



# Administration of Justice Act 1977

## 1977 CHAPTER 38

### PART II

#### ENGLAND AND WALES

##### *Circuit judges and county courts*

#### **12 Alteration of qualifications for appointment as Circuit judge.** <sup>X1</sup>

In section 16(3) of the <sup>M1</sup>Courts Act 1971 (service for five years as a Recorder to be a qualification for appointment as a Circuit judge) for the word “five” there shall be substituted the word “three”.

#### **Editorial Information**

**X1** The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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**

**M1** 1971 c. 23.

13— ..... <sup>F1</sup>  
16.

#### **Textual Amendments**

**F1** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977, Part II. (See end of Document for details)*

**17 County court jurisdiction in respect of arbitrations.**

(1) ..... F2

<sup>F3</sup>(2) .....

**Textual Amendments**

**F2** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

**F3** S. 17(2) repealed (31.1.1997) by 1996 c. 23, s. 107(2), Sch. 4 (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, art. 3 (with Sch. 2 paras. 2, 3)

**18** ..... F4

**Textual Amendments**

**F4** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

**19 County court registrars.**

(1) ..... F5

<sup>X2</sup>(2) In section 168 of that Act (rules as to funds in county courts)—

- (a) in paragraph (c), for the words from “registrars” to “General” there shall be substituted the words “ the transfer to the Accountant General of ”, and
- (b) in paragraphs (i) and (j), for the word “registrars”, wherever occurring, there shall be substituted the words “ officers of the court ”.

(3) ..... F5

<sup>X2</sup>(5) In section 6 of the <sup>M2</sup>Attachment of Earnings Act 1971—

- (a) in paragraphs (a)(ii) and (b) of subsection (7) (collecting officers), for the word “registrar” there shall be substituted the words “ appropriate officer ”, and
- (b) the following subsection shall be added after that subsection:—

“(8) In subsection (7) above “appropriate officer” means an officer designated by the Lord Chancellor.”.

**Editorial Information**

**X2** The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Textual Amendments**

**F5** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

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**Marginal Citations**

**M2** 1971 c. 32.

**20** ..... **F6**

**Textual Amendments**

**F6** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

**21** ..... **F7**

**Textual Amendments**

**F7** S. 21 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

*Other provisions about courts*

**22 Membership of Rule Committees.**

It shall cease to be a requirement that the practising barristers included among the persons empowered to make rules of court under . . . <sup>F8</sup> section 50 of the <sup>M3</sup>Matrimonial Causes Act 1973 be members of the General Council of the Bar.

**Textual Amendments**

**F8** Words repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

**Marginal Citations**

**M3** 1973 c. 18.

**23 Jurisdiction of ancient courts.**

(1) The following courts, namely—

- (a) any court of a description specified in Part I of Schedule 4 to this Act except—
  - (i) the Estry Court for the Lordship of Denbigh, and
  - (ii) the court leet for the Manor of Laxton, and
- (b) the courts specified in Part II of that Schedule,

being the courts which appear to the Lord Chancellor to have, but not to exercise, jurisdiction to hear and determine legal proceedings, shall cease to have any jurisdiction to hear and determine legal proceedings; but any such court may continue to sit and transact such other business, if any, as was customary for it immediately before the coming into force of this section, and in the case of the courts specified in Part III of Schedule 4 to this Act the business that is to be treated as having been

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customary shall (apart from business relating to the appointment of officers of the court) be the business specified in relation to that court in column 2 of that Part.

- (2) The descriptions of courts in Part I of Schedule 4 to this Act include courts held for manors of which the Queen or the Duke of Cornwall is the lord.
- (3) Any jurisdiction—
  - (a) of the Court of the Chancellor or Vice-Chancellor of Oxford University, and
  - (b) of the Cambridge University Chancellor’s Court,
 other than that which presently exists under the statutes of those universities, is hereby abolished.
- (4) The Lord Chancellor may by order make any incidental or transitional provision which he considers expedient in consequence of this section and may by such order provide—
  - (a) for enabling any jurisdiction appearing to him to have been formerly exercised by a court specified in Part I or II of Schedule 4 to this Act to be exercised instead by the High Court, the Crown Court, a county court or a magistrates’ court; and
  - (b) for such amendments or repeals of provisions of any local Act as appear to him to be required in consequence of this section.
- (5) The power to make orders under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.

*Land Registration*

24 .....

F9 .....

**Textual Amendments**  
**F9** S. 24 repealed (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

25 ..... F10

**Textual Amendments**  
**F10** S. 25 repealed by Land Registration Act 1988 (c. 3, SIF 98:2), ss. 2, Sch.

26 **Alteration of methods of protecting mortgages of registered land.**

F11 .....

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**Textual Amendments**

**F11** S. 26 repealed (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2(1)

*Estates of deceased persons*

27 ..... F12

**Textual Amendments**

**F12** S. 27 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

**28 Distribution of estate of intestate leaving surviving spouse.**<sup>x3</sup>

- (1) In section 46 of the<sup>M4</sup> Administration of Estates Act 1925—
- (a) in paragraph (i) of subsection (1) (distribution of estate of intestate leaving surviving spouse)—
    - (i) as it has effect as respects persons dying before 1953, for the words “five pounds per cent. per annum”, and
    - (ii) as it has effect as respects persons dying after 1952, for the words “four pounds per cent. per annum”, wherever they occur,there shall be substituted the words “ at such rate as the Lord Chancellor may specify by order ”, and
  - (b) the following subsection shall be inserted after subsection (1) and shall have effect both as respects persons dying before 1953 and after 1952:—

“(1A) The power to make orders under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the Power.”.
- (2) Subsections (2) and (4) of section 47A of that Act (method of calculation of value of life interest of surviving spouse) shall cease to have effect.
- (3) The following subsections shall be inserted after subsection (3) of that section:—
- “(3A) The capital value shall be reckoned in such manner as the Lord Chancellor may by order direct, and an order under this subsection may include transitional provisions.
  - (3B) The power to make orders under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.”.

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**Editorial Information**

**X3** The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M4** [1925 c. 23.](#)

**Status:**

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**Changes to legislation:**

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