

SAORSTÁT EIREANN.

BILLE OIFIGH CUIRTE, 1926. COURT OFFICERS BILL, 1926.

*Mar do ritheadh ag dhá Thigh an Oireachtais.
As passed by both Houses of the Oireachtas.*

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SAORSTÁT EIREANN.

BILLE OIFIGH CUIRTE, 1926.
COURT OFFICERS BILL, 1926.

BILL

5

entitled

AN ACT TO ESTABLISH AND REGULATE THE OFFICES
AND OFFICERS TO BE ATTACHED TO THE
SEVERAL COURTS OF JUSTICE AND THE JUDGES
OF THOSE COURTS AND FOR OTHER PURPOSES
10 CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

PRELIMINARY.

1.—(1) This Act may be cited as the Court Officers Act, 1926. Short title and commencement.
15 (2) This Act shall come into operation on such day as shall be fixed by order of the Minister either generally or in respect of any particular Part of this Act, and different dates may be fixed for the commencement of different Parts of this Act.

2.—In this Act— Definitions.
20 the expression “the Minister” means the Minister for Justice;
the expression “the Chief Justice” means the Chief Justice of the Irish Free State;
the word “court” means a court of justice established by the Courts of Justice Acts, 1924 and 1926 and does not include a
25 court which though presided over by a judge or justice of one of those courts of justice was not established by those Acts.

PART I.

THE SUPREME COURT AND THE HIGH COURT.

3.—(1) There shall be attached to the High Court, the Supreme Offices and principal officers.
30 Court, and the Chief Justice respectively the following offices, that is to say:—

To the High Court,

The Central Office,
The Taxing-Master's Office,
35 The Probate Office,
The Bankruptcy Office,
The Examiner's Office,
The Accountant's Office;

To the Supreme Court,

40 The Office of the Registrar of the Supreme Court;

To the Chief Justice,

The Office of the Registrar to the Chief Justice;

(2) There shall be attached to the High Court, the Supreme Court, and the Chief Justice respectively the following officers
45 (in this Part of this Act collectively referred to as principal officers), that is to say:—

To the High Court,

A Master who shall be styled the Master of the High Court,

Such number of Taxing-Masters as the Minister shall, with the sanction of the Minister for Finance, from time to time determine,

A Probate Officer,
A Registrar in Bankruptcy, 5
An Official Assignee in Bankruptcy,
An Examiner,
An Accountant;

To the Supreme Court,
A Registrar; 10

To the Chief Justice,
A Registrar;

(3) The Master of the High Court and the Taxing-Masters shall be appointed by the Executive Council and every other of the said principal officers shall be appointed by the Minister, and all the said principal officers (including the Master of the High Court and the Taxing-Masters) shall hold office at the pleasure of the Executive Council. 15

(4) No principal officer nor any officer for the time being nominated to be a registrar of the High Court shall be removed from his office without the concurrence of the Chief Justice and the President of the High Court. 20

(5) Subject to the persons respectively appointed thereto being in good health at the time of appointment, the offices of the Master of the High Court and of the Taxing-Masters shall be pensionable offices within the Superannuation Acts for the time being in force and there may be granted either to those officers themselves on retirement or to their legal personal representatives on death such superannuation and other allowances or gratuities as might under the Superannuation Acts for the time being in force have been granted had they been appointed to the permanent Civil Service of Saorstát Eireann with certificates from the Civil Service Commissioners. 25 30

(6) The Master of the High Court and every Taxing-Master shall retire from office on attaining the age of seventy years, but such age of retirement may, in the case of any Taxing-Master who was immediately before the commencement of this Part of this Act a Taxing-Master attached to the High Court, be extended by the Minister with the concurrence of the Minister for Finance to any age not exceeding seventy-five years. 35 40

The Central Office.

4.—(1) The Central Office shall be under the management of the Master of the High Court, and there shall be transacted in that 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 a master and except such business as is for the time being assigned by law to another office of the High Court. 45 50

(2) Such and so many as the Minister shall think 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 Master of the High Court) shall act as registrar to the High Court as and when directed so to do by the Master of the High Court. 55

The Master of the High Court.

5.—(1) The Master of the High Court shall have the general superintendence and control of such of the offices established by this Part of this Act as are 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 60

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 of the Judges of that Court.

5 (2) In addition to the general superintendence and control
and exercise such powers and authorities and perform and fulfil
such duties and functions as shall be from time to time con-
ferred on or assigned to him by statute or rule of court, and
10 in particular (unless and until otherwise provided by statute
or rule of court) shall have and perform all such other powers,
authorities, duties and functions as are or become vested in
him by virtue of any other provision of this Act.

6.—The Taxing-Master's Office shall be under the management
of the Taxing-Master or, whenever there is more than one Taxing-
15 Master, 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 performed by a Taxing-
Master in person.

The Taxing-
Master's Office.

7.—The several Taxing-Masters shall have and exercise such
20 powers and authorities and perform and fulfil such duties and
functions as shall from time to time be conferred on or assigned
to them 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 and perform
25 and fulfil all such duties and functions in relation to the High
Court, the Supreme Court, the Court of Criminal Appeal, and
the Chief Justice as were formerly possessed and performed by
the Taxing-Masters of the Supreme Court of Judicature in Ire-
land in relation to that Court, and shall also have, exercise,
30 perform and fulfil such other powers, authorities, duties and
functions as were immediately before the passing of the Courts
of Justice Act, 1924 (No. 10 of 1924) vested or imposed by law
in or on the Taxing Masters of the Supreme Court of Judica-
ture then existing.

The Taxing-
Masters.

8.—The Probate Office shall be under the management of the
Probate Officer and there shall be transacted therein all such
35 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 the business which
40 immediately before the passing of this Act was required by law
to be transacted in the Principal Probate Registry and also
such other business as has heretofore been transacted in the
offices of the Principal Probate Registrar.

The Probate
Office.

9.—The Probate Officer shall have and exercise all such powers
45 and authorities and perform and fulfil 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 have and
exercise all such powers and authorities as immediately before
50 the passing of this Act were vested by law in the Principal
Probate Registrar or an Assistant Probate Registrar and shall
perform and fulfil such duties and functions as immediately
before the passing of this Act were required by law to be
or were in fact performed or fulfilled by the Principal Probate
55 Registrar and the Assistant Probate Registrars respectively.

The Probate
Officer.

10.—(1) The Bankruptcy Office shall consist of two branches
whereof one branch shall be styled the Registrar's Branch and
the other shall be styled the Official Assignee's Branch.

The Bankruptcy
Office.

(2) The Registrar's Branch of the Bankruptcy Office shall be
60 under the management of the Registrar 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 Bankruptcy Office of the King's Bench Division of the High Court of Justice in Ireland.

(3) The Official Assignee's Branch of the Bankruptcy Office 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 Ireland.

The Registrar in Bankruptcy.

11.—The Registrar in Bankruptcy shall have and exercise all such powers and authorities and perform and fulfil 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 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 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.

The Official Assignee in Bankruptcy.

12.—The Official Assignee in Bankruptcy shall have and exercise all such powers and authorities and perform and fulfil 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 have and exercise all such powers and authorities as were formerly vested by law in the Official Assignee in Bankruptcy of the King's Bench Division of the High Court of Justice in 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 Official Assignee.

The Examiner's Office.

13.—The Examiner's Office shall be under the management of the Examiner 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 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 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.

The Examiner.

14.—The Examiner shall have and exercise all such powers and authorities and perform and fulfil 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 Ireland respectively and by the Chief Receiver or the Receiver-Examiner.

The Accountant's Office.

15.—The Accountant's Office shall be under the management of the Accountant 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 High Court, the Supreme Court, and the Chief Justice as was formerly transacted in the Consolidated Accounting Office of the Supreme Court of Judicature in Ireland in relation to that Court and in relation to the Lord Chancellor for Ireland.

16.—The Accountant (who shall be styled the Accountant of the Courts of Justice) shall have and exercise all such powers and authorities and perform and fulfil 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 in relation to the High Court, the Supreme Court, and the Chief Justice all such duties and functions as were formerly performed and fulfilled by the Accountant-General of the Supreme Court of Judicature in Ireland in relation to that Court and in relation to the Lord Chancellor for Ireland.

The Accountant.

17.—The Office of the Registrar of the Supreme Court shall be under the management of the Registrar of the Supreme Court and there shall be transacted in that office all the business of the Supreme Court (except such business as is for the time being required by law to be transacted by or before one or more of the judges of that Court) and also all the business of the Court of Criminal Appeal (except such business as is for the time being required by law to be transacted by or before one or more of the judges of that Court).

The Office of the Registrar of the Supreme Court.

18.—(1) The Registrar of the Supreme Court shall have the superintendence and control of the Office of the Registrar of the Supreme 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 Chief Justice in regard to all matters relating to the conduct of that part of the business of the Supreme Court and the Court of Criminal Appeal respectively which is for the time being required by law to be transacted by or before one or more of the judges of those courts respectively.

The Registrar of the Supreme Court.

(2) In addition to the superintendence and control aforesaid the Registrar of the Supreme Court shall act as registrar to that Court and also as Registrar to the Court of Criminal Appeal and shall perform and fulfil in relation to those Courts all such duties and functions as are usually performed and fulfilled by the registrar of a court and shall also have and exercise such powers and authorities and perform and fulfil such duties and functions as shall from time to time be assigned to him by statute or rule of court.

19.—The Office of the Registrar to the Chief Justice shall be under the management of the Registrar to the Chief Justice 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 jurisdictions transferred to the Chief Justice by section 19 of the Courts of Justice Act, 1924 (No. 10 of 1924), as was formerly transacted in relation to the exercise of those jurisdictions 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.

The Office of the Registrar to the Chief Justice.

20.—(1) The Registrar to the Chief Justice shall have the superintendence and control of the Office of the Registrar to the Chief Justice and 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 Chief Justice in regard to all matters relating to the exercise of the jurisdictions transferred to the Chief Justice by section 19 of the Courts of Justice Act, 1924 (No. 10 of 1924).

The Registrar to the Chief Justice.

(2) In addition to the superintendence and control aforesaid the Registrar to the Chief Justice shall have and exercise all such powers and authorities and perform and fulfil such duties and functions in relation to the exercise of the jurisdictions transferred to the Chief Justice by section 19 of the Courts of Justice Act, 1924 (No. 10 of 1924), 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 and the said Chief Clerk respectively. 5 10 15

Qualification for Master of the High Court.

21.—No person shall be appointed under this Act to be Master of the High Court unless at the time of his appointment he is either—

- (a) a barrister of not less than ten years standing who is then actually practising, or 20
- (b) a barrister who has practised for not less than ten years and is at the passing of this Act an officer attached to the Supreme Court, the High Court, or the Chief Justice.

Qualification for Taxing-Master.

22.—No person shall be appointed under this Act to be a Taxing-Master unless either— 25

- (a) he is at the time of his appointment 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, or 30
- (b) he was, immediately before the commencement of this Part of this Act, a Taxing-Master attached to the High Court.

Qualification for probate officer.

23.—No person shall be appointed under this Act to be a probate officer unless either— 35

- (a) he is at the time of his appointment employed in an office established under this Part of this Act and has during the whole of the twelve years next preceding been employed in an office or offices established under this Part of this Act or attached to the former Supreme Court of Judicature or a Judge thereof or the Lord Chancellor for Ireland or the Lord Chief Justice of Ireland, or 40
- (b) he was immediately before the commencement of this Part of this Act a probate registrar or assistant probate registrar attached to the High Court. 45

Qualification for examiner.

24.—No person shall be appointed under this Act to be an Examiner unless either—

- (a) he is at the time of his appointment employed in an office established under this Part of this Act and has during the whole of the twelve years next preceding been employed in an office or offices established under this Part of this Act or attached to the former Supreme Court of Judicature or a judge thereof or the Lord Chancellor for Ireland or the Lord Chief Justice of Ireland, or 50 55
- (b) he was immediately before the commencement of Part I. of the Courts of Justice Act, 1924 (No. 10 of 1924) a chief clerk or assistant chief clerk in the Chambers of a Judge of the Chancery Division of the then existing High Court of Justice. 60

25.—No person shall be appointed under this Act to be Registrar to the Chief Justice unless at the time of his appointment he either—

Qualification for Registrar to the Chief Justice.

- 5 (a) is a barrister of not less than ten years' standing who is then actually practising, or
- 10 (b) is a barrister who is then employed in an office established under this Part of this Act and has during the next preceding twelve years been employed in one or more of such offices or of the offices formerly attached to the High Court, the Supreme Court, the former Supreme Court of Judicature, the Chief Justice, the Lord Chancellor for Ireland or the Lord Chief Justice of Ireland or any of them, or
- 15 (c) immediately before the commencement of this Part of this Act holds the office of Registrar or of Assistant Registrar in Lunacy or the office of Chief Clerk to the Chief Justice.

26.—(1) In addition to the principal officers there shall be employed in the several offices established by this Part of this Act 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 that court and with the Chief Justice in the case of an office attached to the Supreme Court or the Chief Justice.

General staffs of offices.

27.—(2) All officers (other than the principal officers), clerks, messengers, criers, and servants employed in any of the offices established by this Part of this Act 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 relation to an office attached to that court and with the Chief Justice in relation to an office attached to the Supreme Court or to the Chief Justice.

27.—(1) In the event of the temporary absence or the temporary incapacity through illness of the Master of the High Court or any Taxing-Master or in the event of the office of such Master or Taxing-Master being vacant the Minister may appoint a deputy to execute the office of such Master or Taxing-Master during such absence, incapacity, or vacancy.

Appointment of temporary deputies for Master and Taxing-Masters.

40 (2) A deputy appointed under this section shall while his appointment continues have and exercise all the powers and authorities and shall perform and fulfil all the duties and functions of the officer whose deputy he is.

45 (3) Except in the case of the temporary incapacity of an officer through illness no office shall be executed by a deputy appointed under this section for any period or periods exceeding in all three months in any year.

50 (4) No person shall be appointed under this section to be a Deputy Master of the High Court unless at the time of his appointment he either possesses the qualifications prescribed by this Act for persons appointed to be Master of the High Court or is an officer employed in the Central Office who has during the next preceding twelve years been employed in one or more of the offices established by this Part of this Act or of the offices the business of which is transferred by this Act to the offices established by this Part of this Act.

55 (5) No person shall be appointed under this section to be a Deputy-Taxing Master unless at the time of his appointment he possesses the qualifications prescribed by this Act for persons appointed to be Taxing Master.

28.—(1) The Minister may in the case of each of the offices established by this Part of this Act (other than the Central Office and the Taxing-Master's Office) nominate one of the officers for the time being serving in the office to be the deputy for the principal officer having under this Act the management of such

Deputies for principal officers.

office, and every officer so nominated shall, during every temporary absence and every temporary incapacity through illness of such principal officer and every occasion on which the office of such principal officer is vacant occurring while such nomination remains unrevoked, have and exercise the powers and authorities and perform and fulfil the duties and functions for the time being vested by law in such principal officer. 5

(2) In this section the word "office" shall in its application to the Bankruptcy Office be construed as meaning a branch of an office. 10

Transfer of property vested in officials.

29.—(1) All securities and moneys which are immediately before the commencement of this Part of this Act standing in the books of the government of Saorstát Eireann or any foreign government or any bank or any company or other body corporate whatsoever (whether such bank, company, or body is within or outside Saorstát Eireann) in the name or to the account of the Accountant-General of the High Court of Justice of Saorstát Eireann or of the Accountant-General of the Supreme Court of Judicature in Southern Ireland shall immediately upon the commencement of this Part of this Act become and be vested in the Accountant for the time being of the Courts of Justice in Saorstát Eireann without any transfer, assignment, or other instrument. 15 20

(2) All real and personal property (including choses-in-action) whatsoever which is immediately before the commencement of this Part of this Act vested in the Official Assignee of the High Court shall immediately upon the commencement of this Part of this Act become and be (without any conveyance, transfer, or other instrument) vested in the Official Assignee in Bankruptcy for the time being of the High Court for all the estate and interest and subject to the trusts and for the purposes for and subject to which such property was respectively vested in the said Official Assignee, and accordingly all securities and moneys which are immediately before the commencement of this Part of this Act standing in the books of the government of Saorstát Eireann or any foreign government or any bank, or any company or other body corporate whatsoever (whether such bank, company, or body is within or outside Saorstát Eireann) in the name or to the account of the Official Assignee of the High Court of Justice of Saorstát Eireann or of the Official Assignee of the High Court of Justice in Southern Ireland shall immediately upon the commencement of this Part of this Act become and be vested in the Official Assignee in Bankruptcy of the High Court of Justice of Saorstát Eireann without any transfer, assignment, or other instrument. 25 30 35 40

(3) All chattels and all documents which immediately before the commencement of this Part of this Act are deposited for safe custody or otherwise with the Accountant-General of the High Court of Justice in Saorstát Eireann shall upon the commencement of this Part of this Act and without any further order be transferred to the Accountant of the Courts of Justice and be held by him for the same purposes as such chattels and documents were respectively held by the said Accountant-General immediately before such commencement. 45 50

(4) In this section—
the word "securities" includes every description of stocks, shares, debentures, bonds, mortgages, and other securities and all dividends and interest accrued or accruing thereon; 55
the word "moneys" includes moneys in bank on deposit or current accounts;
and references to the books of a government, bank, company, or other body corporate includes books kept for a government, bank, company, or body corporate by any bank, company, body, or person. 60

Application of Civil Service Regulation Act, 1924.

30.—(1) During the period of eighteen months from the commencement of this Part of this Act, the Civil Service Regulation Act, 1924 (No. 5 of 1924), shall not apply to any appointment 65

of an existing officer to an office created by this Part of this Act or to a situation in any office established by this Part of this Act.

5 (2) In this section the expression "existing officer" means and includes all registrars, clerks, messengers, criers, and other officers and servants who at the commencement of this Part of this Act are attached to the Supreme Court, the Court of Criminal Appeal, the High Court, or the Chief Justice, and are pensionable officers or servants.

10 **31.**—(1) Whenever it is expressly enacted by this Part of this Act that any officer holding a post (in this sub-section referred to as the new post) created by this Part of this Act is to have or exercise the powers or authorities or perform or fulfil the duties or functions which were formerly vested in or imposed
15 on the holder of a post (in this sub-section referred to as the existing post) existing immediately or at any other time before the commencement of this Part of this Act, the existing post if not abolished by virtue of any other provision of this Act is hereby abolished as from the commencement of this Part of this
20 Act, and as from the abolition of the existing post (whether effected by this sub-section or by some other provision of this Act) every enactment referring to the existing post (other than enactments relating to the appointment to, qualification for, or remuneration or tenure of the existing post) shall, if and so far
25 as such enactment continues in force and capable of taking effect, be construed and have effect as if in lieu of the references therein to the existing post there were inserted therein references to the new post.

Abolition of existing posts and offices.

30 (2) Whenever it is enacted by this Part of this Act that the business to be transacted in any office (in this sub-section referred to as the new office) is to be or to include the business formerly transacted in an office (in this sub-section referred to as the existing office) existing immediately or at any other time before
35 the commencement of this Part of this Act, the existing office if not abolished by virtue of any other provision of this Act is hereby abolished as from the commencement of this Part of this Act, and as from the abolition of the existing office (whether effected by this sub-section or by some other provision of this Act) all references in any enactment to the existing office (other
40 than references to the staff of the existing office) shall be construed as references to the new office and such enactment shall have effect accordingly.

(3) Every post—

45 (a) which is at the commencement of this Part of this Act attached to the Supreme Court, the High Court, the Court of Criminal Appeal, or the Chief Justice or was attached to the former Supreme Court of Judicature or the Lord Chancellor for Ireland, and

(b) was created by statute or rule of court, and

50 (c) the powers, authorities, duties, or functions of the holder of which are not expressly transferred by this Part of this Act to the holder of a post created by this Act,

55 is hereby abolished (unless abolished by virtue of any other provision of this Act) as from the commencement of this Part of this Act, and as from such abolition (whether effected by this sub-section or by any other provision of this Act) the powers, authorities, duties, and functions of the holder of the post shall, so far as they remain capable of being exercised or performed,
60 be vested in the Master of the High Court unless and until otherwise provided by rules of court, and every enactment referring to the holder of such post (other than enactments relating to the appointment to, qualification for, or remuneration or tenure of such post) shall, if and so far as the same continues in force
65 and capable of taking effect, be construed and have effect as referring to the Master of the High Court in lieu of the holder of such post.

(4) Every office—

- (a) which is at the commencement of this Part of this Act attached to the Supreme Court, the High Court, the Court of Criminal Appeal, or the Chief Justice or was attached to the former Supreme Court of Judicature or the Lord Chancellor for Ireland, and 5
- (b) was established by statute or rule of court, and
- (c) the business of which is not transferred by this Part of this Act to any of the offices established by this Act, is hereby abolished (unless abolished by virtue of some other provision of this Act) as from the commencement of this Part of this Act, and as from such abolition (whether effected by this sub-section or by some other provision of this Act) the business formerly transacted in such office shall, if and so far as the same shall require to be transacted, be transacted in the Central Office unless and until otherwise provided by rules of court, and every enactment referring to such office (other than enactments relating to the staff of such office) shall, if and so far as the same continues in force and capable of taking effect, be construed and have effect as referring to the Central Office in lieu of such office. 20

Saving for Land Registry.

32.—Nothing in this Act shall apply to the Central Office established under the Local Registration of Title (Ireland) Act, 1891 nor to any Local Office established under that Act which immediately before the commencement of Part II of this Act is under the management and control of a person who is not the Clerk of the Crown and Peace, and neither the said Central Office nor any such Local Office shall for the purposes of this Act be deemed to be or to have been attached to the High Court or to the former Supreme Court of Judicature or any branch or division thereof. 25 30

Saving for district probate registries.

33.—Save and except section 56 (which relates to the closing of district probate registries) and section 62 (which relates to the grant of Civil Service Certificates to certain officers) nothing in this Act shall apply to the District Probate Registries, and none of those Registries shall for the purposes of this Act (except section 62) be deemed to be or to have been attached to the High Court or to the former Supreme Court of Judicature or any branch or division thereof. 35

PART II.

THE CIRCUIT COURT. 40

The Circuit Court Office.

34.—(1) There shall be established in and for every county and every county borough an office attached to the Circuit Court and styled the Circuit Court Office.

(2) The Minister may at any time and for so long as he thinks proper amalgamate any two or more counties or any county borough and one or more counties for the purposes of the Circuit Court, and while any such amalgamation continues there shall be only one circuit court office in and for such amalgamated counties or county borough and county or counties. 45

(3) The Minister may at any time divide any county into two or more parts for the purposes of the Circuit Court and whenever any county is so divided a separate circuit court office shall be established in and for every such part of such county. 50

The County Registrar.

35.—(1) There shall be attached to the Circuit Court so many County Registrars as the Minister, with the sanction of the Minister for Finance, shall from time to time direct. 55

(2) Every county registrar shall be appointed by the Executive Council and shall hold office at the pleasure of the Executive Council.

(3) No person shall be appointed to be a county registrar unless at the time of his appointment he is either— 60

- (a) a solicitor of not less than eight years standing who is then actually practising or has previously practised for not less than eight years, or
- (b) a Clerk of the Crown and Peace, or
- 5 (c) a person who has been a Clerk of the Crown and Peace or a county registrar.

(4) For the purposes of paragraph (a) of the foregoing subsection, service as a Justice of the District Court shall in the case of a Justice of the District Court who was admitted as a solicitor 10 before he was appointed to be such Justice, be deemed to be practice as a solicitor.

(5) Subject to the person appointed thereto being in good health at the time of appointment, the office of county registrar shall be a pensionable office within the Superannuation Acts 15 for the time being in force and there may be granted either to a county registrar on retirement or to his legal personal representative on death such superannuation and other allowances or gratuities as might under the Superannuation Acts for the time being in force have been granted had such county registrar been 20 appointed to the permanent Civil Service of Saorstát Eireann with a certificate from the Civil Service Commissioners.

(6) Every county registrar shall retire on attaining the age of sixty-five years, but such age of retirement may, in the case of any particular county registrar, be extended by the Minister 25 with the concurrence of the Minister for Finance to any age not exceeding seventy years.

36.—(1) Every county registrar appointed under this Act shall be assigned to such circuit court office as the Minister shall from time to time direct. Assignment of county registrars to circuit court offices.

30 (2) Every county registrar shall be known and is in this Act referred to as the county registrar for the county, county borough, or other area served by the circuit court office to which he is for the time being assigned.

(3) All references in this Act to a county registrar in relation 35 to a circuit court office shall be construed as references to the county registrar for the time being assigned under this section to such office and all references in this Act to a county registrar in relation to a county, county borough, or other area shall be construed as references to the county registrar for the time being 40 assigned to the circuit court office for that area.

37.—Every circuit court office shall be under the control and management of the county registrar and there shall be transacted in every circuit court office all such business as is from time to time directed by statute or rule of court to be transacted therein 45 and (unless and until otherwise directed by statute or rule of court) also all other business of the Circuit Court in the county, county borough, or other area served by such office except such business as is required by law to be transacted by or before the Circuit Judge. The business of the circuit court office.

50 **38.**—(1) Every county registrar shall have and exercise such powers and authorities and shall perform and fulfil such duties and functions as shall be from time to time conferred or imposed on him by statute or rule of court and in particular shall perform and fulfil the duties and have and exercise the powers and 55 authorities expressly imposed or conferred on him by this Act and (unless and until otherwise provided by statute or rule of court) shall also, save as is otherwise provided by this Act, perform and fulfil all the duties and have and exercise all the powers and authorities which immediately before the commencement of this Part of this Act were by law imposed on or vested 60 in the clerk of the crown and peace or the registrar of a Civil Bill Court or, where a local bankruptcy court formerly existed, the registrar, or any other officer of that court except the official assignee. Duties of the county registrar.

(2) Rules of court made under section 66 of the Courts of Justice Act, 1924 (No. 10 of 1924), may provide for the hearing and determination (subject or not subject to an appeal to the Circuit Judge) by the county registrar of all or any class or classes of interlocutory applications and unopposed final applications in or in relation to suits or matters in the Circuit Court as well as the taking or making of all or any class or classes of accounts and inquiries in such suits or matters. 5

(3) The county registrar of the county, county borough, or other area in which the Central Criminal Court is for the time being sitting shall act as registrar to that Court and perform and fulfil such duties and functions in relation to that Court as shall be assigned to him by rules of court. 10

Expenses, etc., heretofore payable to Clerk of Crown and Peace.

39.—(1) All expenses, allowances, and fees heretofore payable or receivable under the Electoral Act, 1923 (No. 12 of 1923), the Local Government Electors Registration Act, 1924 (No. 7 of 1924) and the Juries Acts, 1871 to 1924, respectively to or by the Clerk of the Crown and Peace (whether as registration officer or otherwise) shall be payable to and receivable by the county registrar in the same manner in all respects as the said expenses, allowances, and fees were heretofore payable to or receivable by the Clerk of the Crown and Peace. 15 20

(2) The amounts of the said expenses, allowances and fees shall be calculated in accordance with the scales for the time being in force for the purposes of such calculation under the said Acts mentioned in the foregoing sub-section respectively, and for the purpose of such scales all such expenses, allowances, and fees as were heretofore actually incurred by the Clerk of the Crown and Peace shall be deemed to be actually incurred by the county registrar although in fact not so incurred. 25 30

(3) Save as is hereinafter mentioned every county registrar shall surrender to the Exchequer so much of the expenses, allowances, and fees paid to and received by him by virtue of this section as is not required by him to meet disbursements and expenses payable or incurred by him under any of the said Acts mentioned in the foregoing sub-section and not payable or paid out of moneys provided by the Oireachtas. 35

(4) Notwithstanding the provisions of the foregoing sub-section, the fees and other sums mentioned in sub-section (4) of section 12 of the Electoral Act, 1923, shall be accounted for and paid by the county registrar in accordance with that sub-section and no portion of such fees or sums shall be surrendered to the Exchequer under the foregoing sub-section. 40

Appointment of temporary deputy county registrar.

40.—(1) In the event of the temporary absence or the temporary incapacity through illness of any county registrar or in the event of the office of county registrar for any circuit court office being vacant the Minister may appoint a deputy to execute the office of such county registrar during such absence, incapacity, or vacancy, but unless and until the Minister appoints such deputy the office of such county registrar shall (save as is hereinafter provided) be executed during such absence, incapacity, or vacancy by the senior officer in the circuit court office. 45 50

(2) A deputy appointed under this section shall, while his appointment continues, have and exercise all the powers and authorities and shall perform and fulfil all the duties and functions of the county registrar whose deputy he is. 55

(3) Rules of court may provide that specified powers, authorities, duties, and functions of a county registrar shall not be exercised or performed by the senior officer under this section, and where rules of court so provide the powers, authorities, duties, and functions so specified shall not be exercised or performed by the senior officer under this section. 60

(4) Except in the case of the temporary incapacity of a county registrar through illness no office shall be executed by a deputy appointed under this section for any period or periods exceeding in all three months in any year. 65

(5) No person shall be appointed under this section to be a deputy for a county registrar unless he possesses the qualifications prescribed by this Act for persons appointed to be county registrars.

5 (6) This section shall not operate to authorise the senior officer in a circuit court office to exercise the powers or authorities or perform the duties or functions of the county registrar as registration officer under the Electoral Act, 1923 (No. 12 of 1923) or any Act amending or extending that Act, and section 10 of
10 that Act shall apply to the exercise and performance of those powers, authorities, duties and functions during any temporary absence or temporary incapacity through illness of the county registrar or any vacancy in the office of county registrar until a deputy is appointed under this section but not thereafter.

15 (7) After the powers, authorities, duties, and functions of any under-sheriff have become transferred under this Act to a county registrar, the powers, authorities, duties and functions of such under-sheriff as returning officer under the Electoral Act, 1923
20 (No. 12 of 1923) shall not be exercisable by the senior officer under this section, and in lieu thereof whenever such county registrar is temporarily absent or incapacitated through illness or his office is vacant the Minister for Local Government and Public Health may if he so thinks fit appoint a fit and proper
25 person to exercise and perform those powers, authorities, duties and functions during such absence, incapacity, or vacancy until a deputy is appointed by the Minister for Justice under this section.

30 **41.**—(1) The Minister may by order prescribe the places at which and the post office savings banks and other banks in which money hereafter paid into the circuit court in any proceedings or heretofore paid under section 39 of the County Officers and Courts (Ireland) Act, 1877, into the former county court or into the circuit court shall be deposited in each circuit and may by the same or
35 any other order make in respect of each circuit rules and regulations in respect of such deposits, and may by such rules and regulations make such provision as may appear to him to be necessary for the transfer of money heretofore paid into the former county court or into the circuit court as aforesaid to the bank or banks and into the names prescribed by such order for
40 money hereafter paid into the circuit court.

Money paid into the Circuit Court.

(2) No order shall be made under this section without the concurrence of the judge of the circuit court assigned at the date of the order to the circuit to which the order relates.

45 (3) No order made under this section shall authorise the payment out otherwise than on an order of a judge of the circuit court of any money deposited under this section.

50 **42.**—There shall be employed in every circuit court office established under this Act such and so many officers, clerks, messengers, and servants as the Minister shall, with the sanction of the Minister for Finance, from time to time determine and all such officers, clerks, messengers, and servants shall hold office on such terms and conditions as the Minister for Finance shall prescribe.

General staff of circuit court office.

55 **43.**—(1) In addition to the persons employed under this Act in circuit court offices there may be attached to the circuit court such and so many officers and servants as the Minister shall, with the sanction of the Minister for Finance from time to time determine and all such officers and servants shall hold office on such terms and conditions as the Minister for Finance shall
60 prescribe.

Staff attached to the Circuit Court and the Judges thereof.

65 (2) Every officer and servant attached to the circuit court shall be assigned by the Minister to a particular circuit and any such officer or servant may with his own consent be transferred from one circuit to another circuit and every such officer and servant shall perform and fulfil in the circuit to which he is for the time being assigned such duties and functions in relation to the circuit court as the Minister shall from time to time prescribe.

(3) In addition to the officers and servants mentioned in the foregoing sub-sections of this section there may be attached to any judge of the circuit court by direction of the Minister and with the sanction of the Minister for Finance one servant to perform such duties in relation to such judge as the Minister shall prescribe, and every such servant shall be appointed by the Minister and shall hold office on such terms and conditions as the Minister shall, with the sanction of the Minister for Finance determine, and the Civil Service Regulation Act, 1924 (No. 5 of 1924) shall not apply to the situation of any such servant.

(4) The Minister for Finance may out of moneys to be provided by the Oireachtas pay to any judge of the circuit court to whom a servant is not attached under the foregoing sub-section an allowance of such amount as the said Minister shall determine in lieu of such servant.

Summons-
servers.

44.—(1) There shall be attached to every circuit court office such and so many summons-servers as the county registrar, with the sanction of the Minister and (as regards numbers) of the Minister for Finance, shall think proper.

(2) Every such summons-server shall be appointed by the county registrar with and subject to the approval of the Minister and shall hold office at the will of and may be removed by the Minister and shall be paid out of moneys to be provided by the Oireachtas such salaries as the Minister shall, with the consent of the Minister for Finance, direct.

(3) Whenever there is in the opinion of the county registrar reason to believe that any such summons-server has misconducted himself or displayed gross incapacity in the performance of his duties, the county registrar may suspend such summons-server from the performance of his duties for any period or periods not exceeding altogether one month pending the decision of the Minister on the matter.

(4) Every such summons-server shall be and is hereby declared to be competent to serve within the area served by the circuit court office to which he is attached any writ, summons, process, notice or other document issued by or from any court.

Saving for
official assignees
of local
bankruptcy
courts.

45.—Nothing in this Act shall apply to the office of official assignee attached to a local bankruptcy court established under the Local Bankruptcy (Ireland) Act, 1888, before the passing of the Courts of Justice Act, 1924 (No. 10 of 1924) save that every such official assignee and his staff (if any) shall henceforth be attached to the Circuit Court and that sub-sections (1) and (2) of section 43 (which relate to the staff attached to the Circuit Court) of this Act shall apply to the post or situation of each such official assignee and of each member of his staff (if any) on and from the occurrence of the next vacancy in each such post or situation.

PART III.

THE DISTRICT COURT.

Appointment
of district
court clerks.

46.—(1) There shall be attached to the District Court such and so many district court clerks as the Minister shall, with the sanction of the Minister for Finance, from time to time direct.

(2) Subject to the provisions of this section, every district court clerk shall be appointed by the Minister and shall (unless he is a pensionable officer) hold office at the will of and may be removed by the Minister.

(3) Every person who immediately before the commencement of this Part of this Act holds the office of district court clerk under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923) or, in the Dublin Metropolitan Area and in the County Borough of Cork, the office of chief or other clerk of the District Court in that area and borough respectively

shall, on the commencement of this Part of this Act, become and be a district court clerk under this Act and shall hold such office on the same terms and conditions in all respects as if he had been appointed thereto by the Minister under this Act.

(4) Every person who becomes a district court clerk under this Act by virtue of the next preceding sub-section of this section shall, when computing the period of his service for the purposes of the Superannuation Acts, 1834 to 1923, be entitled to reckon as continuous service for those purposes whatever period (if any) of service he was immediately before the commencement of this Part of this Act entitled to reckon as service for those purposes and his period of pensionable service as a district court clerk under this Act.

(5) The district court clerk's office shall for the purposes of this Act be deemed to be an office established by this Act.

47.—(1) The Minister shall divide every district prescribed by him under section 68 of the Courts of Justice Act, 1924 (No. 10 of 1924) into such and so many convenient areas (in this Part of this Act referred to as district court areas) as he shall think proper and may divide any such district into different district court areas for the purposes of different classes of business transacted in the District Court.

District court areas.

(2) The Minister shall appoint one or more convenient places in every district court area or within one mile of the boundary of such area in which, and such and so many convenient days and hours at which, the District Court shall be held for the purpose of transacting for such district court area the business for the transaction of which such area was delimited.

(3) It shall be lawful for the Minister from time to time, as he shall consider expedient, to do all or any of the following things, that is to say:—

(a) vary or abolish any district prescribed by him under the said section 68 of the Courts of Justice Act, 1924;

(b) create any new such district;

(c) vary or abolish any district court area;

(d) create any new district court area;

(e) vary the class or classes of business for which any district court area is delimited;

(f) alter the places or vary the days or hours appointed under this section for holding the District Court in or for any district court area.

(4) The district court areas created under this section shall for all purposes take the place of and be substituted for the court districts created under section 3 of the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923), and the sittings of the District Court for the transaction for any such district court area of the business for which such district court area is delimited shall be held in the places on the days, and at the hours appointed therefor under this section.

48.—(1) Every district court clerk shall be assigned to such one or more district court areas as the Minister shall from time to time direct and shall have and exercise all such powers and authorities and perform and fulfil all such duties and functions in relation to the District Court in such district court area or areas as shall from time to time be conferred or imposed on to him by statute or rule of court and in particular (unless and until otherwise provided by statute or rules of court) shall have and exercise all such powers and authorities and perform and fulfil all such duties and functions in such district court area or areas as immediately before the commencement of this Part of this Act were vested by law in or required by law to be performed or fulfilled by the district court clerk or, in the Dublin Metropolitan Area and the County Borough of Cork, by the chief and other clerks of the District Court in that area and borough respectively.

Duties of district court clerks.

(2) In addition to the powers, authorities, duties and functions mentioned in the foregoing sub-section, every district court clerk in the Dublin Metropolitan Area shall have, exercise, perform and fulfil, within so much of that Area as is within his district court area all the powers, authorities, duties and functions vested or imposed by any statutes in force immediately before the commencement of this Part of this Act in or on the chief clerk, or the principal clerk, or any other clerk of the Dublin Metropolitan Police Courts. 5

Payment of salaries of district court clerks.

49.—(1) From the commencement of this Part of this Act until the appointed day the salaries and allowances of all district court clerks assigned to any district or districts within the Dublin Metropolitan Area shall be paid out of moneys to be provided by the Oireachtas and the salaries and allowances of all district court clerks assigned to any district or districts outside the Dublin Metropolitan Area shall be paid out of the invested funds and other moneys for the time being in the hands of the registrar of district court clerks or standing in the name of that registrar either alone or jointly with any other public official, and any deficiency in such funds or moneys to meet the amounts of such salaries shall, to such extent as the Minister for Finance may sanction, be made good out of moneys to be provided by the Oireachtas. 10 15 20

(2) In this and the two following sections the expression “the appointed day” means such day as the Minister shall by order appoint to be the appointed day for the purpose of those sections, and the expression “registrar of district court clerks” means the person appointed under the Petty Sessions Clerk (Ireland) Act, 1858, to discharge the duties prescribed by that Act for the registrar to perform. 25 30

Abolition of Registrar of District Court Clerks.

50.—(1) As on the appointed day the office of registrar of district court clerks shall cease to exist and after that day such of the duties of that office as continue to exist shall be discharged by the principal officer of the Department of Justice or by such other officer of the Minister as the Minister shall from time to time direct. 35

(2) The fund known as the District Court Clerks' Fund shall be wound up as on the appointed day and so soon as may be after that day all invested funds and all other moneys on that day in the hands of the registrar of district court clerks or standing in the name of that registrar either alone or jointly with any other public official and being or representing moneys collected by or under the control of the registrar of district court clerks shall be paid into or disposed for the benefit of the Exchequer in such manner as the Minister for Finance shall direct. 40 45

(3) From and after the appointed day all salaries, allowances, and expenses theretofore chargeable on or payable out of moneys collected by or under the control of the registrar of district court clerks shall, if and so far as the same continue to be payable, be paid out of moneys provided by the Oireachtas. 50

(4) If any person who immediately before the appointed day is employed in a pensionable capacity in the office of the registrar of district court clerks is appointed on or after the appointed day in a pensionable capacity to a situation in the Civil Service of Saorstát Eireann, the Acts which immediately before the appointed day authorised the grant to him of a pension or other allowance (from whatever fund or moneys such pension or allowance could have been granted) shall on his ceasing to hold a situation in a pensionable capacity in the Civil Service of Saorstát Eireann apply to him in the same manner and to the same extent as they applied to him immediately before the appointed day but with and subject to the following modifications, that is to say:— 55 60

(i) in computing the period of his service for the purpose of those Acts he shall be entitled to reckon as continuous 65

service for those purposes his period of service in a pensionable capacity in the office of the registrar of district court clerks and his period of service in a pensionable capacity in a situation in the Civil Service of Saorstát Eireann and

5 (ii) the Minister for Finance shall be substituted for the person authorised by those Acts to grant to him a pension or allowance, and

10 (iii) any pension or allowance granted to him shall be paid out of moneys to be provided by the Oireachtas.

15 **51.**—(1) Save as is otherwise provided under this section, all fines, amerciaments, penalties and forfeited recognisances imposed or levied by any court after the appointed day shall be paid into or disposed for the benefit of the Exchequer in such manner as the Minister for Finance shall direct and notwithstanding any enactment to the contrary, no part of any such fine, amerciament, penalty, or recognisance shall be paid or allowed to any prosecutor, informer, or other person or paid into any fund. Disposal of fines, etc.

20 (2) So much of any fine, amerciament, penalty, or forfeited recognisance imposed or levied by any court on or before the appointed day as is not received by the registrar of district court clerks on or before that day or lawfully paid before, on, or after that day to a prosecutor, informer, or other person shall (save as is otherwise provided under this section) be paid into or disposed for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

25 (3) Whenever any fine, amerciament, penalty, or forfeited recognisance is remitted in whole or in part after the same has been paid into or disposed for the benefit of the Exchequer under this section, such fine, amerciament, penalty or forfeited recognisance or the portion thereof so remitted (as the case may be) shall be repaid out of the Exchequer in such manner as the Minister for Finance shall direct.

30 (4) The Minister may, with the concurrence of the Minister for Finance, by order direct that the whole or any specified portion of every fine or penalty belonging to any particular class or classes of fines or penalties specified in the order shall not be paid into the Exchequer under this section and that, in lieu of being so paid, the whole or such specified portion (as the case may be) of every such fine or penalty shall be paid to such prosecutor, informer, or other person or into such fund and upon such terms and conditions as shall be specified in the order in respect of each particular class or classes of fines.

PART IV.

MISCELLANEOUS.

45 **52.**—The office of high sheriff is hereby abolished in every county and county borough. Abolition of High Sheriff.

50 **53.**—It shall not henceforth be the duty of any under-sheriff to carry into effect sentences of death imposed by courts of justice and in lieu thereof the duty of carrying into effect such sentences shall henceforth be performed by the governor or other principal officer of the prison in which the person on whom the sentence was imposed is confined at the time when the sentence is to be carried into effect. Execution of death sentences.

55 **54.**—(1) No appointment shall be made to the office of under-sheriff after the passing of this Act. Transfer of duties of under-sheriff.

60 (2) In every county and county borough in which the office of under-sheriff is vacant at the commencement of this Part of this Act all the powers, duties, authorities, rights and obligations of the several under-sheriffs of such counties and county boroughs respectively shall as on and from such commencement become and be transferred to and vested in or imposed on the several

county registrars of such counties and county boroughs respectively.

(3) In every county and county borough in which the office of under-sheriff is not vacant at the commencement of this Part of this Act all the powers, duties, authorities, rights and obligations of the several under-sheriffs of such counties and county boroughs respectively shall as on and from the respective dates on which the office of under-sheriff in such counties and county boroughs respectively first becomes vacant after the commencement of this Part of this Act become and be transferred to and vested in or imposed on the several county registrars of such counties and county boroughs respectively.

Winding-up of Lunacy Fund.

55.—(1) The Lunacy Fund referred to in sections 110 and 116 of the Lunacy Regulation (Ireland) Act, 1871 shall be wound up on such day (hereinafter referred to as the closing day) after the commencement of this Part of this Act and before the next following **1st day of April** as the Minister shall, with the sanction of the Minister for Finance, appoint.

(2) All investments, securities, funds, and moneys standing to the credit of the lunacy fund on the closing day shall on that day or so soon thereafter as conveniently may be be paid into or disposed for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

(3) From and after the closing day the percentage charged on the estates of lunatics under sections 109 to 114 of the Lunacy Regulation (Ireland) Act, 1871 shall be paid into the Exchequer in such manner and at such times as the Minister for Finance shall direct.

(4) All salaries and pensions heretofore payable out of the Lunacy Fund shall after the closing day, if and so far as they respectively continue to be payable, be paid out of moneys provided by the Oireachtas as part of the expenses incurred in the execution of this Act, and all such expenses (other than salaries and pensions) as have heretofore been defrayed out of the Lunacy Fund shall after the closing day be defrayed either out of moneys provided by the Oireachtas or out of the said percentage charged on the estates of lunatics before the same is paid into the Exchequer as the Minister for Finance after consultation with the Chief Justice shall direct, and all such expenses (other than salaries and pensions) shall be so defrayed on the certificate of the Chief Justice certifying the amount and nature of each expense and that the same was duly incurred by his direction or with his approval.

(5) The Minister may, with the consent of the Minister for Finance and after consultation with the Chief Justice from time to time vary the rates of the said percentage charged on the estates of lunatics and may, if he so thinks fit but with the consent aforesaid, raise such rates above or reduce such rates below the rates and total amounts specified in section 109 of the Lunacy Regulation (Ireland) Act, 1871, but until such rates are varied under this section the said percentage shall be charged at the rates at which it was chargeable immediately before the commencement of this Part of this Act.

Closing of district probate registries.

56.—(1) The Minister may by order close any district probate registry as from such date (not being earlier than the date of the order) as he shall think proper.

(2) Whenever the Minister makes an order under this section closing a district probate registry such registry shall as from the date specified in the order for the closing thereof cease to exist and, save as hereinafter mentioned, the Probates and Letters of Administration Act (Ireland), 1857 shall have effect in the district previously served by such registry as if that district were omitted from Schedule (A) of that Act.

(3) Whenever the Minister makes an order under this section closing a district probate registry the Minister may by such order, if he so thinks fit, make provision for enabling applications for probates of wills and letters of administration in cases in which

the testator or intestate (as the case may be) at the time of his death had a fixed place of abode within the district previously served by such registry to be lodged with the county registrar for the area in which such fixed place of abode was situate and for the transmission of such applications by the county registrar to the principal probate registry and the transmission of the probates and letters of administration (if and when issued) from the principal probate registry to the said county registrar for delivery to the person entitled thereto.

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(4) The Minister may, if and when he so thinks fit, by order make provision for enabling applications for probates of wills and letters of administration in cases in which the testator or intestate (as the case may be) at the time of his death had a fixed place of abode in Saorstát Eireann but not within any of the districts served at the commencement of this Part of this Act by a district probate registry to be lodged with the county registrar for the area in which such fixed place of abode was situate and for the transmission of such application by the county registrar to the principal probate registry and the transmission of the probates and letters of administration (if and when issued) from the principal probate registry to the said county registrar for delivery to the person entitled thereto.

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57.—(1) The Minister may, with the sanction of the Minister for Finance and the concurrence of the committee with whose concurrence or assistance the rules of the court to which the matter relates are made, by order prescribe and from time to time as occasion requires vary or otherwise revise the fees to be charged in the several offices established by this Act and may by any such order prescribe, in addition to the amounts of such fees, the persons by whom and the occasions on which such fees are to be paid and the officers by whom and the manner in which such fees are to be collected.

Court fees.

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(2) All fees collected under an order made under this section shall be paid into or disposed for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

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(3) Unless and until the fees to be charged in any office established by this Act are prescribed by an order under this section there shall be charged in such office the fees which immediately before the passing of this Act were chargeable in the office in which was then transacted the business assigned by this Act to the first-mentioned office.

(4) So much of the Courts of Justice Act, 1924 (No. 10 of 1924) as authorises the fees to be charged in any court or office to be fixed by rules of court is hereby repealed.

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58.—The several powers, authorities, duties and functions conferred or imposed by Part I. of this Act on the respective officers therein referred to as principal officers and by Part II. of this Act on the county registrars shall be exercised and performed by those officers and registrars with the assistance of the officers and servants employed in the offices under their management respectively, and every such principal officer and county registrar shall arrange for the exercise and performance by officers or servants employed in the office under his management of such of his powers, authorities, duties and functions (other than those which he is for the time being expressly required by statute or rule of court to exercise or perform in person) as he cannot conveniently exercise or perform himself.

Performance of their duties, etc., by principal officers and county registrars.

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59.—(1) All such stockbrokers, receivers, auctioneers, assessors, and other persons as shall from time to time be required to be retained to render occasional services in or for any court or for any judge or officer of any court shall be nominated and retained by the Minister on such terms and conditions as he shall (subject to the sanction of the Minister for Finance in respect of any payment of remuneration out of public moneys) think proper.

Nomination of court stockbrokers, court receivers, etc.

(2) Every nomination and retainer made by the Minister

under the foregoing sub-section may be revoked by the Minister at any time.

(3) Every nomination or retainer by whomsoever made of any such person as aforesaid which is in force at the commencement of any Part (other than this Part) of this Act in relation to any court, judge, or officer to which such Part relates may be revoked by the Minister at any time after such commencement, but unless and until such nomination or retainer is so revoked the same shall continue in force according to the terms thereof including any term relating to the duration thereof. 5 10

(4) This section shall not apply to such solicitors, doctors, visitors, and other persons as have heretofore been retained or nominated by the Chief Justice in relation to the exercise of any of the jurisdictions transferred to him by section 19 of the Courts of Justice Act, 1924 (No. 10 of 1924) and all such persons shall continue to be nominated and retained by him as heretofore. 15

(5) This section shall not apply to the appointment in any suit or matter by the judge or by the parties with the approval of the judge of an auctioneer, receiver, assessor, liquidator, manager, agent or other like person to render services in relation to the subject matter of such suit or matter where the appointment does not extend to any other suit or matter and either there is no person retained under this section available to render such services or the judge is of opinion that it is not expedient in the special circumstances of the case to appoint the person or any of the persons so retained. 20 25

Application of
Civil Service
Regulation
Act, 1924.

60.—Save as is otherwise provided in this Act, the Civil Service Regulation Act, 1924 (No. 5 of 1924) and every Act for the time being in force amending that Act shall apply to every office and situation under this Act other than offices and situations for the time being comprised in the Schedule to the said Civil Service Regulation Act, 1924. 30

Security to be
given by certain
officers.

61.—(1) Every person appointed to a post or situation to which this section for the time being applies shall before entering on the duties of such post or situation give security for the discharge of the duties of such post or situation in such manner and for such amount as shall be prescribed under this section. 35

(2) The Minister may with the sanction of the Minister for Finance from time to time, by order prescribe the posts created by this Act and the posts and situations in the offices established by this Act to which this section shall apply and may by any such order prescribe, with the sanction of the Minister for Finance, the manner in which and the amount for which security is to be given under this section in respect of each such post and situation but so that the amount for which such security is to be given shall not in any case exceed twice the annual salary of the post or situation in respect of which the security is given. 40 45

Grant of
civil service
certificates to
certain officers.

62.—(1) The Civil Service Commissioners may on the recommendation of the Minister, with the concurrence of the Minister for Finance, grant to any person (whether paid or not paid out of public moneys) who at the passing of this Act is employed during the whole of his time in an office attached to a court of justice a certificate of qualification in respect of the situation in which he is so employed in such office. 50 55

(2) A certificate of qualification granted under the foregoing sub-section may with the consent of the Minister for Finance be expressed to take effect from a date prior to the date on which it is granted, and when a certificate of qualification is so expressed to take effect from a date prior to the date on which it is granted the person to whom the certificate is granted shall be deemed to have been paid from moneys provided by the Oireachtas within the meaning of section 17 of the Superannuation Act, 1859 as from the said date from which the certificate is expressed to take effect. 60 65

(3) Whenever a person who at the passing of this Act is employed during the whole of his time in an office attached to a court of justice and is paid wholly or partly out of clerical allowances given out of public moneys to the head of that office

is discharged from such employment or from any employment under this Act, the Minister for Finance may pay to such person on his discharge such gratuity as such Minister thinks proper, but not exceeding twice the amount of the salary and emoluments received by such person from whatsoever source during the last year of his employment.

63.—(1) All registrars, clerks, officers, messengers, criers, and servants (in this section referred to as existing officers and servants) who at the passing of the Courts of Justice Act, 1924 (No. 10 of 1924), were either attached to a court then existing or to the person of a judge then holding office or were employed in a court office then existing and are at the passing of this Act attached or performing duties in relation to any court or judge or are employed in any court office shall immediately upon the commencement of the Part of this Act relating to such court, judge, or office cease to hold office and their respective offices shall be and are hereby abolished as from such commencement.

Existing officers and servants.

(2) Sub-section (1) of this section shall not apply to any person who immediately before the commencement of Part III. of this Act holds the office of district court clerk under the District Justices (Temporary Provisions) Act, 1923 (No. 6 of 1923) or, in the Dublin Metropolitan Area and in the County Borough of Cork, the office of chief or other clerk of the District Court in that area and borough respectively, and no such person shall be an existing officer or servant for the purposes of this section.

(3) All existing officers and servants who are temporary officers or servants and whose functions are not expressly transferred by this Act to any officer created by this Act shall, notwithstanding the abolition of their respective offices or situations, continue until the Minister otherwise directs to perform the like duties as they respectively performed immediately before such abolition and while so performing such duties shall be entitled to receive remuneration on the same scale as that on which they were remunerated immediately before such abolition.

(4) Subject to the provisions of this Act prescribing qualifications for particular officers, every existing officer or servant who is not a temporary officer or servant shall (subject to the exceptions hereinafter mentioned) be offered employment in a situation under this Act carrying not less salary than the situation held by him as such existing officer or servant at the passing of this Act, except that this sub-section shall not apply to any existing officer or servant who is at the passing of this Act over the age of sixty-five years, or has then served for more than forty years in court offices or in posts or situations attached to a court or a judge, or is in the opinion of the Minister physically unfit for employment in a situation under this Act, and that the provision of this sub-section as to salary shall not apply in the case of a clerk of the crown and peace who is offered employment as a county registrar.

(5) The following provisions shall apply to every existing officer who accepts employment in a situation under this Act, that is to say :—

(a) the acceptance of such employment shall not prejudice or affect (save as is hereinafter mentioned) his rights arising under Article 10 of the Treaty of 1921 on the abolition of his office,

(b) he shall not be entitled to receive any annual allowance under the said Article 10 in respect of any period for which he receives salary in a situation under this Act nor to receive any gratuity or lump sum payment under the said Article 10 while receiving such salary,

(c) on his ceasing to hold a situation under this Act he shall be entitled to receive at his option either such compensation as he may be entitled to under the said Article 10 or such allowance or other compensation as he may be entitled to under the Superannuation Acts,

1834 to 1923 or other Acts authorising the grant to him of a pension or other allowance as modified for and applied to him by this sub-section.

(d) in lieu of the foregoing paragraphs, the offer of employment under this Act may be made conditional on his waiving all right to compensation under the said Article 10 in respect of abolition of or discharge from office, but every such waiver shall be subject to the condition that in the event of his subsequently retiring from such employment because of his having reached an age limit or being discharged from such employment for any reason other than misconduct, incapacity, or ill-health, his allowance or other compensation under the Superannuation Acts, 1834 to 1923 or other Acts authorising the grant to him of a pension or other allowance as modified for and applied to him by this sub-section shall not be less than the compensation he would have been entitled to under the said Article 10.

(e) he shall hold the situation under this Act by the tenure and on the conditions prescribed therefor by or under this Act;

(f) the Acts which, immediately before he ceased by virtue of this section to hold office, authorised the grant to him of a pension or other allowance (from whatever fund or moneys such pension or allowance could have been granted) shall on his ceasing to hold a situation under this Act apply to him in the same manner and to the same extent as they applied to him immediately before he so ceased to hold office but with and subject to the following modifications, that is to say:—

(i) in computing the period of his service for the purpose of those Acts he shall be entitled to reckon as continuous service for those purposes whatever period (if any) of service he was or is deemed by virtue of this sub-section to have been entitled immediately before he so ceased to hold office to reckon as service for those purposes and his period of service in a situation under this Act, and

(ii) the Minister for Finance shall be substituted for the person authorised by those Acts to grant to him a pension or allowance, and

(iii) any pension or allowance granted to him shall be paid out of the moneys provided by the Oireachtas;

(g) if he was first appointed to his office in a temporary capacity under the Court Officers (Temporary Appointments) Act, 1924 (No. 2 of 1924) and was subsequently appointed to the same office in a pensionable capacity, he shall be entitled and shall be deemed to have been entitled immediately before he ceased by virtue of this section to hold office to reckon as continuous service in a pensionable capacity for the purposes of the Superannuation Acts, 1834 to 1923, his total period of service in such office from the date of his first appointment thereto in a temporary capacity;

(h) he may on the recommendation of the Minister be retained, with his own consent and the sanction of the Minister for Finance, in a situation under this Act until he attains the age of seventy years.

(6) An existing officer who is offered employment in a situation under this Act may, with the consent of the Minister, accept such employment provisionally and postpone his final acceptance or rejection of such employment for any period not extending beyond eighteen months from the commencement of the Part of this Act relating to such situation, and if in any such case he finally accepts such employment within such period such acceptance shall relate back to and take effect as from the date of the provisional acceptance.

5 **64.**—Nothing in this Act shall apply to any person who at the passing of this Act is paid by the council of any county or county borough for rendering services to or in relation to any judge, court, or courthouse, and no such person shall for the purposes of this Act be deemed to be attached to a judge or court.

Saving for persons paid by county councils.

65.—(1) Nothing in this Act shall prejudice or affect the control of any judge or justice over the conduct of the business of his court.

Preservation of judicial control of court business.

10 (2) When an officer attached to any court is engaged on duties relating to business of that court which is for the time being required by law to be transacted by or before or under or pursuant to the order of a judge or judges of that court he shall observe and obey all directions given to him by such judge or judges.

15 (3) All proofs and all other documents and papers lodged in or handed in to any court in relation to or in the course of the hearing of any suit or matter shall be held by or at the order and disposal of the judge or the senior of the judges by or before whom such suit or matter is heard.

20 **66.**—(1) Every officer, servant, and other person holding or employed in any office or situation under this Act shall be paid out of moneys to be provided by the Oireachtas such salary as the Minister shall, with the sanction of the Minister for Finance, determine.

Salaries and expenses.

25 (2) All expenses (other than the salaries aforesaid) of carrying this Act into execution shall, to such extent as may be sanctioned by the Minister for Finance be paid out of moneys to be provided by the Oireachtas.

Saorstát Eireann.

BILLE OIFIGH CUIRTE, 1926.

BILLE

dá ngairmtear

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*Rithte ag dhá Thigh an Oireachtais,
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COURT OFFICERS BILL, 1926.

BILL

entitled

An Act to establish and regulate the offices and officers to be attached to the several Courts of Justice and the Judges of those Courts and for other purposes connected therewith.

*Passed by both Houses of the Oireachtas,
1st July, 1926.*

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