

Status: Point in time view as at 14/10/1991.

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SCHEDULES

SCHEDULE

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F1 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

SCHEDULE 2

Section 1.

AMENDMENT OF ENACTMENTS CONSEQUENTIAL ON SECTION 1

Modifications etc. (not altering text)

C1 The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.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..... F2

Textual Amendments

F2 Sch. 2 para. 1 repealed by [Administration of Estates Act 1971 \(c. 25\)](#), s. 12(3), **Sch. 2 Pt.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”.
- 5 In section 55 of the said Act of 1925 (interpretation), for paragraph (xv) substitute—
“(xv) “Probate Judge” means the President of the Family Division of the High Court.”

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

References to Probate Division and its President

- [^{F3}6 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

- F3** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

[^{F4} Other amendments in Parts I to V

Textual Amendments

- F4** 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—
“(aa) all causes and matters involving the exercise of the High Court’s Admiralty jurisdiction, or its jurisdiction as a prize court;”

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(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 ^{F5}

Textual Amendments

F5 Sch. 2 para. 10 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

[^{F6}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

F6 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

[^{F7} Amendments of references in Part VII to principal probate registry and registrar

Textual Amendments

F7 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”:

[^{F8}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

F8 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](#)

[^{F9}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

F9 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](#)

[^{F10}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

F10 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 ^{F11}

Textual Amendments

F11 Sch. 2 para. 16 repealed by [Inheritance \(Provision for Family and Dependants\) Act 1975 \(c. 63\)](#), [Sch.](#)

17 ^{F12}

Textual Amendments

F12 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)

[^{F13}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

- F13** 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”.

[^{F14} The Judicial Pensions Act 1959 (c. 9)

Textual Amendments

- F14** 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”.]

[^{F15} The County Courts Act 1959 (c. 22)

Textual Amendments

- F15** 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”.]

- [^{F16}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

- F16** 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](#)

- [^{F17}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

F17 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 **F18**

Textual Amendments

F18 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 In section 4 of the Matrimonial Causes Act 1967 (county court proceedings in High Court divorce registry), for the words “principal probate registry” in each place where they occur, substitute the words “divorce registry”.

27 **F19**

Textual Amendments

F19 Sch. 2 para. 27 repealed by Matrimonial Causes Act 1973 (c. 18, SIF 49:3), Sch. 3

28 In section 10 of the said Act of 1967 (interpretation), in subsection (1), after the definition of “divorce county court” insert— “ “divorce registry” means the principal registry of the Family Division of the High Court. ”

SCHEDULE 3

Section 4.

APPLICATION OF ARBITRATION ACT 1950 TO JUDGE-ARBITRATORS

Modifications etc. (not altering text)

C2 Sch. 3 applied by Arbitration Act 1979 (c. 42, SIF 5), s. 5(6)

1 In this Schedule—

- (a) “the Act” means the ^{M1}Arbitration Act 1950;
- (b) “arbitration agreement” has the same meaning as in the Act; and

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- (c) “judge-arbitrator” and “judge-umpire” mean a judge of the Commercial Court appointed as arbitrator or, as the case may be, as umpire by or by virtue of an arbitration agreement.

Marginal Citations

M1 1950 c. 27.

- 2 In section 1 of the Act (authority of arbitrator to be irrevocable except by leave of the court), in its application to a judge-arbitrator or judge-umpire, the Court of Appeal shall be substituted for the High Court.
- 3 The power of the High Court under section 7 of the Act (vacancy among arbitrators supplied by parties) to set aside the appointment of an arbitrator shall not be exercisable in the case of the appointment of a judge-arbitrator.
- 4 Section 8(3) of the Act (power of High Court to order umpire to enter immediately on reference as sole arbitrator) shall not apply to a judge-umpire; but a judge-umpire may, on the application of any party to the reference and notwithstanding anything to the contrary in the arbitration agreement, enter on the reference in lieu of the arbitrators and as if he were the sole arbitrator.
- 5 (1) The powers conferred on the High Court or a judge thereof by section 12(4), (5) and (6) of the Act (summoning of witnesses, interlocutory orders, etc.) shall be exercisable in the case of a reference to a judge-arbitrator or judge-umpire as in the case of any other reference to arbitration, but shall in any such case be exercisable also by the judge-arbitrator or judge-umpire himself.
- (2) Anything done by an arbitrator or umpire in the exercise of powers conferred by this paragraph shall be done by him in his capacity as judge of the High Court and have effect as if done by that court; but nothing in this paragraph prejudices any power vested in the arbitrator or umpire in his capacity as such.
- 6 Section 13(2) and (3) of the Act (extension of time for making award; provision for ensuring that reference is conducted with reasonable dispatch) shall not apply to a reference to a judge-arbitrator or judge-umpire; but a judge-arbitrator or judge-umpire may enlarge any time limited for making his award (whether under the Act or otherwise), whether that time has expired or not.
- 7 (1) Section 18(4) of the Act (provision enabling a party in an arbitration to obtain an order for costs) shall apply, in the the case of a reference to a judge-arbitrator, with the omission of the words from “within fourteen days” to “may direct”.
- (2) The power of the High Court to make declarations and orders for the purposes of section 18(5) of the Act (charging order for solicitor’s costs) shall be exercisable in the case of an arbitration by a judge-arbitrator or judge-umpire as in the case of any

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other arbitration, but shall in any such case be exercisable also by the judge-arbitrator or judge-umpire himself.

(3) A declaration or order made by an arbitrator or umpire in the exercise of the power conferred by the last foregoing subparagraph shall be made by him in his capacity as judge of the High Court and have effect as if made by that court.

8 (1) Section 19 of the Act (power of the High Court to order delivery of award on payment of arbitrators' fees into court) shall not apply with respect to the award of a judge-arbitrator or judge-umpire.

(2) A judge-umpire may withhold his award until the fees payable to the arbitrators have been paid into the High Court.

(3) Arbitrators' fees paid into court under this paragraph shall be paid out in accordance with rules of court, subject to the right of any party to the reference to apply (in accordance with the rules) for any fee to be taxed, not being a fee which has been fixed by written agreement between him and the arbitrator.

(4) A taxation under this paragraph may be reviewed in the same manner as a taxation of the costs of an award.

(5) On a taxation under this paragraph, or on a review thereof, an arbitrator shall be entitled to appear and be heard.

9 (1) In sections . . . ^{F20}, 22 and 23 of the Act (special case, remission and setting aside of awards, etc.), in their application to a judge-arbitrator or judge-umpire, and to a reference to him and to his award thereon, the Court of Appeal shall be substituted for the High Court.

(2) ^{F21}

Textual Amendments
F20 Words repealed by [Arbitration Act 1979 \(c. 42, SIF 5\), s. 8\(3\)\(c\)](#)
F21 [Sch. 3 para. 9\(2\)](#) repealed by [Arbitration Act 1979 \(c. 42, SIF 5\), s. 8\(3\)\(c\)](#)

10 (1) Section 24(2) of the Act (removal of issue of fraud for trial in the High Court) shall not apply to an agreement under or by virtue of which a judge-arbitrator or judge-umpire has been appointed; nor shall leave be given by the High Court under that subsection to revoke the authority of a judge-arbitrator or judge-umpire.

(2) Where, on a reference of a dispute to a judge-arbitrator or judge-umpire, it appears to the judge that the dispute involves the question whether a party to the dispute has been guilty of fraud, he may, so far as may be necessary to enable that question to be determined by the High Court, order that the agreement by or by virtue of which he was appointed shall cease to have effect and revoke his authority as arbitrator or umpire.

(3) An order made by a judge-arbitrator or judge-umpire under this paragraph shall have effect as if made by the High Court.

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- 11 Section 25 of the Act (powers of court on removal of arbitrator or revocation of arbitration agreement) shall be amended as follows:—
- (a) after the words “the High Court” where they first occur in subsection (1), where they occur for the first and second time in subsection (2), and in subsections (3) and (4), there shall be inserted the words “or the Court of Appeal”; and
 - (b) after those words where they occur for the second time in subsection (1) and for the third time in subsection (2) there shall be inserted the words “or the Court of Appeal, as the case may be”.
- 12 The leave required by section 26 of the Act (enforcement in High Court) for an award on an arbitration agreement to be enforced as mentioned in that section may, in the case of an award by a judge-arbitrator or a judge-umpire, be given by the judge-arbitrator or judge-umpire himself.

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 ^{M2}Taxes Management Act 1970.

Marginal Citations

M2 1970 c. 9.

- 2 ^{F22}

Textual Amendments

F22 Sch. 4 para. 2 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I Gp. 5

- 3 State scheme premiums under Part III of the ^{M3}Social Security Pensions Act 1975

Marginal Citations

M3 1975 c. 14.

- 3A Class 1, 2 and 4 contributions under Part I of the ^{M4}Social Security Act 1975.

Marginal Citations

M4 1975 c. 60.

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4 F23

Textual Amendments

F23 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), s. 42, **Sch. 6 Pt. I**

SCHEDULES 5–

7.
 F24

Textual Amendments

F24 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 ^{M5}Matrimonial Causes Act 1965 (ancillary relief in actions for divorce etc.).

Marginal Citations

M5 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.).

[^{F25}2A An order for periodical or other payments made, or having effect as if made, under Pt.II of the ^{M6}Matrimonial Causes Act 1973].

Textual Amendments

F25 Sch. 8 para. 2A inserted by Matrimonial Causes Act 1973 (c. 18), **Sch. 2 para. 10(2)**

Marginal Citations

M6 1973 c. 18.

3 An order for maintenance or other payments to or in respect of a spouse or child being an order made, [^{F26}under Part I of the ^{M7}Domestic Proceedings and Magistrates' Courts Act 1978].

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Textual Amendments

F26 Words substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), s. 89(3), [Sch. 2 para. 26](#)

Marginal Citations

M7 [1978 c. 22](#).

[^{F27}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

F27 [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 ^{F28}

Textual Amendments

F28 [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
[^{F29}(a) made or having effect as if made under paragraph 23 of Schedule 2 to the Children Act 1989; or
(b) made under] . . . ^{F30}section 23 of the Ministry of Social Security Act 1966 [^{F31}or section 18 of the Supplementary Benefits Act 1976][^{F32}or section 24 of the Social Security Act 1986] (various provisions for obtaining contributions from a person whose dependants are assisted or maintained out of public funds)

Textual Amendments

F29 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.](#)

F30 Word repealed by [Supplementary Benefits Act 1976 \(c. 71, SIF 113:1\)](#), s. 35(2), [Sch. 7 para. 17\(b\)](#)

F31 Words inserted by [Supplementary Benefits Act 1976 \(c. 71, SIF 113:1\)](#), s. 35(2), [Sch. 7 para. 17\(b\)](#)

F32 Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, [Sch. 10 para. 42\(b\)](#)

7 An order under section 43 of the ^{M8}National Assistance Act 1948 (recovery of costs of maintaining assisted person).

Marginal Citations

M8 [1948 c. 29](#).

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8 An order to which section 16 of the ^{M9}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)
C3 Para. 8 amended by [Matrimonial Causes Act 1973 \(c. 18\)](#), [Sch. 2 para. 3\(2\)](#)

Marginal Citations
M9 1950 c. 37.

9 A maintenance order within the meaning of the ^{M10}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
M10 1920 c. 33.

10 ^{F33}

Textual Amendments
F33 [Sch. 8 para. 10](#) repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), [Sch. 3](#)

[^{F34}11 A maintenance order within the meaning of Part I of the ^{M11}Maintenance Orders (Reciprocal Enforcement) Act 1972 registered in a magistrates' court under the said Part I.]

Textual Amendments
F34 [Sch. 8 para. 11](#) inserted by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#), [Sch. para. 6](#)

Marginal Citations
M11 1972 c. 18.

^{F35}12

Textual Amendments
F35 [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.](#)

[^{F36}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.]

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Textual Amendments

F36 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](#)

VALID FROM 01/03/2002

[^{F37}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

F37 Sch. 8 para. 13A inserted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 5, [Sch. 3 para. 8](#)

[^{F38}14 An order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984.]

Textual Amendments

F38 Sch. 8 para. 14 inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(1), [Sch. 1 para. 8](#)

VALID FROM 05/12/2005

[^{F39}15 An order for periodical or other payments made under Schedule 5, 6 or 7 to the Civil Partnership Act 2004.]

Textual Amendments

F39 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)

C4 Sch. 9 extended by [Courts Act 1971 \(c. 23\)](#), s. 50(5)

Status: Point in time view as at 14/10/1991.

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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.

[^{F40}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

F40 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 [^{F41}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

F41 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 [^{F42}the Crown Court]against conviction or sentence by a magistrates' court, and [^{F42}the Crown Court]makes an order as to costs to be paid by him.

Textual Amendments

F42 Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

4 Where a person is prosecuted or tried on indictment . . . [^{F43}before [^{F44}the Crown Court]and is convicted, and the court [^{F45}makes an order as to costs to be paid by him].

Textual Amendments

F43 Words repealed by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 65, **Sch. 13**

F44 Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

F45 Words substituted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(3)**

[^{F46}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

F46 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 **F47**

Textual Amendments

F47 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

[^{F48}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

F48 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 **F49**

Textual Amendments

F49 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.

[^{F50}9 Where a court makes an order by virtue of [^{F51}regulations made under section 19(5) of the Prosecution of Offences Act 1985] for the payment of costs by an offender.]

Textual Amendments

F50 Sch. 9 Para. 9 substituted by Costs in Criminal Cases Act 1973 (c. 14), **Sch. 1 para. 6**
F51 Words substituted by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5), **Sch. 1 Pt. II para. 7(6)**

[^{F52}10 Where under section 35 of the ^{M12}Powers of Criminal Courts Act 1973 a court orders the payment of compensation.]

Status: Point in time view as at 14/10/1991.

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Textual Amendments

F52 Sch. 9 Para. 10 substituted for paras. 10, 11 as originally enacted (in place of para. substituted for those paras. and para. 9A inserted by [Criminal Damage Act 1971 \(c. 48\)](#), [s. 8](#) by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 5](#) by [Powers of Criminal Costs Act 1973 \(c. 62\)](#), [Sch. 5 para. 40](#)

Marginal Citations

M12 1973 c. 62.

- 12 Where under section 55 of the ^{M13}Children and Young Persons Act 1933 a court orders any fine, . . . ^{F53} 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

F53 Word repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. II](#)

Marginal Citations

M13 1933 c. 12.

[^{F54}Where under section 5 of the Isle of Wight County Council Act ^{M14}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

F54 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

M14 1971 c.lxxi.

Textual Amendments

F54 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

M14 1971 c.lxxi.

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PART II

CASES WHERE COSTS ENFORCEABLE SUMMARILY AS CIVIL DEBT

Costs awarded by magistrates

- [^{F55}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.]

Textual Amendments

- F55** 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 [^{F56}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

- F56** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

- 15 ^{F57}

Textual Amendments

- F57** 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

- [^{F58}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

- F58** Sch. 9 para. 16 substituted for paras. 16–20 by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(4)**

[^{F59} Costs awarded by Court of Appeal (criminal division)]

Textual Amendments

- F59** 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)**

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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 F60

Textual Amendments
 F60 Sch. 9 paras 17–20 repealed as provided in the Chronological Table of Statutes

21 F61

Textual Amendments
 F61 Sch. 9 paras. 8, 21 repealed by Courts Act 1971 (c. 23, SIF 37), Sch. 11 Pt. IV

SCHEDULE

10.
 F62

Textual Amendments
 F62 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)
 C5 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.
		. . .

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		F63
		...
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		F63
		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. & I 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.

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	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.
		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

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		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.
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).

Textual Amendments

F63 [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:

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