

Status: Point in time view as at 01/12/2020.

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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F1 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7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C1 The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.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F2 Sch. 2 para. 1 repealed by [Administration of Estates Act 1971 \(c. 25\)](#), s. 12(3), **Sch. 2 Pt.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”.

F35

Textual Amendments
F3 Sch. 2 para. 5 repealed (1.7.1995) by 1994 c. 36, s. 21(2), Sch. 2 (with s. 20); S.I. 1995/1317, art. 2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

[F4 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
F4 S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

[F5 Other amendments in Parts I to V

Textual Amendments
F5 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 F6

Textual Amendments

F6 Sch. 2 para. 10 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

[^{F7}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

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

[^{F8} Amendments of references in Part VII to principal probate registry and registrar

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

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”:—

[^{F9}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

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}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

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](#)

[^{F11}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

F11 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 ^{F12}

Textual Amendments

F12 Sch. 2 para. 16 repealed by [Inheritance \(Provision for Family and Dependants\) Act 1975 \(c. 63\)](#), [Sch.](#)

17 ^{F13}

Textual Amendments

F13 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)

[^{F14}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

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](#)

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”.

[^{F15} The Judicial Pensions Act 1959 (c. 9)

Textual Amendments

F15 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”.]

[^{F16} The County Courts Act 1959 (c. 22)

Textual Amendments

F16 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”.]

- [^{F17}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

F17 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](#)

- [^{F18}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

F18 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 **F19**

Textual Amendments

F19 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 **F20**

Textual Amendments

F20 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 **F21**

Textual Amendments

F21 Sch. 2 para. 27 repealed by Matrimonial Causes Act 1973 (c. 18, SIF 49:3), Sch. 3

28 **F22**

Textual Amendments

F22 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

F23 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 ^{M2}Taxes Management Act 1970.

Marginal Citations

M2 1970 c. 9.

2 **F26**

Textual Amendments

F26 Sch. 4 para. 2 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I** Gp. 5

3 [^{F27}Contributions equivalent premiums] under Part III of the ^{M3}[^{F28}Pension Schemes Act 1993]

Textual Amendments

F27 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)**

F28 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

M3 1993 c. 48.

3A Class 1, 2 and 4 contributions under Part I of the ^{M4}[^{F29}Social Security Contributions and Benefits Act 1992].

Textual Amendments

F29 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

M4 1992 c. 6.

4 **F30**

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Textual Amendments

F30 Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, **Sch. 6 Pt. I**

SCHEDULES 5–

7.
 F31

Textual Amendments

F31 [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.).
- [^{F32}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

F32 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, [^{F33}under Part I of the ^{M7}Domestic Proceedings and Magistrates' Courts Act 1978].

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Textual Amendments

F33 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.](#)

[^{F34} An order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989.]

Textual Amendments

F34 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 ^{F35}

Textual Amendments

F35 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
[^{F36}(a) made or having effect as if made under paragraph 23 of Schedule 2 to the Children Act 1989 [^{F37}or under paragraph 3 of Schedule 1 to the Social Services and Well-being (Wales) Act 2014]; or
(b) made under]^{F38}. . . section 23 of the Ministry of Social Security Act 1966 ^{F39}[^{F40}. . . section 18 of the Supplementary Benefits Act 1976][^{F41}or section 24 of the Social Security Act 1986][^{F42}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

F36 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.](#)

F37 Words in [Sch. 8 para. 6\(a\)](#) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [18](#)

F38 Word repealed by [Supplementary Benefits Act 1976 \(c. 71, SIF 113:1\)](#), s. 35(2), [Sch. 7 para. 17\(b\)](#)

F39 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](#)

F40 Words inserted by [Supplementary Benefits Act 1976 \(c. 71, SIF 113:1\)](#), s. 35(2), [Sch. 7 para. 17\(b\)](#)

F41 Words inserted by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86, [Sch. 10 para. 42\(b\)](#)

F42 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 ^{F43}

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Textual Amendments

F43 Sch. 8 para. 7 repealed (6.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 166, 170(3), Sch. 15 Pt. 5; S.I. 2009/462, [art. 4\(c\)](#); S.I. 2009/631, [art. 2\(c\)](#)

8 An order to which section 16 of the ^{M8}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

M8 1950 c. 37.

9 A maintenance order within the meaning of the ^{M9}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

M9 1920 c. 33.

10 ^{F44}

Textual Amendments

F44 Sch. 8 para. 10 repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), [Sch. 3](#)

[^{F45}11 A maintenance order within the meaning of Part I of the ^{M10} Maintenance Orders (Reciprocal Enforcement) Act 1972 registered in [^{F46}the family court] under the said Part I.]

Textual Amendments

F45 Sch. 8 para. 11 inserted by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c. 18\)](#), [Sch. para. 6](#)

F46 Words in [Sch. 8 para. 11](#) substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, 3

Marginal Citations

M10 1972 c. 18.

^{F47}12

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Textual Amendments

- F47** 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.](#)

[^{F48}13 A maintenance order within the meaning of Part I of the Civil Jurisdiction and Judgments Act 1982 which is registered in [^{F49}the family court] under that Part.]

Textual Amendments

- F48** 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](#)
- F49** Words in [Sch. 8 para. 13](#) substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, 3

^{F50}[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 [^{F51}, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJNo. L 299 16.11.2005 at p62)], which is registered in [^{F52}court in England and Wales] under that Regulation.]

Textual Amendments

- F50** Sch. 8 para. 13A inserted (1.3.2002) by [S.I. 2001/3929](#), arts. 1(b), 5, [Sch. 3 para. 8](#)
- F51** Words in Sch. 8 para. 13A inserted (1.7.2007) by [The Civil Jurisdiction and Judgments Regulations 2007 \(S.I. 2007/1655\)](#), reg. 5, [Sch. para. 6\(2\)](#)
- F52** Words in Sch. 8 para. 13A substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, 4

[^{F53}13B(1) A decision, court settlement or authentic instrument which falls to be enforced by [^{F54}the family court] by virtue of the Maintenance Regulation and the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011.

(2) In this paragraph—

“the Maintenance Regulation” means Council Regulation (EC) No 4/2009 including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark;

“decision”, “court settlement” and “authentic instrument” have the meanings given by Article 2 of the Maintenance Regulation.]

Textual Amendments

- F53** Sch. 8 para. 13B inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 1(1), [Sch. 7 para. 3\(3\)](#)
- F54** Words in [Sch. 8 para. 13B\(1\)](#) substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, 3

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- [^{F55}13C. A decision or maintenance arrangement which is registered in [^{F56}the family court] under the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23rd November 2007.]

Textual Amendments

- F55** Sch. 8 para. 13C inserted (7.11.2012 coming into force in accordance with reg. 1(1)) by [The International Recovery of Maintenance \(Hague Convention 2007 etc.\) Regulations 2012 \(S.I. 2012/2814\)](#), reg. 1(1), [Sch. 4 para. 2\(3\)](#)
- F56** Words in Sch. 8 para. 13C substituted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) Order 2014 \(S.I. 2014/605\)](#), arts. 1, 3

- [^{F57}14 An order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984.]

Textual Amendments

- F57** Sch. 8 para. 14 inserted by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), s. 46(1), [Sch. 1 para. 8](#)

- [^{F58}15 An order for periodical or other payments made under Schedule 5, 6 or 7 to the Civil Partnership Act 2004.]

Textual Amendments

- F58** 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)

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.
- [^{F59}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.]

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Textual Amendments

F59 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 [^{F60}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

F60 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 [^{F61}the Crown Court] against conviction or sentence by a magistrates' court, and [^{F61}the Crown Court] makes an order as to costs to be paid by him.

Textual Amendments

F61 Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

- 4 Where a person is prosecuted or tried on indictment . . . ^{F62}before [^{F63}the Crown Court] and is convicted, and the court [^{F64}makes an order as to costs to be paid by him].

Textual Amendments

F62 Words repealed by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), s. 65, **Sch. 13**

F63 Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 60(3)**

F64 Words substituted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), s. 31(5), **Sch. 1 Pt. II para. 7(3)**

- [^{F65}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.]

Textual Amendments

F65 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 ^{F66}

Textual Amendments

F66 Sch. 9 para. 5 repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), **Sch. 2**

Status: Point in time view as at 01/12/2020.

Changes to legislation: Administration of Justice Act 1970 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

- [^{F67}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 [^{F68}Supreme Court], an applicant who was the appellant before the criminal division.]

Textual Amendments

F67 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\(5\)](#)

F68 Words in Sch. 9 para. 6(c) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 22; S.I. 2009/1604, art. 2\(d\)](#)

8 ^{F69}

Textual Amendments

F69 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.

- [^{F70}9] Where a court makes an order by virtue of [^{F71}regulations made under section 19(5) of the Prosecution of Offences Act 1985] for the payment of costs by an offender.]

Textual Amendments

F70 Sch. 9 Para. 9 substituted by Costs in [Criminal Cases Act 1973 \(c. 14\), Sch. 1 para. 6](#)

F71 Words substituted by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\), s. 31\(5\), Sch. 1 Pt. II para. 7\(6\)](#)

- [^{F72}9A] Where a court orders the payment of a charge in respect of relevant court costs under [^{F73}section 46 of the Sentencing Code].]

Textual Amendments

F72 Sch. 9 para. 9A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 54\(2\)\(a\), 95\(1\); S.I. 2015/778, art. 3, Sch. 1 para. 44](#)

F73 Words in Sch. 9 para. 9A substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 26\(2\) \(with Sch. 24 para. 447, Sch. 27\); S.I. 2020/1236, reg. 2](#)

- [^{F74}10] Where under [^{F75}Chapter 2 of Part 7 of the Sentencing Code] a court orders the payment of compensation.]

Textual Amendments

F74 Sch. 9 para. 10 substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\), Sch. 9 para. 43\(1\)\(2\)](#)

Status: Point in time view as at 01/12/2020.

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F75 Words in Sch. 9 para. 10 substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 26(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

12 Where under [^{F76}section 380 of the Sentencing Code] a court orders any fine, . . . ^{F77} 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

- F76** Words in Sch. 9 para. 12 substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 26(4)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F77** Word repealed by Criminal Justice Act 1972 (c. 71), **Sch. 6 Pt. II**

[^{F78}[^{F79}12A]Where under [^{F80}section 42 of the Sentencing Code] a court orders the payment of a surcharge.]

Textual Amendments

- F78** Sch. 9 Pt. 1 para. 13 inserted after para. 12 (1.4.2007) by Domestic Violence, Crime and Victims Act 2004 (c. 28), **ss. 14(3), 60** (with Sch. 12 para. 7); S.I. 2007/602, **art. 2(a)**
- F79** Sch. 9 Pt. 1 para. 13 renumbered as Sch. 9 Pt. 1 para. 12A (13.4.2015) by 2015 c. 2, s. 54(2)(b); S.I. 2015/778, **art. 3, Sch. 1 para. 44**
- F80** Words in Sch. 9 para. 12A substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 26(5)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

[^{F81}[^{F82}12B]Where under section 4 of the Prevention of Social Housing Fraud Act 2013 a court makes an unlawful profit order.]

Textual Amendments

- F81** Sch. 9 Pt. 1 para. 13A inserted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, **Sch. para. 3**; S.I. 2013/2622, **art. 2**; S.I. 2013/2861, **art. 2**
- F82** Sch. 9 Pt. 1 para. 12B: Sch. 9 Pt. 1 para. 13A renumbered as Sch. 9 Pt. 1 para. 12B (13.4.2015) by 2015 c. 2, s. 54(2)(c); S.I. 2015/778, **art. 3, Sch. 1 para. 44**

[^{F83}12C Where under section 8 of the Modern Slavery Act 2015 a court makes a slavery and trafficking reparation order.]

Textual Amendments

- F83** Sch. 9 para. 12C inserted (17.3.2016) by Modern Slavery Act 2015 (c. 30), s. 61(3), **Sch. 5 para. 11(3)** (as amended by S.I. 2016/244, regs. 1(1), 25(b)(ii)); S.I. 2016/243, **reg. 2(a)**

[^{F84}Where under section 5 of the Isle of Wight County Council Act ^{M11} 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.]

Status: Point in time view as at 01/12/2020.

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Textual Amendments

F84 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

M11 [1971 c.lxxi](#).

Textual Amendments

F84 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

M11 [1971 c.lxxi](#).

PART II

CASES WHERE COSTS ENFORCEABLE SUMMARILY AS CIVIL DEBT

Costs awarded by magistrates

[^{F85}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

F85 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 [^{F86}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

F86 Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 60\(3\)](#)

15 ^{F87}

Textual Amendments

F87 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](#)

Status: Point in time view as at 01/12/2020.

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Costs awarded by assizes and quarter sessions

[^{F88}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

F88 Sch. 9 para. 16 substituted for paras. 16–20 by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 60\(4\)](#)

[^{F89} Costs awarded by Court of Appeal (criminal division)

Textual Amendments

F89 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 [^{F90}Supreme Court], 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.]

Textual Amendments

F90 Words in Sch. 9 para. 16A substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148(1), [Sch. 9 para. 22](#); S.I. 2009/1604, [art. 2\(d\)](#)

17–20 **F91**

Textual Amendments

F91 Sch. 9 paras 17–20 repealed as provided in the Chronological Table of Statutes

21 **F92**

Textual Amendments

F92 Sch. 9 paras. 8, 21 repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), [Sch. 11 Pt. IV](#)

Status: Point in time view as at 01/12/2020.

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SCHEDULE

10.
 F93

Textual Amendments
F93 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.
		. . . F94
		. . . F94
		. . . F94
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act 1914.	In section 11, paragraph (a), and, in paragraph (c), the words “England or”.
15 & 16 Geo. 5. c. 23.	The Administration of Estates Act 1925.	Section 107(1) to (3). 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.

Status: Point in time view as at 01/12/2020.

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		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.
		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).

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		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.
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).

Status: Point in time view as at 01/12/2020.

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Textual Amendments

F94 [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 01/12/2020.

Changes to legislation:

Administration of Justice Act 1970 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.