

CHAPTER 8

An Act to make further provision as to the salary and expenses of the Governor of Northern Ireland; to transfer to the Court of Appeal in Northern Ireland jurisdiction in respect of certain appeals by way of case stated; to enlarge the legislative power of the Parliament of Northern Ireland in respect of the administration and distribution of estates of deceased persons, the printing and publication of statutory rules, and the appointment, removal, remuneration, jurisdiction and functions of coroners; and for purposes connected with the matters aforesaid. [29th March, 1955]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Salary and expenses of Governor.

1.—(1) In lieu of the salary of eight thousand pounds payable under section three of the Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832, as amended by paragraph one of the First Schedule to the Irish Free State (Consequential Provisions) Act, 1922, there shall be paid to the Governor of Northern Ireland, in respect of the financial year ending on the thirty-first day of March, nineteen hundred and fifty-five and each subsequent financial year,—

(*a*) a salary at the rate of four thousand pounds per annum; and

(*b*) an allowance in respect of expenses (other than expenses defrayed out of moneys provided by Parliament for the service of the Minister of Works or by the Parliament of

Northern Ireland) of such amount, not exceeding ten thousand pounds in any year, as the Secretary of State may, with the concurrence of the Treasury, from time to time determine.

(2) The said salary and allowance shall be charged on the consolidated fund of the United Kingdom; and the deduction required by subsection (3) of section thirty-seven of the Government of Ireland Act, 1920, to be made towards the salary of the Governor from the Northern Ireland residuary share of reserved taxes shall not be made in respect of the financial year beginning on the first day of April, nineteen hundred and fifty-five or any subsequent financial year.

Transfer of certain appeals from Divisional Court to Court of Appeal.

2.—(1) The power of the High Court in Northern Ireland to hear and determine appeals by way of case stated—

(*a*) from a court of summary jurisdiction under the section substituted by section ten of the Criminal Justice Act (Northern Ireland), 1945, for section two of the Summary Jurisdiction Act, 1857;

(*b*) from quarter sessions under section ten of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860, or under that section as applied by any subsequent enactment,

is hereby transferred to the Court of Appeal in Northern Ireland; and accordingly any enactment relating to such appeals (including section five of the said Act of 1857) shall have effect as if for any reference therein to, or which has effect as a reference to, the said High Court there were substituted a reference to the said Court of Appeal.

(2) The foregoing provisions of this section shall not apply to any case stated and transmitted to the High Court of Northern Ireland before the commencement of this Act.

Legislative power in respect of intestates' estates.

3.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall be taken to preclude that Parliament from including, in any enactment relating to the devolution and distribution of estates of deceased persons under the law of Northern Ireland, provisions—

(*a*) for abolishing or altering, in relation to estates of persons dying intestate after the commencement of the said enactment, any modes, rules or canons of descent or of devolution by special occupancy, or any right to dower or tenancy by the curtesy or other right of a surviving spouse in real or personal property as to which his or her spouse dies intestate;

(*b*) for abolishing escheat to the Crown or to a mesne lord for want of heirs, and for enabling the Crown, in default of persons entitled thereto under the law for the time being in force in Northern Ireland, to take as bona vacantia, and in lieu of any right to escheat, any real or personal property as to which a person dies intestate as aforesaid.

(2) Any such enactment may amend or repeal any enactment passed before the commencement of this Act which relates to the administration of estates of deceased persons under the law of Northern Ireland, including the grant of representation thereto, so far as may be consequential upon provisions made by the first-mentioned enactment for purposes specified in paragraph (*a*) or paragraph (*b*) of the foregoing subsection, or otherwise for regulating the devolution and distribution of such estates, and shall bind the Crown to such extent as may be necessary to give effect to the provisions thereof.

Legislative power in respect of statutory rules.

4.—(1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall be taken to preclude that Parliament from extending the Rules Publication Act (Northern Ireland), 1925, or any enactment of that Parliament amending or re-enacting that Act, with or without modifications, to statutory rules to which this section applies; and except so far as may be otherwise provided by that Parliament, or by regulations made under the said Act of 1925, all such rules (other than rules made, confirmed or approved before the commencement of this Act) shall be deemed to be statutory rules to which that Act applies.

(2) The statutory rules to which this section applies are orders, rules, regulations or other subordinate legislation (whether or not relating to matters in respect of which the Parliament of Northern Ireland has power to make laws) made, confirmed or approved by any of the authorities referred to in subsection (2) of section two of the said Act of 1925, in the exercise of powers conferred by any Act of the Parliament of the United Kingdom, whenever passed, including orders, rules, regulations or other subordinate legislation made, confirmed or approved as aforesaid at any time since the commencement of the Statutory Instruments Act, 1946.

Legislative power in respect of coroners.

5. The limitation imposed by paragraph (1) of subsection (1) of section four of the Government of Ireland Act, 1920, precluding the Parliament of Northern Ireland from making laws in respect of the Crown or the property of the Crown, shall not be taken to preclude that Parliament from enacting in relation

to Northern Ireland any law regulating the appointment, removal, remuneration, jurisdiction or functions of coroners and coroners' juries.

Interpretation, short title and repeals.

6.—(1) In this Act " enactment " includes an enactment of the Parliament of Northern Ireland, and (without prejudice to any specific provision of this Act) references in this Act to any enactment are references thereto as amended or applied by or under any subsequent enactment.

(2) This Act may be cited as the Northern Ireland Act, 1955.

(3) The enactments described in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

Section 6.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Will. 4. c. 116.	The Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832.	The whole Act.
20 & 21 Vict. c. 43.	The Summary Jurisdiction Act, 1857.	Sections eight and ten, so far as they extend to Northern Ireland.
23 & 24 Vict. c. 4.	The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.	Section twelve.
56 & 57 Vict. c. 66.	The Rules Publication Act, 1893.	The whole Act, so far as unrepealed.
60 & 61 Vict. c. 17.	The Supreme Court of Judicature (Ireland) Act, 1897.	In the Schedule, the words " Section 11 of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860 (23 & 24 Vict. c. 4) ".
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act, 1920.	Subsection (3) of section thirty-seven, except in relation to the deduction thereby required to be made from the Northern Ireland residuary share of reserved taxes in the year ending on the thirty-first day of March, nineteen hundred and fifty-five.
13 Geo. 5. Sess. 2. c. 2.	The Irish Free State (Consequential Provisions) Act, 1922.	In the First Schedule, sub-paragraph (2) of paragraph one.
14 Geo. 6. c. 37	The Maintenance Orders Act, 1950.	In section twenty-nine, sub-section (3).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832	2 & 3 Will. 4. c. 116.
Summary Jurisdiction Act, 1857	20 & 21 Vict. c. 43.
Annual Revision of Rateable Property (Ireland) Amendment Act, 1860	23 & 24 Vict. c. 4.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Irish Free State (Consequential Provisions) Act, 1922	13 Geo. 5. c. 2.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.

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