



# Administration of Justice Act 1970

## 1970 CHAPTER 31

An Act to make further provision about the courts (including assizes), their business, jurisdiction and procedure; to enable a High Court judge to accept appointment as arbitrator or umpire under an arbitration agreement; to amend the law respecting the enforcement of debt and other liabilities; to amend section 106 of the Rent Act 1968; and for miscellaneous purposes connected with the administration of justice. [29th May 1970]

### Modifications etc. (not altering text)

- C1** By [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para.23](#); [S.I. 1991/2208, art. 2\(1\)](#), [Sch.1](#) it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

### Commencement Information

- II** Act not in force at Royal Assent see [s. 54\(4\)](#); Act wholly in force 1.10.1971

## PART I

### COURTS AND JUDGES

#### *High Court*

#### **1 Redistribution of business among divisions of the High Court.**

(1) . . . . .<sup>F1</sup>

(6) In accordance with the foregoing subsections—

- (a) the enactments specified in Schedule 2 to this Act (<sup>F2</sup>that is to say, the said Act of 1925 and other] enactments relative to the High Court, its jurisdiction,

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judges, divisions and business) shall be amended as shown in that Schedule; and

- (b) references in any other enactment or document to the Probate, Divorce and Admiralty Division, the President of that division, the principal probate registry, the principal (or senior) probate registrar and a probate registrar shall, so far as may be necessary to preserve the effect of the enactment or document, be construed respectively as references to the Family Division and to the President, principal registry, principal registrar and a registrar of that division.

(7) ..... F1

**Textual Amendments**

**F1** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

**F2** Words “that is” to “other” repealed (E.W.), by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**

**2 Admiralty Court.**

(1) ..... F3

(5) ..... F4

**Textual Amendments**

**F3** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

**F4** S. 2(5) repealed by Statute Law (Repeals) Act 1977(c. 18), s. 1(1), Sch. 1 Pt.XIX

**3 Commercial Court.**

..... F5

**Textual Amendments**

**F5** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

**F6** 4 .....

**Textual Amendments**

**F6** S. 4 repealed (31.1.1997) by [1996 c. 23, s. 107\(2\)](#), **Sch. 4** (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, arts. 3, 4, **Sch. 2**

**5** ..... F7

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**Textual Amendments**

**F7** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37), s. 152(4), Sch. 7

**6** ..... **F8**

**Textual Amendments**

**F8** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37), s. 152(4), Sch. 7

**7–8.** ..... **F9**

**Textual Amendments**

**F9** Ss.7&8 repealed by [Courts Act 1971](#) (c. 23, SIF 37), s.56(4), **Sch. 11 Pt.IV**

*Court of Appeal*

**9** ..... **F10**

**Textual Amendments**

**F10** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37), s. 152(4), Sch. 7

*Patents and Registered Designs Appeal Tribunals*

**10 Temporary additional judges.**

[<sup>F11</sup>(1) This section applies if both of the following conditions are met—

- (a) the Lord Chancellor thinks that it is expedient, having regard to the state of business pending before the Registered Designs Appeal Tribunal and after consulting the Lord Chief Justice, for a person to be appointed to sit and act as an additional judge of the Tribunal (either alone or with a judge of the High Court who is a judge of the Tribunal);
- (b) the Lord Chancellor requests the Lord Chief Justice to make such an appointment.

(1A) The Lord Chief Justice may, after consulting the Lord Chancellor, appoint one of the following persons as mentioned in subsection (1)(a)—

- (a) a judge of the Court of Appeal;

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- (b) a person who has held office as a judge of the Court of Appeal or of the High Court;
  - (c) one of Her Majesty's Counsel.
- (1B) An appointment under this section is—
- (a) for such period, or
  - (b) for the purpose of hearing such appeals,
- as the Lord Chief Justice determines, after consulting the Lord Chancellor.]
- (2) A person appointed to [<sup>F12</sup>the] Tribunal under this section shall, while sitting and acting as aforesaid, have all the jurisdiction of, but shall not otherwise be deemed to be, a judge of the Tribunal.
- (3) The Lord Chancellor may pay to a person appointed to [<sup>F12</sup>the] Tribunal under this section (other than a judge of the Court of Appeal) such remuneration as he may determine with the approval of the Minister for the Civil Service; and any such remuneration shall be included in the expenses of the Tribunal.
- (4) In this section . . . <sup>F13</sup>“the Registered Designs Appeal Tribunal” means the Appeal Tribunal constituted under section 28 of the <sup>M1</sup>Registered Designs Act 1949 [<sup>F14</sup>as amended by section 24 of the <sup>M2</sup>Administration of Justice Act 1969].
- [<sup>F15</sup>(4A) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]
- (5) In subsection (8) of the said section 85 and subsection (8) of the said section 28 (which confer power on the two Tribunals to make rules about procedure etc.), there shall in each case be inserted at the end of the subsection the words “including right of audience”.

#### Textual Amendments

- F11** S. 10(1)-(1B) substituted for s. 10(1) (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 66(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)
- F12** Word substituted by Patents Act 1977 (c. 37), **Sch. 5 para. 5(1)**
- F13** Words repealed by Patents Act 1977 (c. 37), **Sch. 6**
- F14** Words substituted by Patents Act 1977 (c. 37), **Sch. 5 para. 5(2)**
- F15** S. 10(4A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 66(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(e)

#### Modifications etc. (not altering text)

- C2** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M1** 1949 c. 88.
- M2** 1969 c. 58.

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## PART II

### ENFORCEMENT OF DEBT

#### *Provisions restricting sanction of imprisonment*

#### **11 Restriction on power of committal under Debtors Act 1869 (c. 62).**

The jurisdiction given by section 5 of the Debtors Act 1869 to commit to prison a person who makes default in payment of a debt, or instalment of a debt, due from him in pursuance of an order or judgment shall be exercisable only—

- (a) by the High Court in respect of a High Court maintenance order; and
- (b) by a county court in respect of—
  - (i) a High Court or a county court maintenance order; or
  - (ii) a judgment or order which is enforceable by a court in England and Wales and is for the payment of any of the taxes, contributions [<sup>F16</sup>premiums] or liabilities specified in Schedule 4 to this Act.

#### **Textual Amendments**

**F16** Word inserted by [Social Security Act 1973 \(c. 38, SIF 113: 1\)](#), [Sch. 27 para. 85](#)

#### **12 Restriction on magistrates' power of committal for civil debt.**

..... <sup>F17</sup>

#### **Textual Amendments**

**F17** [S. 12](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

#### **13—** ..... <sup>F18</sup> **26.**

#### **Textual Amendments**

**F18** [Ss. 13–26, 27\(1\)\(2\), 28\(2\)–\(5\), 29\(1\)–\(4\)](#), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), [Sch. 6](#)

#### *Enforcement by attachment of earnings*

#### **27** (1) ..... <sup>F19</sup>

- (3) In section 1 of the Act of 1958 (introductory provisions setting out the scheme of Part I as respects registration in one court of a maintenance order made by another), after subsection (1) there shall be inserted the following subsection:—

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“(1A) In the following provisions of this Act “maintenance order” means any order specified in Schedule 8 to the Administration of Justice Act 1970.”

**Textual Amendments**

**F19** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), **Sch. 6**

**Modifications etc. (not altering text)**

**C3** The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**28 Other provisions for interpretation of Part II.**

(1) In this Part of this Act, except where the context otherwise requires—

.....<sup>F20</sup>  
<sup>F21</sup> .....<sup>F21</sup>  
.....<sup>F21</sup>  
.....<sup>F21</sup>  
“High Court maintenance order”, “county court maintenance order” and . . .<sup>F20</sup>  
mean respectively a maintenance order enforceable by the High Court, a county  
court . . .<sup>F20</sup>;  
.....<sup>F21</sup>  
“maintenance order” means any order specified in Schedule 8 to this Act and  
includes such an order which has been discharged, if any arrears are recoverable  
thereunder;  
.....<sup>F21</sup>

(2) .....<sup>F22</sup>

**Textual Amendments**

**F20** Definitions repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 9**

**F21** Definitions repealed by Attachment of Earnings Act 1971 (c. 32), **Sch. 6**

**F22** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), **Sch. 6**

*Supplementary*

**29** (1) .....<sup>F23</sup>

(5) In Part VII of the said Act of 1959 (administration orders)—

(a) .....<sup>F24</sup>

(b) .....<sup>F25</sup>

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#### Textual Amendments

- F23** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by Attachment of Earnings Act 1971 (c. 32, SIF 45), s. 29(2), **Sch. 6**
- F24** S.29(5)(a) repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**
- F25** S. 29(5)(b) repealed by Insolvency Act 1976 (c.60, SIF 66), s. 14(4), **Sch. 3**

#### Modifications etc. (not altering text)

- C4** The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**30** ..... <sup>F26</sup>

#### Textual Amendments

- F26** S. 30 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I Gp. 5**

### PART III

#### DISCOVERY AND RELATED PROCEDURES

#### [<sup>F27</sup>31 Power of court to order disclosure, etc. of documents before commencement of proceedings.

On the application, in accordance with rules of court, of a person who appears to the High Court to be likely to be a party to subsequent proceedings in that court in which a claim in respect of personal injuries to a person or in respect of a person's death is likely to be made, the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim—

- (a) to disclose whether those documents are in his possession, custody or power ;and
- (b) to produce to the applicant such of those documents as are in his possession, custody or power.]

#### Textual Amendments

- F27** Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), **Sch. 7**

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[<sup>F28</sup> **32** **Extension of existing powers of court to order disclosure of documents, inspection of property, etc.**

- (1) On the application, in accordance with rules of court, of a party to any proceedings in which a claim in respect of personal injuries to a person or in respect of a person's death is made, the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising out of that claim—
  - (a) to disclose whether those documents are in his possession, custody or power; and
  - (b) to produce to the applicant such of those documents as are in his possession, custody or power.
- (2) On the application, in accordance with rules of court, of a party to any such proceedings as are referred to in subsection (1) above, the High Court shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters, that is to say—
  - (a) the inspection, photographing, preservation, custody and detention of property which is not the property of, or in the possession of, any party to the proceedings but which is the subject matter of the proceedings or as to which any question arises in the proceedings;
  - (b) the taking of samples of any such property as is mentioned in paragraph (a) above and the carrying out of any experiment on or with any such property.
- (3) The foregoing provisions of this section are without prejudice to the exercise by the High Court of any power to make orders which is exercisable apart from those provisions.
- (4) In this section “property” includes any land, chattel or other corporeal property of any description.]

**Textual Amendments**

**F28** **Ss. 31–33, 35** repealed (so far as they relate to the High Court and county courts in England and Wales) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

- [<sup>F29</sup> **33**
- (1) The power to make rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 shall include power to make rules of court as to the circumstances of in which an order under section 31 or 32 of this Act can be made; and any such rules may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
  - (2) Without prejudice to the generality of subsection (1) above, rules of court shall be made under the said section 99 for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 31 or 32 of this Act incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.
  - (3) In this Part of this Act “personal injuries” includes any disease and any impairment of a person's physical or mental condition.]



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#### Textual Amendments

**F29** Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

### 34 Application of ss.31 to 33 to county courts and High Court in Northern Ireland.

(1) ..... <sup>F30</sup>

(2) In the application of the provisions of this Part of this Act to Northern Ireland, “the High Court” means the High Court of Justice in Northern Ireland, the reference in section 33(1) to section 99 of the <sup>M3</sup>Supreme Court of Judicature (Consolidation) Act 1925 shall be construed as a reference to [<sup>F31</sup>section 55 of the Judicature (Northern Ireland) Act 1978], and subsection (1) above shall be omitted.

#### Textual Amendments

**F30** S. 34(1), [Sch. 2 paras. 6–9, 11–15, 18, 20](#) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**F31** Words substituted (N.I) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), [Sch. 5 Pt. II \(1\)](#), [Sch. 6 para. 13](#)

#### Marginal Citations

**M3** 1925 c. 49.

### [<sup>F32</sup>35 Application to Crown.

(1) This Part of this Act shall bind the Crown.

(2) Section 21 of the <sup>M4</sup>Administration of Justice Act 1969 (power of court to order inspection, custody, etc. of property pending commencement of action) shall bind the Crown so far as it relates to property (within the meaning of that section) as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person’s death.

(3) A court shall not make an order under section 31 or 32 of this Act, nor an order under section 21 of the said Act of 1969, if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.

(4) In this section references to the Crown do not include references to Her Majesty in Her private capacity nor to Her Majesty in right of Her Duchy of Lancaster, nor to the Duke of Cornwall.]

#### Textual Amendments

**F32** Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

#### Marginal Citations

**M4** 1969 c. 58.

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**PART IV**

**ACTIONS BY MORTGAGEES FOR POSSESSION**

**36 Additional powers of court in action by mortgagee for possession of dwelling-house.**

- (1) Where the mortgagee under a mortgage of land which consists of or includes a dwelling-house brings an action in which he claims possession of the mortgaged property, not being an action for foreclosure in which a claim for possession of the mortgaged property is also made, the court may exercise any of the powers conferred on it by subsection (2) below if it appears to the court that in the event of its exercising the power the mortgagor is likely to be able within a reasonable period to pay any sums due under the mortgage or to remedy a default consisting of a breach of any other obligation arising under or by virtue of the mortgage.
- (2) The court—
  - (a) may adjourn the proceedings, or
  - (b) on giving judgment, or making an order, for delivery of possession of the mortgaged property, or at any time before the execution of such judgment or order, may—
    - (i) stay or suspend execution of the judgment or order, or
    - (ii) postpone the date for delivery of possession,
 for such period or periods as the court thinks reasonable.
- (3) Any such adjournment, stay, suspension or postponement as is referred to in subsection (2) above may be made subject to such conditions with regard to payment by the mortgagor of any sum secured by the mortgage or the remedying of any default as the court thinks fit.
- (4) The court may from time to time vary or revoke any condition imposed by virtue of this section.
- (5) <sup>F33</sup> .....
- (6) In the application of this section to Northern Ireland, “the court” means a judge of the High Court in Northern Ireland, and in subsection (1) the words from “not being” to “made” shall be omitted.

<p><b>Textual Amendments</b></p> <p><b>F33</b> S. 36(5) repealed (22.7.2004) by <a href="#">Statute Law (Repeals) Act 2004 (c. 14)</a>, s. 1(1), <a href="#">Sch. 1 Pt. 12</a></p> <hr/> <p><b>Modifications etc. (not altering text)</b></p> <p><b>C5</b> s. 36 extended by <a href="#">Administration of Justice Act 1973 (c. 15)</a>, <a href="#">ss. 8, 21(2)(b)</a></p>
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**37, 38. Exclusive jurisdiction of county court in certain mortgage actions.**

..... <sup>F34</sup>

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#### Textual Amendments

**F34** Ss. 37, 38, 45(2) repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

[<sup>F35</sup>**38A**

This Part of this Act shall not apply to a mortgage securing an agreement which is a regulated agreement within the meaning of the <sup>M5</sup>Consumer Credit Act 1974.]

#### Textual Amendments

**F35** S. 38A inserted by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 4 Pt. I para. 30](#)

#### Marginal Citations

**M5** 1974 c. 39.

### **39 Interpretation of Part IV.**

- (1) In this Part of this Act—
- “dwelling-house” includes any building or part thereof which is used as a dwelling;
  - “mortgage” includes a charge and “mortgagor” and “mortgagee” shall be construed accordingly;
  - “mortgagor” and “mortgagee” includes any person deriving title under the original mortgagor or mortgagee.
- (2) The fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being a dwelling-house for the purposes of this Part of this Act.

## **PART V**

### MISCELLANEOUS PROVISIONS

### **40 Punishment for unlawful harassment of debtors.**

- (1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—
- (a) harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or members of his family or household to alarm, distress or humiliation;
  - (b) falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
  - (c) falsely represents himself to be authorised in some official capacity to claim or enforce payment; or
  - (d) utters a document falsely represented by him to have some official character or purporting to have some official character which he knows it has not.

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- (2) A person may be guilty of an offence by virtue of subsection (1)(a) above if he concert with others in the taking of such action as is described in that paragraph, notwithstanding that his own course of conduct does not by itself amount to harassment.
- (3) Subsection (1)(a) above does not apply to anything done by a person which is reasonable (and otherwise permissible in law) for the purpose—
  - (a) of securing the discharge of an obligation due, or believed by him to be due, to himself or to persons for whom he acts, or protecting himself or them from future loss; or
  - (b) of the enforcement of any liability by legal process.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine of not more than £100, and on a second or subsequent conviction to a fine of not more than £400.

**Modifications etc. (not altering text)**

**C6** S. 40(4)Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

**41 Recovery of costs and compensation awarded by magistrates, assizes, quarter sessions, etc.**

- (1) In the cases specified in Part I of Schedule 9 to this Act (being cases where, in criminal proceedings, a court makes an order against the accused for the payment of costs, compensation, etc.) any sum required to be paid by such an order as is there mentioned shall be treated, for the purposes of collection and enforcement, as if it had been adjudged to be paid on a conviction by a magistrates’ court, being—
  - (a) where the order is made by a magistrates’ court, that court; and
  - (b) in any other case, such magistrates’ court as may be specified in the order.
- (2) In the cases specified in Part II of the said Schedule (being cases where a court makes an order against the prosecutor in criminal proceedings, and certain cases where an order for costs arises out of an appeal to [<sup>F36</sup>the Crown Court] in proceedings which are not criminal) any sum required to be paid by such an order as is there mentioned shall be enforceable as if the order were for the payment of money recoverable summarily as a civil debt.
- (3) Without prejudice to the foregoing subsections, but subject to subsection (4) below, in the cases specified in Schedule 9 to this Act any sum required to be paid by such an order as is there mentioned shall be enforceable by the High Court or a county court (otherwise than by issue of a writ of fieri facias or other process against goods or by imprisonment or attachment of earnings) as if the sum were due in pursuance of a judgment or order of the High Court or county court as the case may be.

<sup>F37</sup>(4) .....

<sup>F37</sup>(4A) .....

(5) <sup>F38</sup> .....

*Status: Point in time view as at 03/04/2006.*

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<sup>F39</sup>(6) .....

<sup>X1</sup>(7) In section 32(2) of the <sup>M6</sup>Courts-Martial (Appeals) Act 1968 (enforcement of order for costs against unsuccessful appellant or applicant for leave to appeal to that court), for paragraph (a) there shall be substituted the following:—

“(a) in the same manner as an order for costs made by the criminal division of the Court of Appeal under section 25 of the Criminal Appeal Act 1968 ; or”

[<sup>F40</sup>(8) Subject to subsection (8A) below, where in the case specified in paragraph 10 of Schedule 9 to this Act the Crown Court thinks that the period for which the person subject to the order is liable apart from this subsection to be committed to prison for default under the order is insufficient, it may specify a longer period for that purpose; and then, in the case of default—

- (a) the specified period shall be substituted as the maximum for which the person may be imprisoned under section 76 of the Magistrates’ Courts Act <sup>M7</sup>1980; and
- (b) paragraph 2 of Schedule 4 to that Act shall apply, with any necessary modifications, for the reduction of the specified period where, at the time of the person’s imprisonment, he has made part payment under the order.

(8A) The Crown Court may not specify under subsection (8) above a period of imprisonment longer than that which it could order a person to undergo on imposing on him a fine equal in amount to the sum required to be paid by the order.]

(9) Where a magistrates’ court has power to commit a person to prison for default in paying a sum due under an order enforceable as mentioned in this section, the court shall not exercise the power unless it is satisfied that all other methods of enforcing payment have been tried or considered and either have proved unsuccessful or are likely to do so.

#### Editorial Information

**X1** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F36** Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 Pt. I para. 2](#)
- F37** S. 41(4)(4A) omitted (1.7.1991) by virtue of [S.I. 1991/724](#), art. 2(8), [Sch.](#) Pt. I (with art. 12)
- F38** S. 41(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {[Sch. 1 Pt. 1 Group 4](#)}
- F39** S. 41(6) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)
- F40** S. 41(8)(8A): by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [s. 106](#), (which was brought into force 12.10.1988) s. 41(8)(8A) are expressed to be substituted for s. 41(8) and by s. 170(2), [Sch. 16](#) of that Act (the relevant part of which was brought into force 3.4.1989) s. 41(8) is expressed to be repealed, and by [Criminal Justice Act 1991 \(c. 53, 39:1\)](#), [s. 23\(3\)](#) (with s. 28) and [S.I. 1992/333](#), art. 2(2), [Sch.2](#) the relevant entry in [Sch. 16](#) is repealed with retrospective effect (1.10.1992); the text of s. 41(8)(8A) as so substituted is set out above

#### Modifications etc. (not altering text)

**C7** S. 41 should have effect as if a new paragraph relating to the [Isle of Wight County Council Act 1971 \(c. lxxi\)](#), [s. 5\(9\)\(e\)](#) were inserted in [Sch. 9 Pt. I](#) of this 1970 Act

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- C8** S. 41 extended (1.7.1991) by [S.I. 1991/724, art. 2\(1\)](#) (with [art. 12](#))  
S. 41 applied (15.8.2002) by [S.I. 2002/1998, art. 17\(13\)](#) (with [art. 33](#))

#### Marginal Citations

- M6** [1968 c. 20](#)  
**M7** [1980 c.43 \(82\)](#).

**42** ..... **F41**

#### Textual Amendments

- F41** [Ss. 41\(6\), 42](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

**43** ..... **F42**

#### Textual Amendments

- F42** [S. 43](#) repealed by [Legal Aid Act 1974 \(c. 4, SIF 77\)](#), s. 42(1), [Sch. 5 Pt. I](#)

#### **44 Interest on judgment debts.**

- (1) The Lord Chancellor may by order made with the concurrence of the Treasury direct that section 17 of the <sup>M8</sup>Judgments Act 1838 (as that enactment has effect for the time being whether by virtue of this subsection or otherwise) shall be amended so as to substitute for the rate specified in that section as the rate at which judgment debts shall carry interest such rate as may be specified in the order.
- (2) An order under this section shall be made by statutory instrument which shall be laid before Parliament after being made.

#### Marginal Citations

- M8** [1838 c. 110](#).

#### **[44A <sup>F43</sup>Interest on judgment debts expressed in currencies other than sterling.**

- (1) Where a judgment is given for a sum expressed in a currency other than sterling and the judgment debt is one to which section 17 of the Judgments Act 1838 applies, the court may order that the interest rate applicable to the debt shall be such rate as the court thinks fit.
- (2) Where the court makes such an order, section 17 of the Judgments Act 1838 shall have effect in relation to the judgment debt as if the rate specified in the order were substituted for the rate specified in that section.]

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**Textual Amendments**

**F43** S. 44A inserted (1.11.1996) by 1995 c. 42, s. 1(1)(2); S.I. 1996/2515, art. 2

**45 Removal of limit on number of county court judges assignable to a district and of certain registrars appointed jointly.**

- (1) ..... **F44**
- (2) ..... **F45**
- (3) ..... **F46**

**Textual Amendments**

**F44** S. 45(1) repealed by Courts Act 1971 (c. 23, SIF 37), s. 56(4), **Sch. 11 Pt. IV**  
**F45** Ss. 37, 38, 45(2) repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**  
**F46** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

**46** ..... **F47**

**Textual Amendments**

**F47** S. 46 repealed by Administration of Justice Act 1973 (c. 15, SIF 37), s. 19(1), **Sch. 5 Pt. VI**

**47** ..... **F48**

**Textual Amendments**

**F48** S. 47 repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155(5), **Sch. 25**

**48 Variation in rate of payments in maintenance order registered in magistrates' court.**

- (1) Section 4 of the Maintenance Orders Act 1958 (which enables the rate of payments in a maintenance order registered in a magistrates' court under that Act to be varied by the court of registration) shall be amended in accordance with this section.
- (2) Subsection (3) of that section (rate of payments not to be varied upwards) shall cease to have effect in relation to any maintenance order as defined by section 28(1) of this Act, whether made or registered before or after the coming into force of this section.
- (3) In subsection (4) of that section (power of magistrates' court, on application for variation, to remit to the court which made the order), for the words "that, by reason of the limitations imposed on the court's jurisdiction by the last foregoing subsection or for any other reason, it is" there shall be substituted the words "that it is for any reason".

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**Modifications etc. (not altering text)**

**C9** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**49** ..... **F49**

**Textual Amendments**

**F49** S. 49 repealed by [Guardianship of Minors Act 1971 \(c. 3\)](#), s. 18(2), **Sch. 2**

**50** ..... **F50**

**Textual Amendments**

**F50** Ss. 50, 51(1) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**

**51 Minor amendments of Children and Young Persons Act 1969 (c. 54).**

(1) ..... **F51**

(2) The following paragraph shall be inserted after paragraph 1 of Schedule 4 to the Act of 1969 (transitional provisions and savings)—

“1A (1) Where—

- (a) before the date when section 1 of this Act comes into force any child or young person (hereafter in this paragraph referred to as “the relevant infant”) has been brought before a juvenile court under section 62 of the Children and Young Persons Act 1933 or has been brought before such a court by virtue of a provision of section 40 or 40A of the Education Act 1944; and
- (b) immediately before that date that court has neither made any order which it had power to make in respect of the relevant infant under the said section 62 nor dismissed the case,

nothing in paragraph 13 of Schedule 5 to this Act nor in any provision of Schedule 6 thereto shall prevent the proceedings before that court in respect of the relevant infant being continued ; but the court shall in those proceedings have power to make any order which it has power to make in proceedings under section 1 of this Act and shall not have power to make any other order, and subsections (3), (4) and (5) of the said section 1 and subsections (10) and (13) of section 2 of this Act shall have effect accordingly with any necessary modifications.

(2) For the purposes of subsection (12) of the said section 2, any order made in respect of the relevant infant by virtue of sub-paragraph (1) of this paragraph shall be deemed to be made under section 1 of this Act.



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(3) Any record of a finding of the fact that the relevant infant is in need of care or protection made in pursuance of section 5 of the Children and Young Persons Act 1938 in any such proceedings as are referred to in sub-paragraph (1) of this paragraph shall, notwithstanding the repeal of the said section 5 by this Act, be admissible as evidence of that fact in those proceedings.”

(3) In this section . . . <sup>F52</sup> and “the Act of 1969” mean respectively . . . <sup>F52</sup> and the <sup>M9</sup>Children and Young Persons Act 1969.

**Textual Amendments**

**F51** Ss. 50, 51(1) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), **Sch. 9**

**F52** Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), **Sch. 9**

**Modifications etc. (not altering text)**

**C10** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M9** 1969 c. 54.

**PART VI**

**GENERAL**

**52 Financial provisions.**

There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.

**53** ..... <sup>F53</sup>

**Textual Amendments**

**F53** S. 53 repealed by Northern Ireland Constitution Act 1973 (c. 36), s.41(1), **Sch. 6 Pt. I**

**54 Citation, interpretation, repeals, commencement and extent.**

- (1) This Act may be cited as the Administration of Justice Act 1970.
- (2) References in this Act to any enactment include references to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) The enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

*Status: Point in time view as at 03/04/2006.*

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- (4) <sup>F54</sup> .....
- (5) Except insofar as it amends, or authorises the amendment of, any enactment which extends to Scotland, this Act shall not extend to Scotland.
- (6) This section (except subsection (3)) and the following provisions only of this Act extend to Northern Ireland, that is to say—
- (a) sections 1(6) . . . <sup>F55</sup> and Schedules 2 . . . <sup>F55</sup>, so far as they relate to any enactment which extends to Northern Ireland <sup>F56</sup> . . . ;
  - (b) Part III; and
  - (c) sections 36, [<sup>F57</sup>38A], 39 <sup>F56</sup> . . . <sup>F58</sup> . . .
- <sup>F59</sup> .....

#### Textual Amendments

- F54** S. 54(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}
- F55** Words repealed by Attachment of Earnings Act 1971 (c. 32), Sch. 6
- F56** Words in s. 54(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}
- F57** Words inserted by Consumer Credit Act 1974 (c. 39), s. 192(4), Sch. 4 Pt. I para. 31
- F58** Words repealed by Northern Ireland Constitution Act 1973 (c. 36), s. 42, Sch. 6 Pt. I
- F59** Words repealed by Administration of Estates Act 1971 (c. 25), s. 12(3), Sch. 2 Pt. I

#### Modifications etc. (not altering text)

- C11** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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## SCHEDULES

### SCHEDULE

1.....  
F60

#### Textual Amendments

**F60** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#),s. 152(4), Sch. 7

### SCHEDULE 2

Section 1.

#### AMENDMENT OF ENACTMENTS CONSEQUENTIAL ON SECTION 1

#### Modifications etc. (not altering text)

**C12** The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1..... F61

#### Textual Amendments

**F61** Sch. 2 para. 1 repealed by [Administration of Estates Act 1971 \(c. 25\)](#), s. 12(3), **Sch. 2 Pt. I**

#### *The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)*

2 In section 1 of the Maintenance Orders (Facilities for Enforcement) Act 1920 (provisions for registration and enforcement of maintenance orders made overseas), in subsection (2), for the words “Probate, Divorce and Admiralty Division” substitute the words “Family Division”.

#### *The Administration of Estates Act 1925 (c.23)*

3 In section 23 of the Administration of Estates Act 1925 (grant of representation in the case of settled land), in subsections (3) and (4), for the words “Principal Probate Registry” substitute the words “principal registry of the Family Division of the High Court”.

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- 4 In section 47A of the said Act of 1925 (life interest of surviving spouse on an intestacy), in subsection (7), for the words “principal probate registrar” substitute the words “principal registrar of the Family Division of the High Court”.

F625 .....

**Textual Amendments**

**F62** Sch. 2 para. 5 repealed (1.7.1995) by 1994 c. 36, s. 21(2), Sch. 2 (with s. 20); S.I. 1995/1317, art. 2

*The Supreme Court of Judicature (Consolidation) Act 1925 (c. 49)*

*References to Probate Division and its President*

- [F636 In the following provisions of the Supreme Court of Judicature (Consolidation) Act 1925, for the words “Probate, Divorce and Admiralty Division” or “Probate Division”, in each place where they occur, substitute the words “Family Division”:

**Textual Amendments**

**F63** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

*[F64 Other amendments in Parts I to V*

**Textual Amendments**

**F64** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

- 7 In section 5 of the said Act of 1925 (power to alter divisions by Order in Council), in subsection (1), for the words “on a report or recommendation of the council of judges of the Supreme Court assembled in pursuance of the provisions of Part X of this Act”, substitute the words “on a recommendation of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor”
- 8 In section 56 of the said Act of 1925 (allocations of business to divisions)—
- (a) in subsection (1)(b), for the words “The wardship of infants and the care of infants’ estates” substitute—
- “The appointment of a guardian of a minor’s estate alone;”
- (b) after subsection (1)(b) insert—
- “(bb) all causes and matters involving the exercise of the High Court’s probate jurisdiction otherwise than in respect of non-contentious or common form probate business”;
- (c) after subsection (2)(a) insert—

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“(aa) all causes and matters involving the exercise of the High Court’s Admiralty jurisdiction, or its jurisdiction as a prize court;”

(d) for subsection (3) substitute—

“(3) To the Family Division—

(a) all causes and matters involving the exercise of the High Court’s probate jurisdiction in proceedings specified in schedule 1 to the Administration of Justice Act 1970;

(b) all causes and matters which under, or by virtue or in pursuance of, any other enactment for the time being in force are assigned to the Family Division.”

9 For section 107 of the said Act of 1925 (principal probate registry) substitute—

“**107** The principal registry of the Family Division, for the purpose of non-contentious or common form probate business, shall remain in London, unless Her Majesty by Order in Council appoints some other place for it.”]

10 ..... <sup>F65</sup>

**Textual Amendments**

**F65** Sch. 2 para. 10 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

[<sup>F66</sup>11 In Schedule 3 to the said Act of 1925, Part I (officers to whom special provisions as to appointment, retirement and pension apply), after the words “Assistant Master of the Supreme Court (King’s Bench Division)” insert the words “Admiralty Registrar”.]

**Textual Amendments**

**F66** S. 34(1), Sch. 2 paras. 6-9, 11-15, 18, 20 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

[<sup>F67</sup> Amendments of references in Part VII to principal probate registry and registrar

**Textual Amendments**

**F67** S. 34(1), Sch. 2 paras. 6-9, 11-15, 18, 20 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

12 In the following provisions of the said Act of 1925, for the words “the principal probate registry”, in each place where they occur, substitute the words “the principal registry of the Family Division”:—

[<sup>F68</sup>13 In section 157 of the said Act of 1925 (copies of wills to be delivered to Commissioners of Inland Revenue), for the words “every probate registry” substitute the words “the principal registry of the Family Division and every district probate registry”.]

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**Textual Amendments**

**F68** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

[<sup>F69</sup>14 In the following provisions of the said Act of 1925, for the words “the principal probate registrar”, in each place where they occur, substitute the words “the principal registrar of the Family Division”:]—

**Textual Amendments**

**F69** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

[<sup>F70</sup>15 In section 167 of the said Act of 1925 (administration bonds), in subsection (1), for the words from “senior” to “principal probate registrar”, where last occurring, substitute the words “principal registrar of the Family Division and, subject to the provisions of this section, if that registrar” ; and in subsection (4), for the words “the principal probate registrar” substitute the words “the principal registrar of the Family Division or, before the coming into force of section 1 of the Administration of Justice Act 1970, the principal probate registrar”.]

**Textual Amendments**

**F70** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

16 ..... <sup>F71</sup>

**Textual Amendments**

**F71** Sch. 2 para. 16 repealed by [Inheritance \(Provision for Family and Dependants\) Act 1975 \(c. 63\)](#), [Sch.](#)

17 ..... <sup>F72</sup>

**Textual Amendments**

**F72** Sch. 2 para. 17 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(2), [Sch. 4](#)

*The Supreme Court Officers (Pensions) Act 1954 (c. 38)*

[<sup>F73</sup>18 In section 2 of the Supreme Court Officers (Pensions) Act 1954 (judges’ secretaries and clerks), in subsections (2), (5) and (6), for the words “Probate, Divorce and Admiralty Division” substitute the words “Family Division”.]

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#### Textual Amendments

**F73** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

#### *The Public Records Act 1958 (c. 51)*

- 19 In section 8 of the Public Records Act 1958 (deposit and custody of court records), in subsection (5), for the words “Probate Division” substitute the words “Family Division”.

#### *[<sup>F74</sup> The Judicial Pensions Act 1959 (c. 9)*

#### Textual Amendments

**F74** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

- 20 In Schedule 1 to the Judicial Pensions Act 1959 (judicial offices qualifying for pension at rates set out in section 1) for the words “Probate, Divorce and Admiralty Division” substitute the words “Probate, Divorce and Admiralty, or Family Division”.]

#### *[<sup>F75</sup> The County Courts Act 1959 (c. 22)*

#### Textual Amendments

**F75** Sch. 2 paras. 21, 23, 24 repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

- 21 In section 42 of the County Courts Act 1959 (jurisdiction by agreement in certain actions) for the words “Probate, Divorce and Admiralty Division” substitute the words “Family Division or have involved the exercise of the High Court’s Admiralty jurisdiction”.]

- [<sup>F76</sup>22 At the end of section 54(2) of the said Act of 1959 (transfer of equity proceedings from High Court to county court) insert the words “other than a matter in relation to which section 63 of this Act applies”.]

#### Textual Amendments

**F76** Sch. 2 para. 22 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#) and also expressed to be repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

- [<sup>F77</sup>23 In section 62(1) of the said Act of 1959 (probate jurisdiction) and section 63 thereof (transfer of probate proceedings from High Court to county court), for the words “principal probate registry”, in each place where they occur, substitute the words “principal registry of the Family Division”.]

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**Textual Amendments**

**F77** Sch. 2 paras. 21, 23, 24 repealed (E.W.) by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

*The County Courts Act 1959 (c.22)*

24 In section 64 of the said Act of 1959 (effect of order of judge in probate proceedings), in paragraph (a), after the word “principal” insert the words “registry of the Family Division” ; and, in paragraph (b), for the words “principal probate registry” substitute the words “principal registry of the Family Division”.

25 ..... **F78**

**Textual Amendments**

**F78** Sch. 2 para. 25 repealed by Administration of Justice Act 1973 (c. 15, SIF 37), Sch. 5 Pt. IV

*The Matrimonial Causes Act 1967 (c. 56)*

26 ..... **F79**

**Textual Amendments**

**F79** Sch. 2 para. 26 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4, Pt. 12}

27 ..... **F80**

**Textual Amendments**

**F80** Sch. 2 para. 27 repealed by Matrimonial Causes Act 1973 (c. 18, SIF 49:3), Sch. 3

28 ..... **F81**

**Textual Amendments**

**F81** Sch. 2 para. 28 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4, Pt. 12}

.....



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**Textual Amendments**

**F82** Sch. 3 repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, arts. 3, 4, **Sch. 2**

SCHEDULE 4

Sections 11, 12 and 14.

TAXES, SOCIAL INSURANCE CONTRIBUTIONS, ETC. SUBJECT  
TO SPECIAL ENFORCEMENT PROVISIONS IN PART II

1 Income tax or any other tax or liability recoverable under section 65, 66 or 68 of the <sup>M11</sup>Taxes Management Act 1970.

**Marginal Citations**

**M11** 1970 c. 9.

2 ..... **F85**

**Textual Amendments**

**F85** Sch. 4 para. 2 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5

3 [<sup>F86</sup>Contributions equivalent premiums] under Part III of the <sup>M12</sup>[<sup>F87</sup>Pension Schemes Act 1993]

**Textual Amendments**

**F86** Words in Sch. 4 para. 3 substituted (6.4.1997) by 1995 c. 26, s. 151, **Sch. 5 para. 2**; S.I. 1997/664, **art. 2(3)**

**F87** Words in Sch. 4 para. 3 substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 2**; S.I. 1994/86, **art. 2**

**Marginal Citations**

**M12** 1993 c. 48.

3A Class 1, 2 and 4 contributions under Part I of the <sup>M13</sup>[<sup>F88</sup>Social Security Contributions and Benefits Act 1992].

**Textual Amendments**

**F88** Words in Sch. 4 para. 3A substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992, c. 6, ss. 4, 7(2), Sch. 2 para. 6

**Marginal Citations**

**M13** 1992 c. 6.

4 ..... **F89**

*Status: Point in time view as at 03/04/2006.*

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**Textual Amendments**

**F89** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, **Sch. 6 Pt. I**

SCHEDULES 5–

7. . . . .  
**F90**

**Textual Amendments**

**F90** [Schs.5–7](#) repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45:1\)](#), s. 29(2), Sch. 6

SCHEDULE 8

Section 28.

MAINTENANCE ORDERS FOR PURPOSES OF 1958 ACT AND PART II OF THIS ACT

- 1 An order for alimony, maintenance or other payments made, or having effect as if made, under Part II of the <sup>M14</sup>Matrimonial Causes Act 1965 (ancillary relief in actions for divorce etc.).

**Marginal Citations**

**M14** 1965 c. 72.

- 2 An order for payments to or in respect of a child being an order made, or having effect as if made, under Part III of the said Act of 1965 (maintenance of children following divorce, etc.).
- [<sup>F91</sup>2A An order for periodical or other payments made, or having effect as if made, under Pt.II of the <sup>M15</sup>Matrimonial Causes Act 1973].

**Textual Amendments**

**F91** [Sch. 8 para. 2A](#) inserted by [Matrimonial Causes Act 1973 \(c. 18\)](#), **Sch. 2 para. 10(2)**

**Marginal Citations**

**M15** 1973 c. 18.

- 3 An order for maintenance or other payments to or in respect of a spouse or child being an order made, [<sup>F92</sup>under Part I of the <sup>M16</sup>Domestic Proceedings and Magistrates' Courts Act 1978].

*Status: Point in time view as at 03/04/2006.*

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**Textual Amendments**

**F92** Words substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), s. 89(3), [Sch. 2 para. 26](#)

**Marginal Citations**

**M16** [1978 c. 22.](#)

[<sup>F93</sup>4 An order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989.]

**Textual Amendments**

**F93** [Sch. 8 para. 4](#) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 37\(1\)](#); [S.I. 1991/1883](#), art.3, [Sch.](#)

5 ..... <sup>F94</sup>

**Textual Amendments**

**F94** [Sch. 8 para. 5](#) repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33, [Sch. 2 para. 27\(b\)](#), [Sch. 3 paras. 1, 6](#), [Sch. 4](#)

6 An order  
[<sup>F95</sup>(a) made or having effect as if made under paragraph 23 of Schedule 2 to the Children Act 1989; or  
(b) made under] . . . <sup>F96</sup>section 23 of the Ministry of Social Security Act 1966 [<sup>F97</sup><sup>F98</sup> . . .section 18 of the Supplementary Benefits Act 1976][<sup>F99</sup>or section 24 of the Social Security Act 1986][<sup>F100</sup>or section 106 of the Social Security Administration Act 1992] (various provisions for obtaining contributions from a person whose dependants are assisted or maintained out of public funds)

**Textual Amendments**

**F95** Words in [Sch. 8 para. 6](#) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 6\(1\)](#); [S.I. 1991/1883](#), art. 3, [Sch.](#)

**F96** Word repealed by [Supplementary Benefits Act 1976 \(c. 71, SIF 113:1\)](#), s. 35(2), [Sch. 7 para. 17\(b\)](#)

**F97** Words inserted by [Supplementary Benefits Act 1976 \(c. 71, SIF 113:1\)](#), s. 35(2), [Sch. 7 para. 17\(b\)](#)

**F98** Word in [Sch. 8 para. 6](#) omitted (1.7.1992) by virtue of [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), [Sch. 2 para.7](#)

**F99** Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, [Sch. 10 para. 42\(b\)](#)

**F100** Words in [Sch. 8 para. 6](#) inserted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), [Sch. 2 para. 7](#)

7 An order under section 43 of the <sup>M17</sup>National Assistance Act 1948 (recovery of costs of maintaining assisted person).

*Status: Point in time view as at 03/04/2006.*

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**Marginal Citations**

**M17** 1948 c. 29.

- 8 An order to which section 16 of the <sup>M18</sup>Maintenance Orders Act 1950 applies by virtue of subsection (2)(b) or (c) of that section (that is to say an order made by a court in Scotland or Northern Ireland and corresponding to one of those specified in the foregoing paragraphs) and which has been registered in a court in England and Wales under Part II of that Act.

**Modifications etc. (not altering text)**

**C14** Para. 8 amended by [Matrimonial Causes Act 1973 \(c. 18\)](#), **Sch. 2 para. 3(2)**

**Marginal Citations**

**M18** 1950 c. 37.

- 9 A maintenance order within the meaning of the <sup>M19</sup>Maintenance Orders (Facilities for Enforcement) Act 1920 (Commonwealth orders enforceable in the United Kingdom) registered in, or confirmed by, a court in England and Wales under that Act.

**Marginal Citations**

**M19** 1920 c. 33.

- 10 ..... **F101**

**Textual Amendments**

**F101** [Sch. 8 para. 10](#) repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), **Sch. 3**

- [<sup>F102</sup>11 A maintenance order within the meaning of Part I of the <sup>M20</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 registered in a magistrates' court under the said Part I.]

**Textual Amendments**

**F102** [Sch. 8 para. 11](#) inserted by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#), **Sch. para. 6**

**Marginal Citations**

**M20** 1972 c. 18.

- <sup>F103</sup>12 .....

**Textual Amendments**

**F103** [Sch. 8 para. 12](#) repealed (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 116, 125(7), [Sch. 16 para. 37\(2\)](#), **Sch.20**; S.I. 1991/1883, art.3, **Sch.**

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[<sup>F104</sup>13 A maintenance order within the meaning of Part I of the Civil Jurisdiction and Judgments Act 1982 which is registered in a magistrates' court under that Part.]

**Textual Amendments**

**F104** Sch. 8 para. 13 inserted by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), s. 15(4), **Sch. 12 Pt. I para. 5**

[<sup>F105</sup>13A A maintenance judgment within the meaning of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which is registered in a magistrates' court under that Regulation.]

**Textual Amendments**

**F105** Sch. 8 para. 13A inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 8**

[<sup>F106</sup>14 An order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984.]

**Textual Amendments**

**F106** Sch. 8 para. 14 inserted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), s. 46(1), **Sch. 1 para. 8**

[<sup>F107</sup>15 An order for periodical or other payments made under Schedule 5, 6 or 7 to the Civil Partnership Act 2004.]

**Textual Amendments**

**F107** Sch. 8 para. 15 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263(10)(b), **Sch. 27 para. 34**, S.I. 2005/3175, {art. 2(2)}

SCHEDULE 9

Section 41.

ENFORCEMENT OF ORDERS FOR COSTS, COMPENSATION, ETC.

**Modifications etc. (not altering text)**

**C15** Sch. 9 extended by Courts Act 1971 (c. 23), s. 50(5)

*Status: Point in time view as at 03/04/2006.*

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## PART I

### CASES WHERE PAYMENT ENFORCEABLE AS ON SUMMARY CONVICTION

#### *Costs awarded by magistrates*

1 Where a magistrates' court, on the summary trial of an information, makes an order as to costs to be paid by the accused to the prosecutor.

[<sup>F108</sup>1A Where a magistrates' court makes an order as to costs to be paid by the accused in exercise of any power in that behalf conferred by regulations made under section 19(1) of the Prosecution of Offences Act 1985.]

#### **Textual Amendments**

**F108** Sch. 9 Para. 1A inserted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(2)**

2 Where an appellant to [<sup>F109</sup>the Crown Court] against conviction or sentence by a magistrates' court abandons his appeal and the magistrates' court orders him to pay costs to the other party to the appeal.

#### **Textual Amendments**

**F109** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

#### *Costs awarded by assizes and quarter sessions*

3 Where a person appeals to [<sup>F110</sup>the Crown Court] against conviction or sentence by a magistrates' court, and [<sup>F110</sup>the Crown Court] makes an order as to costs to be paid by him.

#### **Textual Amendments**

**F110** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

4 Where a person is prosecuted or tried on indictment . . . <sup>F111</sup>before [<sup>F112</sup>the Crown Court] and is convicted, and the court [<sup>F113</sup>makes an order as to costs to be paid by him].

#### **Textual Amendments**

**F111** Words repealed by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 65, **Sch. 13**

**F112** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

**F113** Words substituted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(3)**

[<sup>F114</sup>4A Where the Crown Court makes an order as to costs to be paid by the accused in exercise of any power in that behalf conferred by regulations made under section 19(1) of the Prosecution of Offences Act 1985.]

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**Textual Amendments**

**F114** Sch. 9 para. 4A inserted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(4)**

5 ..... **F115**

**Textual Amendments**

**F115** Sch. 9 para. 5 repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**

*Costs awarded by Court of Appeal (criminal division) or House of Lords*

[<sup>F116</sup>6 Where the criminal division of the Court of Appeal makes an order as to costs to be paid by—  
(a) an appellant;  
(b) an applicant for leave to appeal to that court; or  
(c) in the case of an application for leave to appeal to the House of Lords, an applicant who was the appellant before the criminal division.]

**Textual Amendments**

**F116** Sch. 9 para. 6 substituted for Sch. 9 paras.6, 7 by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(5)**

8 ..... **F117**

**Textual Amendments**

**F117** Sch. 9 paras. 8, 21 repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), **Sch. 11 Pt. IV**

*Miscellaneous orders for costs, compensation, damages etc.*

[<sup>F118</sup>9 Where a court makes an order by virtue of [<sup>F119</sup>regulations made under section 19(5) of the [Prosecution of Offences Act 1985](#)] for the payment of costs by an offender.]

**Textual Amendments**

**F118** Sch. 9 Para. 9 substituted by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 1 para. 6**

**F119** Words substituted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(6)**

[<sup>F120</sup>10 Where under section 130 of the [Powers of Criminal Courts \(Sentencing\) Act 2000](#) a court orders the payment of compensation.]

*Status: Point in time view as at 03/04/2006.*

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**Textual Amendments**

**F120** Sch. 9 para. 10 substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 43(1)(2)

- 12 Where under [<sup>F121</sup>section 137 of the Powers of Criminal Courts (Sentencing) Act 2000] a court orders any fine, . . . <sup>F122</sup> compensation or costs, or any sum awarded by way of satisfaction or compensation to be paid by the parent or guardian of a child or young person.

**Textual Amendments**

**F121** Words in Sch. 9 para. 12 substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 43(3)

**F122** Word repealed by Criminal Justice Act 1972 (c. 71), Sch. 6 Pt. II

[<sup>F123</sup>Where under section 5 of the Isle of Wight County Council Act <sup>M21</sup>1971 a court adjudges a person to pay a sum of money in respect of extra expenses incurred by reason of the holding of an assembly or breach of a term or condition imposed under that section.]

**Textual Amendments**

**F123** Sch. 9 Pt.I new paragraph inserted by Isle of Wight County Council Act 1971 (c. lxxi), s. 5(9)(e) (as amended by and set out in Isle of Wight Act 1990 (c. iv), s. 5, Sch.) for the purposes of s.41

**Marginal Citations**

**M21** 1971 c.lxxi.

**Textual Amendments**

**F123** Sch. 9 Pt.I new paragraph inserted by Isle of Wight County Council Act 1971 (c. lxxi), s. 5(9)(e) (as amended by and set out in Isle of Wight Act 1990 (c. iv), s. 5, Sch.) for the purposes of s.41

**Marginal Citations**

**M21** 1971 c.lxxi.

## PART II

### CASES WHERE COSTS ENFORCEABLE SUMMARILY AS CIVIL DEBT

#### *Costs awarded by magistrates*

- [<sup>F124</sup>13 Where a magistrates' court makes an order as to costs to be paid by the prosecutor in exercise of any power in that behalf conferred by regulations made under section 19(1) of the Prosecution of Offences Act 1985.]



*Status: Point in time view as at 03/04/2006.*

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**Textual Amendments**

**F124** Sch. 9 para. 13 substituted by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5), Sch. 1 Pt. II para. 7(7)

14 Where an appellant to [<sup>F125</sup>the Crown Court] from a magistrates' court (otherwise than against conviction or sentence) abandons his appeal and the magistrates' court orders him to pay costs to the other party to the appeal.

**Textual Amendments**

**F125** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para. 60(3)

15 ..... <sup>F126</sup>

**Textual Amendments**

**F126** Sch. 9 para. 15 repealed by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5)(6), Sch. 1 Pt. II para. 7(8), Sch. 2

*Costs awarded by assizes and quarter sessions*

[<sup>F127</sup>16 Any order for the payment of costs made by the Crown Court, other than an order falling within Part I above, or an order for costs to be paid out of money provided by Parliament.]

**Textual Amendments**

**F127** Sch. 9 para. 16 substituted for paras. 16–20 by Courts Act 1971 (c. 23), Sch. 8 para. 60(4)

*[<sup>F128</sup> Costs awarded by Court of Appeal (criminal division)]*

**Textual Amendments**

**F128** Sch. 9 para. 16A inserted by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5), Sch. 1 Pt. II para. 7(9)

16A Where the criminal division of the Court of Appeal makes an order as to costs to be paid by the respondent or, in the case of an application for leave to appeal to the House of Lords, an applicant who was the respondent before the criminal division, and does so in exercise of any power in that behalf conferred by regulations made under section 19(1) of the Prosecution of Offences Act 1985.

17–20 ..... <sup>F129</sup>

*Status: Point in time view as at 03/04/2006.*

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**Textual Amendments**

**F129** Sch. 9 paras 17–20 repealed as provided in the Chronological Table of Statutes

21 . . . . . **F130**

**Textual Amendments**

**F130** Sch. 9 paras. 8, 21 repealed by Courts Act 1971 (c. 23, SIF 37), **Sch. 11 Pt. IV**

SCHEDULE

10. . . . .  
**F131**

**Textual Amendments**

**F131** Sch. 10 repealed by Legal Aid Act 1974 (c. 4), s. 42(1), **Sch. 5 Pt. I**

SCHEDULE 11

Section 54.

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**

**C16** The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 23.	The Forfeiture Act 1870.	In section 4, the words from “and the amount” onwards.
49 & 50 Vict. c. 27.	The Guardianship of Infants Act 1886.	In section 5 the words from “and in every case” onwards.
		. . . <b>F132</b>
		. . . <b>F132</b>
		. . . <b>F132</b>

*Status: Point in time view as at 03/04/2006.*

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		In section 11, paragraph (a), and, in paragraph (c), the words “England or”.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act 1914.	Section 107(1) to (3).
15 & 16 Geo. 5. c. 23.	The Administration of Estates Act 1925.	In section 30(3), the words “the Probate, Divorce and Admiralty Division”.
15 & 16 Geo. 5. c. 59.	The Supreme Court of Judicature (Consolidation) Act 1925.	In section 5(1), the words “report or”.
		In section 58, the words from “and (4) Subject to rules of court” onwards.
		In section 63, in paragraph (b) of the proviso to subsection (6), the words “with the concurrence of the other judges of the Division or a majority thereof, or in the case of the King’s Bench Division”.
		In section 225, the definition of “Probate Division”.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	Section 55(4).
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act 1933.	Section 5(2).
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 11(3).
12, 13 and 14 Geo. 6. c. 87.	The Patents Act 1949.	Section 85(6).
12, 13 and 14 Geo. 6. c. 88.	The Registered Designs Act 1949.	Section 28(6).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	Section 10(1) to (3); and in section 10(5) the words “under this section”, wherever occurring.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates’ Courts Act 1952.	In section 34, the words from “and any sum” onwards.
		In section 74(6)(a), the words “under the Maintenance Orders Act 1958”.
		Section 85(3).
6 & 7 Eliz. 2. c. 39.	The Maintenance Orders Act 1958.	Section 4(3).
		Sections 6 to 8.

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		Section 9(1), (3) and (6).
		Sections 10 to 15.
		In section 21(1), the definitions of “attachment of earnings order”, “earnings”, “employer”, “excepted sums” and “maintenance order”; and section 21(5).
		The Schedule.
1959 c. 22.	The County Courts Act 1959.	Section 153(a). Section 154.
1964 c. 42.	The Administration of Justice Act 1964.	Section 5(2).  In Schedule 3, paragraph 25(2).
1965 c. 72.	The Matrimonial Causes Act 1965.	In section 38(1), the words from “and any order” onwards.
1966 c. 20.	The Ministry of Social Security Act 1966.	In section 23(6), the words from “and the Maintenance Orders Act 1958” onwards.  In section 24(9), the words from “and the Maintenance Orders Act 1958” onwards.
1966 c. 31.	The Criminal Appeal Act 1966.	Section 1(4) and (6)(b).  Section 2(2).
1967 c. 80.	The Criminal Justice Act 1967.	Section 46.  Section 79(3) to (7).  In section 84, the definition of “appropriate authority”.  Schedule 1.
1968 c. 19.	The Criminal Appeal Act 1968.	In Section 45(2), the words “of the Queen’s Bench Division of”.  In Schedule 5, the entry relating to section 10(2) of the Costs in Criminal Cases Act 1952.
1968 c. 36.	The maintenance Orders Act 1958.	In the Schedule, the entry relating to section 4 of the Maintenance Orders Act 1958.

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1969 c. 46.	The Family Law Reform Act 1969.	In section 4(5)(b), the words from “and be deemed” onwards.  In section 6(7) the words from “and be deemed” onwards.
1969 c. 54.	The Children and Young Persons Act 1969.	In section 3(6), the word “and” at the end of paragraph (b), and paragraph (c).

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**Textual Amendments**

**F132** [Sch. 11](#) entries relating to ss. 6, 9, 10, of the Guardianship of Infants Act 1886 repealed by Guardianship of Minors Act 1971(c. 3), s. 18(2), Sch. 2

**Status:**

Point in time view as at 03/04/2006.

**Changes to legislation:**

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