to a particular district (in this subparagraph referred to as the first justice) requests another district justice (in this subparagraph referred to as the second justice) to act for him during a specified period (not exceeding seven days) the second justice may (in addition, if he is permanently assigned to another district, to exercising and performing the privileges, powers and duties conferred by law on him in relation to the district to which he is permanently assigned) exercise and perform during that period the privileges, powers and duties for the time being conferred or imposed by law on the first justice in relation to the district to which the first justice is permanently assigned.

SEVENTH SCHEDULE

Existing courts and corresponding courts established by the Principal Act, and judges of existing courts and corresponding judges of courts established by the Principal Act

Sections 48 , 49 and 61 .

| Ref. No. | Existing court | Court established by the Principal Act |
|----------|--|--|
| (1) | (2) | (3) |
| 1. | The existing Supreme Court. | The Supreme Court. |
| 2. | The existing High Court. | The High Court. |
| 3. | The existing Court of Criminal Appeal. | The Court of Criminal Appeal. |
| 4. | The existing Circuit Court. | The Circuit Court. |
| 5. | The existing District Court. | The District Court. |

Part II

| Ref. No. | Judge of existing court | Judge of court established by the Principal Act |
|----------|--|---|
| (1) | (2) | (3) |
| 1. | The existing Chief Justice. | The Chief Justice. |
| 2. | The existing President of the High Court. | The President of the High Court. |
| 3. | The existing President of the Circuit Court. | The President of the Circuit Court. |

EIGHTH SCHEDULE

Provisions in relation to offices and officers to be attached to the High Court, the Supreme Court and the President of the High Court

Section 55 (1).

Interpretation.

1. (1) This Schedule shall be construed as one with Part I of the Act of 1926.

(2) Except where the context otherwise requires, references in this Schedule to any enactment which is applied by section 48 of this Act shall be construed as references to that enactment as so applied.

Offices attached to the High Court, the Supreme Court and the President of the High Court.

2. There shall become and be attached to the High Court, the Supreme Court and the President of the High Court respectively the following offices—

To the High Court,

The Central Office,

The Taxing-Masters' Office,
The Probate Office,
The Office of the Official Assignee in Bankruptcy,
Two Examiners' Offices or the Examiner's Office,
The Accountant's Office;

To the Supreme Court,

The Office of the Registrar of the Supreme Court;

To the President of the High Court,

The Office of Wards of Court.

Officers attached to the High Court the Supreme Court and the President of the High Court.

3. There shall become and be attached to the High Court, the Supreme Court and the President of the High Court respectively the following officers (each of whom shall be a principal officer within the meaning of Part of the Act of 1926)—

To the High Court,

The Master of the High Court,

Two Taxing-Masters,

The Probate Officer,

The Official Assignee in Bankruptcy,

Two Examiners or the Examiner,

The Accountant;

To the Supreme Court,

The Registrar of the Supreme Court;

To the President of the High Court,

The Registrar of Wards of Court.

The Master of the High Court.

4. (1) In this paragraph "rules of court" means rules made under section 36 of the Act of 1924.

(2) The Master of the High Court shall have and exercise such powers and authorities and perform such duties and functions as are from time to time conferred on or assigned to him by statute or rules of court and in particular (unless and until otherwise provided by statute or rules of court) shall have and perform all such other powers, authorities, duties and functions as are vested in him by virtue of subsection (3) of section 31 of the Act of 1926.

The Central Office.

5. (1) The Central Office shall be under the management of such principal officer serving in the Central Office as the Minister, after consultation with the President of the High Court, may from time to time nominate in that behalf.

(2) There shall be transacted in the Central Office all such business as is from time to time directed by statute or rule of court to be transacted therein and also all other business of the High Court except such business as is for the time being required by law to be transacted by or before one or more judges or the Master of the High Court and except such business as is for the time being assigned by law either to another office attached to the High Court or to the Office of Wards of Court.

(3) The person who, immediately before the operative date, had, by virtue of a nomination under paragraph (a) of subsection (2) of section 2 (repealed by this Act) of the Act of 1945, the management of the Central Office shall continue to have the management of the Central Office and be deemed to have been nominated under subparagraph (1) of this paragraph.

The Registrars of the High Court.

6. (1) Such and so many as the Minister thinks proper of the officers for the time being serving in the Central Office shall be nominated by the Minister to be registrars of the High Court and every such registrar (in addition to any other duties which may be assigned to him by the officer for the time being managing the Central Office) shall act as registrar to the High Court as and when directed so to do by the officer for the time being managing the Central Office.

(2) The officers for the time being nominated under subparagraph (1) of this paragraph to be registrars of the High Court shall be principal officers within the meaning of Part I of the Act of 1926.

(3) Every person, who immediately before the operative date, was, by virtue of a nomination under subsection (2) of section 4 (repealed by this Act) of the Act of 1926, a registrar of the existing High Court shall become and be a registrar of the High Court and be deemed to have been nominated under subparagraph (1) of this paragraph.

General superintendence and control of High Court offices.

7. The officer for the time being managing the Central Office shall have the general superintendence and control of the offices attached to the High Court, but shall in the exercise of such superintendence and control be subject to the general direction of the Minister in regard to all matters of general administration and to the directions of the President of the High Court in regard to all matters relating to the conduct of that part of the business of the High Court which is for the time being required by law to be transacted by or before one or more judges of the High Court.

The Taxing-Masters' Office.

8. The Taxing-Masters' Office shall be under the management of the senior Taxing-Master, and there shall be transacted in that Office the business of the Taxing-Masters other than such business as is required by law to be transacted by a Taxing-Master in person.

The Office of the Official Assignee in Bankruptcy.

9. The Office of the Official Assignee in Bankruptcy shall be under the management of the Official Assignee in Bankruptcy, and there shall be transacted therein all such business as shall from time to time be assigned thereto by statute or rule of court and in particular (unless and until otherwise provided by statute or rule of court) all such business as was formerly transacted in the Office of the Official Assignee of the King's Bench Division of the High Court of Justice in Southern Ireland.

The Examiners' Offices.

10. (1) Until the number of Examiners shall be reduced to one, one Examiner's Office shall be under the management of one of the Examiners and the other Examiner's Office shall be under the management of the other Examiner.

(2) There shall be transacted in each Examiner's Office or in the Examiner's Office (where there is only one Examiner) all such business as shall from time to time be assigned thereto by statute or rule of court and in particular (unless and until otherwise provided by statute or rule of court) all such business as was formerly transacted in the offices attached to the respective Chambers of the Master of the Rolls and the ordinary judge of the Chancery Division of the High Court of Justice in Southern Ireland and also such business as was formerly transacted in the offices attached to the Land Judge of the said Chancery Division, including the offices attached to that Judge in his capacity of Receiver Judge.

(3) There shall also be transacted in the Office of one of the Examiners (to be nominated by the Minister after consultation with the President of the High Court) or in the Examiner's Office (where there is only one Examiner) all such business as was formerly transacted in the Bankruptcy Office of the King's Bench Division of the High Court of Justice in Southern Ireland.

The Examiners.

11. (1) Each of the Examiners or the Examiner (where there is only one Examiner) shall have and exercise all such powers and authorities and perform and fulfil all such duties and functions as shall from time to time be conferred on or assigned to him by statute or rule of court and in particular (unless and until otherwise provided by statute or rule of court) shall perform and fulfil such duties and functions as were formerly performed or fulfilled by the several Chief Clerks and Assistant Chief Clerks of the Master of the Rolls and the ordinary judge of the Chancery Division of the High Court of Justice in Southern Ireland respectively and by the Chief Receiver or the Receiver-Examiner.

(2) One of the Examiners (to be nominated by the Minister after consultation with the President of the High Court) or the Examiner (where there is only one Examiner) shall have and exercise all such powers and authorities as were formerly vested in the Chief Registrar in Bankruptcy of the King's Bench Division of the High Court of Justice in Southern Ireland and shall perform and fulfil such duties and functions as were formerly required by law to be or were in fact performed or fulfilled by the said Chief Registrar and the Registrar and Deputy Registrar in Bankruptcy of the said King's Bench Division respectively.

(3) The powers, authorities, duties and functions of an Examiner or of the Examiner (where there is only one Examiner) may, subject to any restrictions which the President of the High Court may think fit to impose, be executed, performed or fulfilled by an officer (to be designated by the President of the High Court) who is employed in that Examiner's Office or in the Examiner's Office (where there is only one Examiner) and who is qualified to be appointed Examiner.

Reduction in number of Examiners.

12. On the occurrence of the first vacancy in the office of Examiner, the number of Examiners shall be reduced to one, who shall be the Examiner, and the two Examiners' Offices shall be consolidated into one office, which shall be the Examiner's Office and shall be under the management of the Examiner.

The Office of the Registrar of the Supreme Court.

13. There shall be transacted in the office of the Registrar of the Supreme Court all business in relation to the jurisdictions exercisable by the Chief Justice under subsection (1) of section 10 of this Act.

The Registrar of the Supreme Court.

14. (1) The Registrar of the Supreme Court shall act as registrar to the Chief Justice in relation to the exercise by the Chief Justice of the jurisdiction exercisable by him under subsection (1) of section 10 of this Act.

(2) The Registrar of the Supreme Court shall be subject to the direction of the Chief Justice in regard to the transaction of the business which in pursuance of paragraph 13 of this Schedule is to be transacted in the office of the Registrar of the Supreme Court.

The Office of Wards of Court.

15. (1) The Office of Wards of Court shall be under the management of the Registrar of Wards of Court, and there shall be transacted in that office all such business as shall from time to time be assigned thereto by statute or rule of court and in particular (unless and until otherwise provided by statute or rule of court) all such business in relation to the exercise of the jurisdiction vested in the High Court by subsection (1) of section 9 of this Act as was formerly transacted in relation to the exercise of that jurisdiction in the Lunacy Office of the Lord Chancellor of Ireland or in the offices attached to the Chambers of the said Lord Chancellor or in any other office attached to the former Supreme Court of Judicature in Southern Ireland.

(2) The Office of Wards of Court shall for the purposes of section 9 of the Act of 1945 be deemed to be an office attached to a court.

The Registrar of Wards of Court.

16. (1) The Registrar of Wards of Court shall have the superintendence and control of the Office of Wards of Court and shall in the exercise of such superintendence and control be subject, in regard to all matters of general administration, to the general direction of the Minister and, in regard to all matters relating to the jurisdiction vested in the High Court by subsection (1) of section 9 of this Act, to the directions of the judge of the High Court for the time being exercising that jurisdiction.

(2) In addition to the superintendence and control of the Office of Wards of Court, the Registrar of Wards of Court shall have and exercise all such powers and authorities and perform and fulfil such duties and functions in relation to the exercise of the jurisdiction vested in the High Court by subsection (1) of section 9 of this Act as shall from time to time be conferred on or assigned to him by statute or rule of court and in particular (unless and until otherwise provided by statute or rule of court) shall have and exercise all such powers and authorities as were formerly vested in the Registrar in Lunacy in Ireland or in the Chief Clerk to the Lord Chancellor of Ireland and shall perform and fulfil all such functions and duties in relation to the jurisdiction aforesaid as were formerly performed and fulfilled by the said Registrar in Lunacy and the said Chief Clerk respectively.

(3) The Registrar of Wards of Court shall for the purposes of section 9 of the Act of 1945 be deemed to be an officer attached to the High Court.

Qualification of Master of the High Court.

17. No person shall be appointed to be Master of the High Court unless at the time of his appointment he is a barrister of not less than ten years' standing who is then actually practising.

Qualification of Taxing-Master.

18. No person shall be appointed to be a Taxing-Master unless at the time of his appointment he is a solicitor of not less than ten years' standing who either is then actually practising or has previously practised for not less than ten years.

The Taxing Masters.

19. Each of the Taxing-Masters shall have and exercise the following powers and authorities and perform and fulfil the following duties and functions—

- (a) such powers, authorities, duties and functions as are for the time being conferred on or assigned to them by statute or rule of court,
- (b) unless and until otherwise provided by statute or rule of court—all such powers, authorities, duties and functions in relation to the High Court, and the Supreme Court, as were formerly possessed and performed by the several Taxing-Masters of the former Supreme Court of Judicature in Southern Ireland in relation to that Court,
- (c) unless and until otherwise provided by statute or rule of court—all such powers, authorities and functions in relation to the Court of Criminal Appeal, the Chief Justice and the President of the High Court, as were immediately before the operative date possessed or exercised by them in relation to the existing Court of Criminal Appeal, the existing Chief Justice and the existing President of the High Court respectively,
- (d) such other powers, authorities, duties and functions as were immediately before the passing of the Act of 1924 vested or imposed by law in or on the several Taxing-Masters of the former Supreme Court of Judicature in Southern Ireland, and
- (e) the duty of taxing any costs to be received, allowed or paid to a solicitor as respects business undertaken on or after the 1st day of October, 1957, in relation to the exercise by a local authority of their powers under the Labourers (Ireland) Acts, 1883 to 1958.

Amendment of section 6 of the Act of 1945.

20. In section 6 (which relates to the appointment of the Probate Officer or an Examiner) of the Act of 1945, the references to an office established by Part I of the Act of 1926 shall be construed as references to an office mentioned in paragraph 2 of this Schedule.

Qualification of Registrar of Wards of Court

21. No person shall be appointed to be Registrar of Wards of Court unless at the time of his appointment he either—

(a) is a barrister of not less than ten years' standing who is then actually practising, or

(b) is a barrister who is then employed in an office mentioned in paragraph 2 of this Schedule and has during the next preceding twelve years been employed in one or more of the offices mentioned in the said paragraph 2.

General staffs of offices.

22. (1) In addition to the principal officers there shall be employed in the several offices mentioned in paragraph 2 of this Schedule such and so many officers, clerks, messengers, criers and servants as the Minister shall from time to time determine with the sanction of the Minister for Finance and after consultation with the President of the High Court in the case of an office attached to the High Court or in the case of the Office of Wards of Court and with the Chief Justice in the case of the Office of the Registrar of the Supreme Court.

(2) All officers (other than the principal officers), clerks, messengers, criers and servants employed in any of the offices mentioned in paragraph 2 of this Schedule shall be interchangeable amongst such offices and shall be liable to serve in any of those offices as the Minister shall from time to time direct after consultation with the President of the High Court in the case of an office attached to the High Court or in the case of the Office of Wards of Court and with the Chief Justice in the case of the Office of the Registrar of the Supreme Court.

Nominations under section 28 of the Act of 1926.

23. Every nomination made before the operative date under section 28 of the Act of 1926 which has not been revoked before the operative date shall continue in force and be deemed to have been made under the said section 28.