



Administration of Justice Act 1969

1969 CHAPTER 58

An Act to increase the jurisdiction of county courts and to amend the County Courts Act 1959; to make further provision for appeals from the High Court (whether in England and Wales or in Northern Ireland) to the House of Lords; to enable wills and codicils to be made for mentally disordered persons; to make provision for interim payments to be made where proceedings are pending, and for conferring powers to be exercisable by the court before the commencement of an action, and to make further provision with respect to interest on damages; to enable any jurisdiction of the High Court to be assigned to two or more Divisions concurrently; to enable the Appeal Tribunals under the Patents Act 1949 and the Registered Designs Act 1949 to consist of two or more judges; to change the title and qualification of clerks to registrars of the Chancery Division; to make further provision with respect to miscellaneous matters, that is to say, certain employments in the offices of the Supreme Court, records of grants of probate and grants of administration and the making of second and subsequent grants, admission as a public notary, pension rights and related matters in connection with certain judicial offices, and the stipend and fees of the Chancellor of the County Palatine of Durham; to extend the legislative power of the Parliament of Northern Ireland with respect to grand juries and indictments; and for purposes connected with the matters aforesaid.

[22nd October 1969]

Editorial Information

- X1** The text of sections 12–16, 20, 21, 29, 34, 36 was taken from SIF group 37 (Courts: Supreme Court, England and Wales); the text of sections 12–16, 20, 21, 29, 34, 36 was taken from group 38 (Courts: Supreme Court, Northern Ireland); provisions omitted from S.I.F. have been dealt with as referred to in other commentary

Extent Information

- E1** For the extent of this Act, in relation to the Channel Islands, Isle of Man and Colonies, see [s. 36](#)

Commencement Information

- I1** Act not in force at Royal Assent see [s. 36\(5\)](#); Act wholly in force at 1.1.1970

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

PART I

1—9. ^{F1}

Textual Amendments
F1 Ss. 1–9, 11 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**

10 ^{F2}

Textual Amendments
F2 S. 10 repealed by Administration of Justice Act 1982 (c. 53, SIF 37), s. 75(1), **Sch. 9 Pt. I**

11 ^{F3}

Textual Amendments
F3 Ss. 1–9, 11 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**

PART II

[^{F4}APPEAL FROM HIGH COURT TO SUPREME COURT]

Textual Amendments
F4 Pt. 2 heading substituted (1.10.2009) by virtue of Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 20(2)**; S.I. 2009/1604, **art. 2(d)**

Modifications etc. (not altering text)
C1 Pt. II applied by Taxes Management Act 1970 (c. 9), **s. 56(8)**

12 Grant of certificate by trial judge.

(1) Where on the application of any of the parties to any proceedings to which this section applies the judge is satisfied—

- (a) that the relevant conditions are fulfilled in relation to his decision in those proceedings [^{F5}or that the conditions in subsection (3A) (“the alternative conditions”) are satisfied in relation to those proceedings], and
- (b) that a sufficient case for an appeal to the [^{F6}Supreme Court] under this Part of this Act has been made out to justify an application for leave to bring such an appeal, ^{F7}...

^{F7}(c)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

the judge, subject to the following provisions of this Part of this Act, may grant a certificate to that effect.

- (2) This section applies to any civil proceedings in the High Court which are either—
- (a) proceedings before a single judge of the High Court [^{F8}(including a person acting as such a judge under section 3 of the ^{M1}Judicature Act 1925)], or
 - (b)^{F9}
 - (c) proceedings before a Divisional Court.

- (3) Subject to any Order in Council made under the following provisions of this section, for the purposes of this section the relevant conditions, in relation to a decision of the judge in any proceedings, are that a point of law of general public importance is involved in that decision and that that point of law either—
- (a) relates wholly or mainly to the construction of an enactment or of a statutory instrument, and has been fully argued in the proceedings and fully considered in the judgment of the judge in the proceedings, or
 - (b) is one in respect of which the judge is bound by a decision of the Court of Appeal or of the [^{F6}Supreme Court] in previous proceedings, and was fully considered in the judgments given by the Court of Appeal or the [^{F6}Supreme Court] (as the case may be) in those previous proceedings.

- [^{F10}(3A) The alternative conditions, in relation to a decision of the judge in any proceedings, are that a point of law of general public importance is involved in the decision and that—
- (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
 - (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the judge, a hearing by the Supreme Court is justified, or
 - (c) the judge is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.]

- (4) Any application for a certificate under this section shall be made to the judge immediately after he gives judgment in the proceedings:

Provided that the judge may in any particular case entertain any such application made at any later time before the end of the period of fourteen days beginning with the date on which that judgment is given or such other period as may be prescribed by rules of court.

- (5) No appeal shall lie against the grant or refusal of a certificate under this section.
- (6) Her Majesty may by Order in Council amend subsection (3) of this section by altering, deleting, or substituting one or more new paragraphs for, either or both of paragraphs (a) and (b) of that subsection, or by adding one or more further paragraphs.
- (7) Any Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this Part of this Act “civil proceedings” means any proceedings other than proceedings in a criminal cause or matter, and “the judge”, in relation to any proceedings to which this section applies, means the judge . . . ^{F11} referred to in paragraph (a) . . . ^{F11} of subsection (2) of this section, or the Divisional Court referred to in paragraph (c) of that subsection, as the case may be.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

Textual Amendments

- F5** Words in s. 12(1)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 63(2)(a)**, 95(1); S.I. 2015/778, **art. 3**, **Sch. 1 para. 52** (with **Sch. 2 para. 2**)
- F6** Words in s. 12 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 40(4)**, 148(1), **Sch. 9 para. 20(3)**; S.I. 2009/1604, **art. 2(d)**
- F7** S. 12(1)(c) and word omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 63(2)(b)**, 95(1); S.I. 2015/778, **art. 3**, **Sch. 1 para. 52** (with **Sch. 2 para. 2**)
- F8** Words repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**
- F9** S. 12(2)(b) repealed (E.W.) by [Courts Act 1971 \(c.23\)](#), **Sch. 11 Pt.IV** and (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1)(2), **Sch. 6 para. 13**, **Sch. 7 Pt. I**
- F10** S. 12(3A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 63(3)**, 95(1); S.I. 2015/778, **art. 3**, **Sch. 1 para. 52** (with **Sch. 2 para. 2**)
- F11** Words repealed (E.W.) by [Courts Act 1971 \(c.23\)](#), **Sch. 11 Pt.IV** and (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1)(2), **Sch. 6 para. 13**, **Sch. 7 Pt. I**

Marginal Citations

- M1** 1925 c. 49.

13 Leave to appeal to [^{F12}Supreme Court].

- (1) Where in any proceedings the judge grants a certificate under section 12 of this Act, then, at any time within one month from the date on which that certificate is granted or such extended time as in any particular case the [^{F12}Supreme Court] may allow, any of the parties to the proceedings may make an application to the [^{F12}Supreme Court] under this section.
- (2) Subject to the following provisions of this section, if on such an application it appears to the [^{F13}Supreme Court] to be expedient to do so, the [^{F13}Supreme Court] may grant leave for an appeal to be brought directly to the [^{F13}Supreme Court]; and where leave is granted under this section—
 - (a) no appeal from the decision of the judge to which the certificate relates shall lie to the Court of Appeal, but
 - (b) an appeal shall lie from that decision to the [^{F13}Supreme Court].
- (3) Applications under this section shall be determined without a hearing.
- (4) ^{F14}
- (5) Without prejudice to subsection (2) of this section, no appeal shall lie to the Court of Appeal from a decision of the judge in respect of which a certificate is granted under section 12 of this Act until—
 - (a) the time within which an application can be made under this section has expired, and
 - (b) where such an application is made, that application has been determined in accordance with the preceding provisions of this section.

Textual Amendments

- F12** Words in s. 13 sidenote and s. 13(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), **ss. 40(4)**, 148(1), **Sch. 9 para. 20(4)(a)**; S.I. 2009/1604, **art. 2(d)**

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

- F13** Words in s. 13(2) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 20(4)(b)**; S.I. 2009/1604, **art. 2(d)**
- F14** S. 13(4) repealed (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 146, 148(1), Sch. 9 para. 20(4)(c), {Sch. 18 Pt. 5}); S.I. 2009/1604, **art. 2(d)(f)**

14 Appeal where leave granted.

F15

Textual Amendments

- F15** S. 14 repealed (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 146, 148(1), Sch. 9 para. 20(5), {Sch. 18 Pt. 5}); S.I. 2009/1604, **art. 2(d)(f)**

15 Cases excluded from s. 12.

- (1) No certificate shall be granted under section 12 of this Act in respect of a decision of the judge in any proceedings where by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would lie from that decision to the Court of Appeal, with or without the leave of the judge or of the Court of Appeal.
- (2) No certificate shall be granted under section 12 of this Act in respect of a decision of the judge where—
- [^{F16}(a) the decision is in proceedings other than proceedings under the ^{M2} Matrimonial Causes Act 1965, and]
- (b) by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would (with or without the leave of the Court of Appeal or of the [^{F17}Supreme Court]) lie from any decision of the Court of Appeal on an appeal from the decision of the judge.
- (3) Where by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would lie to the Court of Appeal from the decision of the judge except with the leave of the judge or of the Court of Appeal, no certificate shall be granted under section 12 of this Act in respect of that decision unless it appears to the judge that apart from the provisions of this Part of this Act it would be a proper case for granting such leave.
- (4) No certificate shall be granted under section 12 of this Act where the decision of the judge, or any order made by him in pursuance of that decision, is made in the exercise of jurisdiction to punish for contempt of court.

Textual Amendments

- F16** S. 15(2)(a) repealed (E.W.) by Administration of Justice Act 1977 (c. 38), **Sch. 5 Pt. IV**
- F17** Words in s. 15(2)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 20(6)**; S.I. 2009/1604, **art. 2(d)**

Modifications etc. (not altering text)

- C2** S. 15(2) excluded by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), **s. 6(2)**
- S. 15(2) excluded (1.3.2002) by S.I. 2001/3929, arts. 1(b), 3, **Sch. 1 para. 4(2)**

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

Marginal Citations

M2 1965 c.72.

16 Application of Part II to Northern Ireland.

(1) In the application of this Part of this Act to Northern Ireland—

“the Court of Appeal” means Her Majesty’s Court of Appeal in Northern Ireland;

“the High Court” means the High Court of Justice in Northern Ireland;

“statutory instrument” includes an instrument made under an enactment of the Parliament of Northern Ireland;

for the references in section 12(2) to [F18]section 3 of the Judicature Act 1925 there shall be substituted a reference to sections 6 and 7 of the M3Judicature (Northern Ireland) Act 1978]; and

for the reference in section 15(2)(a) to the M4Matrimonial Causes Act 1965 there shall be substituted a reference to the M5Matrimonial Causes Act (Northern Ireland) 1939 or any enactment re-enacting that Act (whether with or without modifications).

[F19(1A) In the application of this Part of this Act to Northern Ireland, section 12 has effect as if—

(a) in subsection (1)(a) there were omitted “or that the conditions in subsection (3A) (“the alternative conditions”) are satisfied in relation to those proceedings”;

(b) after subsection (1)(b) there were inserted

(c) that all the parties to the proceedings consent to the grant of a certificate under this section,”;

(c) subsection (3A) were omitted.]

(2) F20

Textual Amendments

F18 Words substituted by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 122(1), Sch. 5 Pt. II(1), Sch. 6 para. 13

F19 S. 16(1A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 63(4), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 52 (with Sch. 2 para. 2)

F20 S. 16(2) repealed by Judicature (Northern Ireland) Act 1978 (c. 23), s. 123(2), Sch. 7

Marginal Citations

M3 1978 c. 23.

M4 1965 c. 72.

M5 1939 c. 13 (N.I.).

PART III

17— F21

19.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

Textual Amendments

F21 Ss. 17–19 repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), ss. 75(1), 134, 148, [Sch. 6](#)

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

20 Orders for interim payment.

- [^{F22}(1) The power to make rules of court under section 99 of the Judicature Act 1925, and the power to make county court rules under section 102 of the ^{M6}County Courts Act 1959, shall each include power by any such rules to make provision for enabling the court in which any proceedings are pending, in such circumstances as may be specified in the rules, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, either by payment into court or (if the order so provides) by paying it to another party to the proceedings.
- (2) Where any such rules make provision in accordance with subsection (1) of this section, the rules may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment to recover the whole or part of the amount of the payment in such circumstances, and from such other party to the proceedings, as may be determined in accordance with the rules.
- (3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
- (4) Nothing in this section shall be construed as affecting the exercise of any power relating to costs, including any power to make rules of court or county court rules relating to costs.]
- (5) In its application to Northern Ireland, this section shall have effect as if for the reference to section 99 of the Judicature Act 1925 there were substituted a reference to [^{F23}section 55 of the ^{M7}Judicature (Northern Ireland) Act 1978], and as if any reference to county court rules were omitted.
- [^{F22}(6) In this section “interim payment”, in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party; and any reference to a party to any proceedings includes a reference to any person who for the purposes of the proceedings acts as next friend or guardian of a party to the proceedings.]

Textual Amendments

F22 S. 20(1)–(4)(6) repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

F23 Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), [Sch. 5 Pt. II\(1\)](#), [Sch. 6 para. 13](#)

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Marginal Citations

- M6** 1959 c. 22.
M7 1978 c. 23.

21 Powers of court exercisable before commencement of action.

- [^{F24}(1) On the application of any person in accordance with rules of court, 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 appears to the court to be property which may become the subject-matter of subsequent proceedings in the court, or as to which any question may arise in any such proceedings, and
 - (b) the taking of samples of any such property as is mentioned in the preceding paragraph and the carrying out of any experiment on or with any such property.
- (2) The power to make rules of court under section 99 of the Judicature Act 1925 shall include power to make rules of court as to the manner in which an application for such an order can be made, and as to the circumstances in which such an order 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.
- (3) The preceding provisions of this section shall have effect in relation to county courts in England and Wales as they have effect in relation to the High Court, as if in those provisions references to rules of court and to section 99 of the Judicature Act 1925 included references to county court rules and to section 102 of the ^{M8}County Courts Act 1959.]
- (4) In the application of this section to Northern Ireland, “the High Court” means the High Court of Justice in Northern Ireland, the reference in subsection (2) to section 99 of the Judicature Act 1925 shall be construed as a reference to [^{F25}section 55 of the ^{M9}Judicature (Northern Ireland) Act 1978], and subsection (3) shall be omitted.
- [^{F24}(5) In this section “property” includes any land, chattel or other corporeal property of any description.]

Textual Amendments

- F24** S. 21(1)–(3)(5) repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), **Sch. 7**
- F25** Words substituted by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 122(1), Sch. 5 Pt. II(1), **Sch. 6 para. 13**

Modifications etc. (not altering text)

- C3** S. 21 amended by Administration of Justice Act 1970 (c. 31), s. 35(2)(3) (Administration of Justice Act 1970 (c.31, SIF 37), s. 35 repealed so far as it relates to the High Court and county courts in England and Wales) by Supreme Courts Act 1981 (c.54, SIF 37), s. 152(4), **Sch. 7**)
- C4** S. 21 extended (*temp.* for a period of 12 months beginning with 22.3.1990: S.I. 1990/675; and for a further period of 12 months beginning with 22.3.1991: S.I. 1991/549, 779) by Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4, SIF 39:2), s. 13(8), **Sch. 4 para. 29(6)**
- S. 21 extended (*prosp.*) by 2000 c. 11, ss. 23, 128, **Sch. 4 para. 43(6)(b)**
- C5** S. 21 extended (13.12.2001) by S.I. 2001/3927, **art. 26**

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

Marginal Citations

- M8** 1959 c. 22.
- M9** 1978 c. 23.

22 **F26**

Textual Amendments

- F26** S. 22 repealed and superseded (E.W.) in relation to the High Court and county courts by Administration of Justice Act 1982 (c. 53, SIF 37), s. 15(4)(5)

23 **F27**

Textual Amendments

- F27** Ss. 23, 25, 26 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

24 Appeal Tribunals under Patents Act 1949 and Registered Designs Act 1949.

- (1) Section . . . ^{F28} 28 of the ^{M10}Registered Designs Act 1949(. . . ^{F28} which provides for an Appeal Tribunal) shall be amended in accordance with the following provisions of this section.
- (2) For subsection (2) . . . ^{F28} (which provides that the Appeal Tribunal shall be a judge of the High Court nominated by the Lord Chancellor) there shall be substituted the following subsections:—
 - “(2) The Appeal Tribunal shall consist of one or more judges of the High Court nominated for the purpose by the Lord Chancellor.
 - (2A) At any time when it consists of two or more judges, the jurisdiction of the Appeal Tribunal—
 - (a) where in the case of any particular appeal the senior of those judges so directs, shall be exercised in relation to that appeal by both of the judges, or (if there are more than two) by two of them, sitting together, and
 - (b) in relation to any appeal in respect of which no such direction is given, may be exercised by any one of the judges;and, in the exercise of that jurisdiction, different appeals may be heard at the same time by different judges”.
- (3) After subsection (8) . . . ^{F28} (which empowers the Appeal Tribunal to make rules) there shall be inserted the following subsection:—
 - “(8A) At any time when the Appeal Tribunal consists of two or more judges, the power to make rules under subsection (8) of this section shall be exercisable by the senior of those judges:

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Provided that another of those judges may exercise that power if it appears to him that it is necessary for rules to be made and that the judge (or, if more than one, each of the judges) senior to him is for the time being prevented by illness, absence or otherwise from making them”.

(4) At the end . . . ^{F28} as subsection (10) . . . ^{F28}) the following provision:—

“For the purposes of this section the seniority of judges shall be reckoned by reference to the dates on which they were appointed judges of the High Court respectively”.

Textual Amendments
F28 Words repealed by [Patents Act 1977 \(c. 37\)](#), s. 132, [Sch. 6](#)

Modifications etc. (not altering text)
C6 The text of s. 24 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations
M10 [1949 c.88](#).

25, 26. ^{F29}

Textual Amendments
F29 [Ss. 23, 25, 26](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

27 Records of grants of probate and grants of administration.

[^{F30}(1) The following section shall be substituted for section 156 of the Judicature Act 1925:

- (1) Records shall be kept of all grants of probate and grants of administration which are made in the principal probate registry or in any of the district probate registries.
- (2) Any such records shall be in such form, and shall contain such particulars, as the President of the Probate Division may direct.”]

- (2) ^{F31}
- (3) ^{F32}
- (4) ^{F33}
- (5) ^{F31}

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

Textual Amendments

- F30** S. 27(1) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**
- F31** S. 27(2)(5)–(7), 28, 35(2) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. I**
- F32** S. 27(3) repealed (N.I.) by [S.I. 1979/1575](#), s. 1(2), **Sch. 3**
- F33** S. 27(4) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. I** and expressed to be repealed (N.I.) by [S.I. 1979/1575](#), s. 1(2), **Sch. 3**

Modifications etc. (not altering text)

- C7** The text of ss. 27(1), 30, 35(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

28 ^{F34}

Textual Amendments

- F34** S. 27(2)(5)–(7), 28, 35(2) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), **Sch. 1 Pt. I**

^{F35}**29**

Textual Amendments

- F35** S. 29 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 57(3)(f)(11), 125(6)(7), **Sch. 20** (with saving in [Sch. 19 para. 13\(1\)](#)); [S.I. 1991/1364](#), **art. 2**, Sch.

30 Superannuation benefits in respect of certain judicial offices.

In ^{M11} the Superannuation Act 1965 the following section shall be inserted after section 39:—

—:

- (1) The Lord Chancellor may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
 - (a) in two or more offices falling within paragraphs (a) to (i) of subsection (3) of this section, or
 - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
- (2) The Secretary of State may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
 - (a) in two or more offices falling within paragraphs (j) and (k) of subsection (3) of this section, or

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- (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
- (3) The offices referred to in subsections (1)(a) and (2)(a) of this section are the following, that is to say—
- (a) Recorder of London;
 - (b) Common Serjeant;
 - (c) additional judge of the Central Criminal Court;
 - (d) recorder of Liverpool;
 - (e) recorder of Manchester;
 - (f) assistant judge of the Mayor’s and City of London Court;
 - (g) presiding judge of the Court of Passage of the City of Liverpool;
 - (h) chairman or deputy chairman of a court of quarter sessions where under any enactment (whether passed before or after this Act) a person may qualify for a pension by virtue of service in that office;
 - (i) stipendiary magistrate in England or Wales, other than metropolitan stipendiary magistrate;
 - (j) stipendiary magistrate appointed under section 455 of the Burgh Police (Scotland) Act 1892;
 - (k) stipendiary magistrate appointed under section 24 of the Glasgow Corporation and Police Act 1895.
- (4) Subsections (2) to (5) of section 38 of this Act shall have effect in relation to rules made under this section as they have effect in relation to rules under that section, as if—
- (a) in subsection (2) of that section any reference to a public office were a reference to an office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds, and the reference to such supplemental and incidental provisions as are mentioned in that subsection were a reference to such supplemental and incidental provisions as appear to the Lord Chancellor or to the Secretary of State (as the case may be) to be expedient, and
 - (b) in subsections (3) and (4) of that section any reference to different public offices, or to ceasing to be employed in one public office and becoming employed in another, were a reference to different offices or (as the case may be) to ceasing to be employed in one office and becoming employed in another (“office” for this purpose being taken to mean any office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds).
- (5) Where any rules under this section make provision for any pension to be defrayed partly by one authority and partly by one or more other authorities, whether by way of contribution or otherwise, nothing in section 10(2) of the Criminal Justice Administration Act 1956 (which requires contributions to be paid by the city councils of Liverpool and Manchester in respect of the Crown Courts and recorders of those cities) shall be construed as preventing the rules from applying that provision to, or making any such provision specially in respect of, persons whose employment includes employment as recorder of Liverpool or recorder of Manchester.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

- (6) In this section “judicial office remunerated out of central funds” means any of the following, that is to say—
- (a) any office listed in Schedule 1 to the Administration of Justice (Pensions) Act 1950, with the exception of the offices of stipendiary magistrate referred to in the last two entries in that Schedule, and
 - (b) any office in relation to which sections 2 to 8 of that Act have effect as if it were listed in that Schedule, with the exception of the offices of recorder of Liverpool and recorder of Manchester,
- and “pension” has the meaning assigned to it by section 38(6) of this Act.”

Modifications etc. (not altering text)

C8 The text of ss. 27(1), 30, 35(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M11 1965 c.74.

31 **F36**

Textual Amendments

F36 S. 31 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(2), [Sch. 4](#)

32 **F37**

Textual Amendments

F37 S. 32 repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. II](#)

33 **F38**

Textual Amendments

F38 S. 33 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, [Sch. 6 Pt. I](#)

34 **Interpretation, application to Crown, and provisions as to orders.**

- (1) In this Act “enactment”, unless the context otherwise requires, includes an enactment of the Parliament of Northern Ireland, and “the ^{M12}Judicature Act 1925” means the Supreme Court of Judicature (Consolidation) Act 1925.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) [^{F39}Section 20 of this Act shall bind the Crown so far as (but no further than) any proceedings to which that section is applicable can be brought by or against the Crown in accordance with the ^{M13}Crown Proceedings Act 1947, [^{F40}and] section 22 of this Act shall bind the Crown so far as (but no further than) by virtue of section 24(3) of that Act section 3 of the ^{M14}Law Reform (Miscellaneous Provisions) Act 1934 applies to proceedings by or against the Crown.]
- (4) Any power conferred on the Lord Chancellor by this Act to make an order shall include power to revoke or vary the order by a subsequent order.
- (5) Any power of the Lord Chancellor to make an order under this Act shall be exercisable by statutory instrument.
- (6) In the application to Northern Ireland of so much of subsection (3) of this section as relates to section 20 of this Act, the reference to the ^{M15}Crown Proceedings Act 1947 is a reference to that Act as it applies in Northern Ireland in relation to the Crown in right of Her Majesty’s Government in the United Kingdom and in right of Her Majesty’s Government in Northern Ireland.

Textual Amendments

F39 Words repealed (E.W.) in their application to section 20 as regards rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#) and in their application to section 20 as regards county court rules under section 102 of the County Courts Act 1959 by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

F40 Words repealed (E.W.) and superseded by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. [15\(5\)\(b\)\(ii\)](#)

Marginal Citations

M12 1925 c. 49.
M13 1947 c. 44.
M14 1934 c. 41.
M15 1947 c. 44.

35 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential upon the preceding provisions of this Act.
- (2) ^{F41}

Textual Amendments

F41 S. 27(2)(5)–(7), 28, 35(2) repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), [Sch. 1 Pt. I](#)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

Modifications etc. (not altering text)

- C9** The text of ss. 27(1), 30, 35(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

36 Short title, extent and commencement.

- (1) This Act may be cited as the Administration of Justice Act 1969.
- (2) This Act (except section 24, subsections (1) and (2) of section 27, sections 30, . . . ^{F42}, 34, 35 and this section and Schedules 1 and 2) shall not extend to Scotland.
- (3) This Act (except Part II and sections 20, 21, 24, 27, 30, . . . ^{F42}, . . . ^{F43} to 35 and this section and Schedules 1 and 2) shall not extend to Northern Ireland.
- (4) Section 24 of this Act shall extend to the Isle of Man.
- (5) ^{F44}
- (6) ^{F44}

Textual Amendments

- F42** Figure repealed by [Judicial Pensions Act 1981](#) (c. 20, SIF 71:2), s. 36(2), **Sch. 4**
- F43** Words repealed by [Northern Ireland Constitution Act 1973](#) (c. 36), **Sch. 6 Pt. I**
- F44** [S. 36\(5\)\(6\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004](#) (c. 14), s. 1(1), **Sch. 1 Pt. 1** Group 4

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969. (See end of Document for details)

SCHEDULE 1

Section 35(1).

ENACTMENTS AMENDED

Modifications etc. (not altering text)

C10 The text of Sch. 1 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Enactment	Amendment
F45	F45
.....
The Patents Act 1949 (12, 13 and 14 Geo. 6. c. 87)	In section 101(1), for the definition of "Appeal Tribunal" there shall be substituted the words, "Appeal Tribunal" means the Appeal Tribunal constituted and acting in accordance with section 85 of this Act as amended by the Administration of Justice Act 1969.
The Registered Designs Act 1949 (12, 13 and 14 Geo. 6. c. 88)	In section 44(1), for the definition of "Appeal Tribunal" there shall be substituted the words "Appeal Tribunal" means the Appeal Tribunal constituted and acting in accordance with section 28 of this Act as amended by the Administration of Justice Act 1969.
...	...
F46	F46
F47	F47
.....
...	...
F48	F48
The Superannuation Act 1965 (1965 c.74)	In section 97(1)(a) after the word "offices" there shall be inserted the words "(including section 39A of this Act)".

Textual Amendments

- F45** Sch. 1: entry relating to "Settled Land Act 1925" repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 1** Group 4
- F46** Sch. 1: entry relating to the Solicitors Act 1957 repealed by Solicitors Act 1974 (c. 47), s. 89(2), **Sch. 4**
- F47** Sch. 1: entry relating to "County Courts Act 1959" repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 1** Group 4
- F48** Sch. 1: entry relating to Northern Ireland Act 1962 repealed by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 122(1)(2), Sch. 6 para. 13, **Sch. 7 Pt. 1**

Changes to legislation: There are currently no known outstanding effects
for the Administration of Justice Act 1969. (See end of Document for details)

F49F49 SCHEDULE 2

Textual Amendments

F49 Sch. 2 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. 1

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F49

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1969.