



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.

^{F1}

Textual Amendments

^{F1} S. 12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

13—^{F2}

16.

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^{F2} Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

17 County court jurisdiction in respect of arbitrations.

(1)^{F3}

^{F4}(2)

Status: Point in time view as at 03/04/2006.

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)

Textual Amendments

- F3** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4
- F4** S. 17(2) repealed (31.1.1997) by 1996 c. 23, s. 107(2), Sch. 4 (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, art. 3 (with Sch. 2 paras. 2, 3)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 ^{F5}

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- F5** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

19 County court registrars.

- (1) ^{F6}
- ^{X1}(2) ^{F7}.....
- (3) ^{F6}

- ^{X1}(5) In section 6 of the ^{M1}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

- 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 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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- F6** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4
- F7** S. 19(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

Marginal Citations

- M1** 1971 c. 32.

20 ^{F8}

Status: Point in time view as at 03/04/2006.

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Textual Amendments

F8 Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)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 **F9**

Textual Amendments

F9 S. 21 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)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.

F10

Textual Amendments

F10 S. 22 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1)(3), 110, Sch. 8 para. 188, [Sch. 10](#); S.I. 2005/910, [art. 3\(y\)\(aa\)](#)

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 Estray 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 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.

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- (4) The Lord Chancellor may [^{F11}, after consulting the Lord Chief Justice,] 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.
- [^{F12}(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

F11 Words in s. 23(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 93(2)**; S.I. 2006/1014, **art. 2(a), Sch. 1 para. 11(e)**

F12 S. 23(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), **Sch. 4 para. 93(3)**; S.I. 2006/1014, **art. 2(a), Sch. 1 para. 11(e)**

Land Registration

24
F13

Textual Amendments

F13 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 F14

Textual Amendments

F14 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.**
F15

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

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)

Textual Amendments

F15 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 ^{F16}

Textual Amendments

F16 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. ^{x2}

- (1) In section 46 of the ^{M2}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.”.

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

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)

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.

Marginal Citations

M2 [1925 c. 23.](#)

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1977, Part II.