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**(2) Supreme Court Matters, &c.**

**THE SUPREME COURT OF JUDICATURE (NORTHERN IRELAND)  
ORDER, 1921.**

**1921 No. 1802**

At the Court at Buckingham Palace, the 21st day of November, 1921.

PRESENT,

The King's Most Excellent Majesty in Council.

10 & 11           Whereas by Section 69 of the Government of Ireland Act, 1920, it  
Geo. 5. c. 67. is provided that His Majesty may by Order in Council (in the Act

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referred to as Irish Transfer Orders) make such regulations as seem necessary or proper for setting in motion the Parliaments and Governments of Southern and Northern Ireland, and also for any other matter for which it seems to His Majesty necessary or proper to make provision for the purpose of bringing the Act into full operation or for giving full effect to any provisions of the said Act :

And whereas by Section 38 of the said Act it is declared that the Supreme Court of Judicature in Ireland shall cease to exist, and there shall be established in Ireland the following Courts, that is to say, a Court having jurisdiction in Southern Ireland to be called the Supreme Court of Judicature in Southern Ireland, a Court having jurisdiction in Northern Ireland, to be called the Supreme Court of Judicature in Northern Ireland, and a Court having appellate jurisdiction throughout the whole of Ireland, to be called the High Court of Appeal for Ireland :

And whereas the provisions of Section 1 of the Rules Publication Act, 1893, have been complied with :

56 & 57 Vict.  
c. 66.

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Supreme Court of Judicature (Northern Ireland) Order, 1921, and shall have effect subject to any subsequent Order in Council under the Government of Ireland Act, 1920.

(2) In this Order unless the context otherwise requires—

(a) “ The Act ” means the Government of Ireland Act, 1920.

(b) “ The appointed day ” means the day appointed under Section 73 of the Act for the establishment in Ireland of the Courts authorised by Section 38 of the Act.

(3) The Interpretation Act, 1889, applies for the purposes of the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

52 & 53 Vict.  
c. 63.

(4) The General Adaptation of Enactments (Northern Ireland) Order, 1921,(a) shall apply to the Supreme Court of Judicature in Northern Ireland as from the appointed day.

2.—(1) References in any enactment to the Lord Chancellor of Ireland, to the Supreme Court of Judicature in Ireland, and to any Division, Court, Judge, Officer or Office of that Supreme Court shall from and after the establishment of the Supreme Court of Judicature of Northern Ireland in the manner provided by Section 38 of the Act be construed respectively as references to the Lord Chief Justice of Northern Ireland, to the Supreme Court of Judicature of Northern Ireland, and to the Division, Court, Judge, Officer or Office thereof exercising corresponding jurisdiction or powers in Northern Ireland. Provided that in Section 4 of the Railway and Canal Traffic Act, 1888,(b) and in the Schedule to the War Pensions (Administrative Provisions)

51 & 52 Vict.  
c. 25.  
9 & 10  
Geo. 5. c. 53.

(a) S.R. & O. 1921 No. 1804, p. 967 below.

(b) Repeal of section 4 *see* S.R. & O. 1923 No. 612, p. 963 below.

Act, 1919, references to the Lord Chancellor of Ireland shall be construed as references to the Lord Lieutenant acting after consultation with the Lord Chief Justice of Ireland and the Lord Chief Justice of Northern Ireland.

(2) References in any enactment to the Attorney-General for Ireland shall from and after such establishment be construed as references to the Attorney-General for Northern Ireland except that the Lord Lieutenant may, if he thinks fit, appoint some other person to act instead of the Attorney-General for Northern Ireland in relation to any matters which are not for the time being within the powers of the Government of Northern Ireland and in that case the references shall in relation to those matters be construed as references to the person so appointed.

(3) References in any enactment to the Lord Chancellor of Ireland intrusted for the time being by virtue of the Royal Sign Manual with special jurisdiction in lunacy shall, from and after such establishment, be construed as references to the Lord Chief Justice of Northern Ireland for the time being intrusted in the like manner with the like jurisdiction in lunacy in Northern Ireland ; and references in any enactment to the Lunacy Office, to the Registrar in Lunacy and to other Officers of, or attached to, that Office shall, from and after such establishment, be construed respectively as references to the Lunacy Office in Northern Ireland, to the Registrar in Lunacy in Northern Ireland, and to the Officers of, or attached to, that office.

(4) Where a provision or expression occurring in any of the said enactments has been amended, altered or adapted by or in pursuance of any of the subsequent enactments this Order shall be read as referring to the provision or expression as so amended, altered or adapted.

3. The following provisions and adaptations shall after the establishment of the Supreme Court of Judicature of Northern Ireland have effect in relation thereto :—

(1) The Lord Chief Justice of Northern Ireland may, by writing under his hand, assign to any Officer of or attached to the said Court any jurisdiction, powers, duties or functions which immediately before the appointed day were exercised or performed by any Officer of the Supreme Court of Judicature in Ireland ; and by virtue of such assignment such first-mentioned Officer shall be deemed to be an Officer exercising jurisdiction or powers corresponding with those of such second-mentioned Officer, within the meaning of Article 5 (1) of the General Adaptation of Enactments (Northern Ireland) Order, 1921.(a)

(2) The Lord Chief Justice of Northern Ireland shall assign to one of the Judges of the High Court of Justice in Northern Ireland (hereinafter called "The Chancery Judge") all such business and matters as were by any of the Judicature (Ireland) Acts, 1877 to 1907, assigned to the Chancery Division of the High Court of Justice in Ireland. Any references in any Act to the Land Judges of the Chancery Division shall be construed as references to the said Chancery Judge.

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(a) See now S.R. & O. 1927 No. 342, p. 966 below.

(3) Every Writ of Summons issued in Northern Ireland shall be tested in the name of the Lord Chief Justice of Northern Ireland, or if the office of Lord Chief Justice of Northern Ireland be vacant, in the name of the Senior Lord Justice of Appeal in Northern Ireland for the time being.

(4) The forms contained in the Appendices to the Rules of the Supreme Court of Judicature in Ireland dated the 22nd day of February, 1905,<sup>(a)</sup> shall be used in the cases in which they are applicable, with such modification as may be necessary by reason of the provisions of the Act and of this Order.

(5) The Supreme Court of Judicature (Ireland) Act, 1877, shall be read with the following adaptations and modifications :— 40 & 41 Vict. c. 57.

- (a) In Section 33 the words directing the Judge to have regard to the comparative cost and convenience of proceedings in Ireland shall be read distributively with reference to Southern and Northern Ireland respectively ;
- (b) Section 43 shall be construed as applying to all the Judges of the Supreme Court of Judicature in Northern Ireland ;
- (c) Section 56 shall be read as if the following words were substituted for the first sentence therein :—

Every appeal to the Court of Appeal in Northern Ireland may, whether the subject matter of the appeal is a final or an interlocutory order, decree or judgment, be heard before not less than two judges of the said Court sitting together.

4. In giving effect to Section 61 of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by Section 12 of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, the following adaptations shall be made :— 60 & 61 Vict. c. 66.

The persons upon whose recommendation the Lord Lieutenant may make, alter, or annul rules, under the first-mentioned section, shall be a majority of all the judges of the Supreme Court of Judicature in Northern Ireland for the time being (of which the Lord Chief Justice of Northern Ireland shall be one), and shall include one Barrister and one Solicitor (respectively practising in Northern Ireland), to be appointed for the purpose by the said Lord Chief Justice, by writing under his hand, for such time as may be specified by him.

5. Section 11 of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, shall be adapted to read as follows :—The powers, functions, matters and things mentioned in Section 4 of the Supreme Court of Judicature (Ireland) Act, 1887, may be exercised and done by the Lord Chief Justice of Northern Ireland, subject to the conditions referred to in the said Section. 50 & 51 Vict. c. 6.

6. In the application of Section 73 of the Supreme Court of Judicature (Ireland) Act, 1877, to the first appointments of Officers of

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(a) S.R. & O. 1905 (No. 409) p. 545, now replaced by S.R. & O. 1936 (No. 70) II, p. 2559 as amended.

the Supreme Court of Judicature in Northern Ireland or Officers of the High Court of Justice in Northern Ireland or attached to the said Court or to any Division thereof the following provisions shall have effect :—

- (a) All such Officers shall be appointed by the Lord Chief Justice of Northern Ireland.
- (b) The direction contained in the said Section as to appointment by competition in the case of junior clerkships shall not apply to any appointments made within a period of two months from the appointed day.

7. References in Sections 4, 5 and 6 of the Supreme Court of Judicature (Ireland) (No. 2) Act, 1897, to “one of the Judges of the Queen’s Bench Division to be assigned by the Lord Lieutenant” shall respectively be construed as references to one of the Judges of the High Court of Justice in Northern Ireland to be assigned by the Lord Chief Justice of Northern Ireland.

14 & 15 Vict.  
c. 57.  
45 & 46 Vict.  
c. 29.  
52 & 53 Vict.  
c. 48.

8. References (as to appeals) in Sections 132-133 of the Civil Bill Courts (Ireland) Act, 1851, in Section 7 of the County Courts Amendment (Ireland) Act, 1882, and in Section 11 of the County Court Appeals (Ireland) Act, 1889, shall have effect in Northern Ireland as if in the said sections there were substituted for the words “Recorder of Dublin” or “Chairman of the County of Dublin” the words “Recorder of Belfast and County Court Judge of Antrim” and for the words “County or County of the City of Dublin” the words “City of Belfast” and “County of Antrim”.

27 & 28 Vict.  
c. 99.

9. Sections 35, 36, and 37 of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864, shall have effect in Northern Ireland as if for the several references therein to the Superior Courts of Common Law there were substituted references to the Court of Appeal for Northern Ireland.

10. References in any existing Act, Rule, or Order to the “Four Courts, Dublin” in relation to any matter of judicature shall be construed as references to the County Courthouse, Belfast, or to such other Courthouse as may from time to time be appointed or used for the sittings of the Supreme Court of Judicature in Northern Ireland.

11. References to publication in the *Dublin Gazette* shall be construed as references to publication in the *Belfast Gazette*.

34 & 35 Vict.  
c. 65.

12. Section 22 of the Juries (Ireland) Act, 1871, as to the service of jury-summonses by post, shall apply as if for the references therein to the county of the city of Dublin there were substituted references to the county of the city of Belfast.

13. In any existing Acts, Order, or Rule, relating to the jurisdiction of the Supreme Court of Judicature in Ireland in Probate or Matrimonial causes or matters, references to “the principal registry” or to the Registrar or Registrars thereof shall respectively be construed as references to the Registry in Belfast, attached to the Supreme Court of

Judicature in Northern Ireland, and to such Officer or Officers thereof as the Lord Chief Justice of Northern Ireland may assign.

14. References in Section 27 of the Parliamentary Elections Act, 1868, to "the prescribed Officer" shall be construed as references to such Officer of the Supreme Court of Judicature in Northern Ireland as the Lord Chief Justice of Northern Ireland may assign. <sup>31 & 32 Vict. c. 125.</sup>

*Almeric FitzRoy.*

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