# CHAPTER 24.

An Act to make miscellaneous amendments in the law applicable to Northern Ireland.

[3rd August 1928.]

BE it enacted by the King'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 :—

Provisions as to the Supreme Court. 10 & 11 Geo. 5. c. 67.

**1.** It is hereby declared that the reservation in section forty-seven of the Government of Ireland Act, 1920 (in this Act referred to as "the principal Act") of matters relating to the Supreme Court of Northern Ireland shall not preclude the Parliament of Northern Ireland from conferring on the rule-making authority power to make rules regulating procedure and distribution of business in the Supreme Court in regard to matters within the jurisdiction of that Parliament, or from conferring on the Supreme Court jurisdiction to hear and determine appeals from, and questions of law on cases stated for its opinion by, any inferior court or other tribunal, and power to direct any such court or tribunal to state such a case.

Explanation of restrictions in s. 4 of principal Act.

**2.**—(1) The restrictions contained in section four of the principal Act on the power of the Parliament of Northern Ireland to make laws shall not be construed as preventing that Parliament making laws for the purpose of ensuring that live stock and agricultural produce (or any class thereof) shall not be sent to Great Britain, the Isle of Man or the Irish Free State, except under such regulations as to standards of quality, inspection or compulsory insurance as may be made by or under the authority of that Parliament.

(2) The said restrictions shall not extend, and shall be deemed never to have extended, so as to prevent the Parliament of Northern Ireland making laws with respect to the construction, carrying out or alteration of any works on or under or over any part of the seashore whether or not vested in the Crown, or the carrying out of dredging operations, or the deposit or removal of

materials on or from any such seashore, if the consent of the Board of Trade (and, where the seashore comprises foreshore the management whereof is vested in the Commissioners of Crown Lands, also the consent of those Commissioners) has been obtained ; and the recital in an Act passed by that Parliament that any such consent has been obtained shall be sufficient evidence of the fact recited unless the contrary is proved; and the exercise of administrative powers by the Government of Northern Ireland in connection with such matters as aforesaid and in relation to byelaws affecting the foreshore shall be subject to the like consent.

In the case of an Act passed by the Parliament of Northern Ireland before the passing of this Act, the consent of the Board of Trade or Commissioners of Crown Lands may be obtained after the passing of this Act, and may be signified by an order of the said Board or Commissioners.

Where under the Landed Estates Court (Ireland) Act, 1858, or any Act amending that Act, or under the Land Purchase Acts, an application is made for the sale or conveyance of or for a declaration of title as to any land in Northern Ireland, and the land includes any part of the foreshore or land immediately abutting thereon, or where an application is made to any department of the Government of Northern Ireland, for any consent, approval, order, licence, loan or other matter which may, or for any purpose which may, affect the foreshore, or land immediately abutting thereon, notice of the application shall be given by the court or the department concerned, to the Board of Trade and the Commissioners of Crown Lands. 21 & 22 Vict. c. 72.

(3) The said restrictions shall not be construed as preventing the Parliament of Northern Ireland for the purpose of the consolidation of a branch of the statute law whose general subject matter is within the powers of that Parliament, repealing and re-enacting any enactments of the Parliament of the United Kingdom, which form a part of that branch of the statute law, but relate to matters in respect of which the Parliament of Northern Ireland have not power to make laws.

(4) Notwithstanding the said restrictions, the Parliament of Northern Ireland shall be deemed always to

have had power to confer a right to take proceedings in a county court in Northern Ireland for the purpose of recovering any compensation in respect of an injury to a master, seaman, apprentice to the sea service, apprentice in the sea-fishing service, or pilot, to which any person may be entitled under subsection (1) or subsection (3) of section thirty-five of the Workmen's Compensation Act, 1925, passed by the Parliament of the United Kingdom, in any case in which if the injury had occurred before the establishment of the Parliament of Northern Ireland proceedings could have been taken in a county court having jurisdiction in some county now forming part of Northern Ireland under section seven of the Workmen's Compensation Act, 1906, and the Rules of Court made under that Act.

15 & 16 Geo. 5. c. 84.

6 Edw. 7. c. 58.

(5) Where an Act of the Parliament of Northern Ireland provides for the imposition on any persons of an obligation to afford facilities to any Government department administering matters declared by the principal Act to be reserved matters or contains provisions for the protection of any such Government department, the said restrictions shall not extend and shall be deemed never to have extended so as to prevent the Parliament of Northern Ireland from prescribing the method of determining disputes with reference to such obligation or protection.

Administration of intestates estates devolving on the Crown.

**3.**—(1) Where His Majesty becomes, or has before the commencement of this Act become, entitled in right of His Crown to any real or personal estate in Northern Ireland of an intestate, the court shall on application being made on that behalf grant administration of that estate to a nominee of His Majesty, and if His Majesty is pleased in accordance with the Treasury Solicitor Act, 1876, by warrant under His Royal Sign Manual to nominate for that purpose the Treasury Solicitor, the nominee shall be the Treasury Solicitor, or if the warrant so provides, some person nominated in that behalf by the Treasury Solicitor, and the person so nominated by the Treasury Solicitor may be the Chief Crown Solicitor for Northern Ireland, and the Treasury Solicitor Act, 1876, shall apply accordingly and shall be deemed to extend to real as well as to personal estate:

39 & 40 Vict. c. 18.

Provided that this provision shall not prevent the grant of administration of such personal estate to any

other person in any case where the Treasury Solicitor or other nominee has not made and has signified his intention not to make such an application.

(2) In so far as the estate of the intestate to which His Majesty becomes, or has become, entitled as aforesaid consists of or comprises real estate to which the intestate was entitled for an interest not ceasing on his death, it shall, upon the grant to such a nominee of such administration as aforesaid, devolve upon and vest in the administrator in like manner as if it were a chattel real, and all powers, duties, rights, equities, obligations and liabilities of a personal representative with respect to chattels real shall attach to such administrator and shall have effect with respect to the real estate so vested in him:

Provided that nothing herein contained shall alter or affect the order in which real and personal estates respectively are applicable in or towards the payment of funeral or testamentary expenses, debts or legacies.

(3) Neither the Treasury Solicitor nor the Chief Crown Solicitor for Northern Ireland acting on the nomination of the Treasury Solicitor shall, when applying for or obtaining administration for the use or benefit of His Majesty under this section, be required to give an administration bond, nor shall he be required to deliver, nor shall the court or the Ministry of Finance for Northern Ireland be entitled to receive, in connection with any such application or grant of administration, any affidavit, statutory declaration, account, certificate or other statement verified on oath; but he shall deliver, and the court and the said Ministry respectively shall accept, in lieu thereof, an account or particulars of the estate of the intestate, signed by him or on his behalf.

(4) Any grant of administration of the personal estate of an intestate to the Chief Crown Solicitor for Northern Ireland made before the passing of this Act is hereby confirmed, and where such a grant has been made and the estate of the intestate included real as well as personal estate to which His Majesty became entitled in right of His Crown, the court shall on application being made for the purpose extend the grant so as to cover such real estate.

(5) In this section, unless the context otherwise requires—

"Intestate" includes a person who leaves a will but dies intestate as to some beneficial interest in his real estate, or, if probate of the will is not granted to an executor, in his personal estate:

"Administration" means letters of administration of a deceased person, whether general or limited:

"The court" means the High Court of Justice in Northern Ireland:

The interest of a deceased person under a joint tenancy shall be deemed an interest ceasing on his death.

Amendment of Land Purchase Acts.

4.—(1) Notwithstanding anything in the Land Purchase Acts, the Land Purchase Commission, Northern Ireland, may for the purposes of the distribution of purchase money direct payment of a claim if of opinion that the title thereto though imperfect is nevertheless such as would make it improbable that any claim adverse thereto could be sustained.

(2) The Commission shall be entitled to act on the evidence of title submitted by a claimant without being required to enquire as to any estate, right, claim or interest undisclosed thereby which may at the time of the distribution of the purchase money be subsisting or capable of arising.

(3) Where a person within the time allowed by this section proves to the satisfaction of the Commission that he or the person from whom he derives title was entitled to claim to participate in the distribution of purchase money, and that such claim was undisclosed at the time of the distribution, he shall be entitled to be paid by the Commission a sum equal to the value of his claim:

Provided that a person shall not be entitled to compensation under this section where he or the person from whom he derives title has caused or substantially contributed to the loss by any act, neglect or default of himself or his agent.

(4) The time allowed by this section shall be six years from the date of the distribution of the purchase money, or from the date after the distribution of the

purchase money when the claimant or the person from whom he derives title first knew or might with reasonable diligence have ascertained the existence of the claim:

Provided that—

(*a*) where the claimant was on the date of the distribution of the purchase money an infant his claim may be made within six years from the time when he attains full age; and

(*b*) where any person interested is entitled as a proprietor of a charge or as a mortgagee the claim by him may be made within six years from the last payment in respect of principal or interest; and

(*c*) where any person interested is the owner of a superior interest his claim may be made within six years from the date of the last payment in respect of such superior interest.

(5) This section shall be construed as one with the Land Purchase Acts and may be cited with those Acts.

**5.** This Act may be cited as the Northern Ireland (Miscellaneous Provisions) Act, 1928, and, save as otherwise expressly provided, shall be construed as one with the principal Act. Short title and construction.

## CHAPTER 25.

An Act to make provision with respect to the representation of the University of Reading in Parliament. [3rd August 1928.]

BE it enacted by the King'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:—

**1.** The provisions of the Representation of the People Act, 1918, shall be read and have effect as if in the Third Part of the Ninth Schedule to that Act the University of Reading were added to the combination of universities consisting of the University of Durham, the Victoria University of Manchester, the University of Liverpool, the University of Leeds, the University Representation of University of Reading in Parliament. 7 & 8 Geo. 5. c. 64.