

SCHEDULES

SCHEDULE 1

Section 61(1), (3).

DISTRIBUTION OF BUSINESS IN HIGH COURT

Chancery Division

- 1 To the Chancery Division are assigned all causes and matters relating to—
- (a) the sale, exchange or partition of land, or the raising of charges on land ;
 - (b) the redemption or foreclosure of mortgages ;
 - (c) the execution of trusts ;
 - (d) the administration of the estates of deceased persons ;
 - (e) bankruptcy;
 - (f) the dissolution of partnerships or the taking of partnership or other accounts ;
 - (g) the rectification, setting aside or cancellation of deeds or other instruments in writing ;
 - (h) probate business, other than non-contentious or common form business;
 - (i) patents, trade marks, registered designs or copyright;
 - (j) the appointment of a guardian of a minor's estate,
- and all causes and matters involving the exercise of the High Court's jurisdiction under the enactments relating to companies.

Queen's Bench Division

- 2 To the Queen's Bench Division are assigned—
- (a) applications for writs of habeas corpus, except applications made by a parent or guardian of a minor for such a writ concerning the custody of the minor ;
 - (b) applications for judicial review ;
 - (c) all causes and matters involving the exercise of the High Court's Admiralty jurisdiction or its jurisdiction as a prize court; and
 - (d) all causes and matters entered in the commercial list.

Family Division

- 3 To the Family Division are assigned—
- (a) all matrimonial causes and matters (whether at first instance or on appeal);
 - (b) all causes and matters (whether at first instance or on appeal) relating to—
 - (i) legitimacy;
 - (ii) the wardship, guardianship, custody or maintenance of minors (including proceedings about access), except proceedings solely for the appointment of a guardian of a minor's estate ;

Status: This is the original version (as it was originally enacted).

- (iii) affiliation or adoption ;
- (iv) non-contentious or common form probate business ;
- (c) applications for consent to the marriage of a minor ;
- (d) proceedings on appeal under section 13 of the Administration of Justice Act 1960 from an order or decision made under section 63(3) of the Magistrates' Courts Act 1980 to enforce an order of a magistrates' court made in matrimonial proceedings or with respect to the guardianship of a minor.

SCHEDULE 2

Sections 88 and 95.

LIST OF OFFICES IN SUPREME COURT FOR PURPOSES OF PART IV

PART I

<p>1. Office</p> <p>1. Permanent Secretary to the Lord Chancellor and Clerk of the Crown in Chancery.</p> <p>2. Official Solicitor.</p>	<p>2. Persons qualified</p> <p>1. Barrister of not less than 10 years' standing.</p> <p>2. Solicitor of not less than 10 years' standing.</p>
---	---

PART II

<p>1. Office</p> <p>1. Master, Queen's Bench Division.</p> <p>2. Queen's coroner and attorney and master of the Crown Office.</p> <p>3. Admiralty Registrar.</p> <p>4. Master, Chancery Division.</p> <p>5. Registrar in Bankruptcy of the High Court.</p> <p>6. Taxing Master of the Supreme Court.</p> <p>7. Registrar, Principal Registry of the Family Division.</p>	<p>2. Persons qualified</p> <p>1. Barrister or solicitor of not less than 10 years' standing.</p> <p>2. Barrister or solicitor of not less than 10 years' standing.</p> <p>3. Barrister or solicitor of not less than 10 years' standing.</p> <p>4. Barrister or solicitor of not less than 10 years' standing.</p> <p>5. Barrister or solicitor of not less than 10 years' standing.</p> <p>6. Barrister or solicitor of not less than 10 years' standing.</p> <p>7 (1) Barrister or solicitor of not less than 10 years' standing.</p> <p>(2) District probate registrar who either—</p>
--	--

Status: This is the original version (as it was originally enacted).

1. Office	2. Persons qualified
	(a) is of not less than 5 years' standing; or
	(b) has, during so much of the 10 years immediately preceding his appointment as he has not been a district probate registrar, served as a clerk in the Principal Registry or a district probate registry.
	(3) Clerk who has served not less than 10 years in the Principal Registry or a district probate registry.
8. Registrar of criminal appeals.	8 (1) Barrister or solicitor of not less than 10 years' standing.
	(2) Assistant or deputy assistant registrar of criminal appeals.
9. Registrar of civil appeals.	9. Barrister or solicitor of not less than 10 years' standing.
10. Master of the Court of Protection.	10 (1) Barrister or solicitor of not less than 10 years' standing.
	(2) Deputy Master of the Court of Protection.
11. Registrar, Chancery Division.	11 (1) Barrister or solicitor of not less than 7 years' standing.
	(2) Assistant registrar, Chancery Division.

PART III

1. Office	2. Persons qualified
1. Assistant registrar of criminal appeals.	1 (1) Barrister or solicitor of not less than 7 years' standing.
	(2) Deputy assistant registrar of criminal appeals.
2. Deputy assistant registrar of criminal appeals.	2. Barrister or solicitor of not less than 5 years' standing.
3. Deputy Master of the Court of Protection.	3 (1) Barrister or solicitor of not less than 5 years' standing.
	(2) Officer of the Court of Protection who for not less than 5 years (whether continuously or not)

Status: This is the original version (as it was originally enacted).

1. Office	2. Persons qualified has been an officer nominated under section 100(3) of the Mental Health Act 1959.
4. District probate registrar.	4 (1) Barrister or solicitor of not less than 5 years' standing. (2) Clerk who has served not less than 5 years in the Principal Registry of the Family Division or a district probate registry.
5. Assistant Registrar, Chancery Division.	5. Barrister or solicitor.

SCHEDULE 3

Section 149(1).

AMENDMENTS OF COUNTY COURTS ACT 1959

- 1 For section 18(1) (appointment of registrars) substitute—
- “(1) Subject to the provisions of this section, there shall be a registrar for each district, who shall be appointed by the Lord Chancellor and paid such salary as the Lord Chancellor may, with the concurrence of the Minister for the Civil Service! direct.”.
- 2 (1) For sections 22 (whole-time registrars and assistant registrars) and 23 (removal and retirement of registrars and assistant registrars) substitute—

“22 Restrictions on practice as solicitor of registrars and assistant registrars.

- (1) A registrar or assistant registrar shall not directly or indirectly practise as a solicitor or as an agent for a solicitor.
- (2) If in any case the Lord Chancellor thinks it expedient so to do, he may authorise a registrar or assistant registrar to practise as a solicitor or as an agent for a solicitor, either subject to such restrictions as may be specified in the authorisation or without restrictions.
- (3) A registrar with respect to whom an authorisation has been given under subsection (2) of this section is in this Act referred to as a " part-time registrar ", and an assistant registrar with respect to whom an authorisation has been so given is referred to as a " part-time assistant registrar ".
- (4) The Lord Chancellor may revoke an authorisation under subsection (2) of this section by giving notice to the part-time registrar or part-time assistant registrar to whom it applies.

23 Tenure of office.

- (1) This subsection applies—
- (a) to the office of registrar or assistant registrar ; and
- (b) to the office of part-time registrar or part-time assistant registrar.

Status: This is the original version (as it was originally enacted).

- (2) Subject to the following provisions of this section, a person who holds an office to which subsection (1) of this section applies shall vacate his office at the end of the completed year of service in which he attains the age of seventy-two years.
 - (3) Where the Lord Chancellor considers it desirable in the public interest to retain in office a person who holds an office to which subsection (1) of this section applies after the time when he would otherwise retire in accordance with subsection (2) of this section, the Lord Chancellor may from time to time authorise the continuance in office of that person until such date, not being later than the date on which that person attains the age of seventy-five years, as he thinks fit.
 - (4) A person appointed to an office to which subsection (1) of this section applies shall hold that office during good behaviour.
 - (5) The power to remove such a person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor.
 - (6) The Lord Chancellor may also remove such a person from his office on account of inability to perform the duties of his office.”.
- (2) In section 18(4) (which enables the registrar of one district to act for the registrar of another but not in proceedings where he is engaged as solicitor or agent for any party) after " but" insert " a part-time registrar ".
- 3 For section 40 (money recoverable by statute) substitute—

“40 Money recoverable by statute.

A county court shall have jurisdiction to hear and determine an action for the recovery of a sum recoverable by virtue of any enactment for the time being in force, if—

- (a) it is not provided by that or any other enactment that such sums shall only be recoverable in the High Court or shall only be recoverable summarily; and
 - (b) the amount claimed in the action does not exceed the amount specified in section 39(2) of this Act.”.
- 4 In section 56 (Admiralty jurisdiction)—

- (a) in subsection (1)(f), for the words from "and any" onwards substitute " (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages); "; and
- (b) after subsection (7) insert—

“(7A) No county court shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions of that Convention ; and any proceedings to enforce such a claim which are commenced in a county court shall be set aside.

- (7B) In subsection (7A) above " the Rhine Navigation Convention " means the Convention of the 7th October 1868 as revised by any subsequent Convention.”.

Status: This is the original version (as it was originally enacted).

5 For section 57 substitute—

“57 Mode of exercise of Admiralty jurisdiction.

- (1) The following provisions of this section shall apply to cases within the Admiralty jurisdiction of a county court.
- (2) Subject to the following provisions of this Part of this Act, an action in personam may be brought in all such cases.
- (3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, an action in rem may be brought in a county court against that ship, aircraft or property.
- (4) In the case of any such claim as is mentioned in paragraphs (a) and (c) to (m) of section 56(1) of this Act, where—
 - (a) the claim arises in connection with a ship; and
 - (b) the person who would be liable on the claim in an action in personam (" the relevant person ") was, when the cause of action arose, the owner or charterer of, or in possession of or in control of, the ship, an action in rem may (whether or not the claim gives rise to a maritime lien on that ship) be brought in a county court against—
 - (i) that ship if at the time when the action is brought the relevant person is either the beneficial owner of that ship as respects all the shares in it or the charterer of it under a charter by demise ; or
 - (ii) any other ship of which, at the time when the action is brought, the relevant person is the beneficial owner as respects all the shares in it.
- (5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, an action in rem may be brought in a county court against that aircraft if, at the time when the action is brought, it is beneficially owned by the person who would be liable on the claim in an action in personam.
- (6) Where, in the exercise of its Admiralty jurisdiction, a county court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.
- (7) In determining for the purposes of subsections (4) and (5) of this section whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business within England or Wales.
- (8) Where, as regards any such claim as is mentioned in paragraphs (a) and (c) to (m) of section 56(1) of this Act, a ship has been served with a summons or arrested in an action in rem brought to enforce that claim, no other ship may be served with a summons or arrested in that or any other action in rem brought to enforce that claim; but this subsection does not prevent the issue, in respect of any one such claim, of a summons naming more than one ship or of two or more summonses each naming a different ship.
- (9) If, in any Admiralty proceedings in a county court, evidence is given to the satisfaction of the court that it is probable that the vessel, aircraft or property to which the proceedings relate will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, the court may issue a warrant for the arrest and detention of the vessel, aircraft or property unless or until bail

Status: This is the original version (as it was originally enacted).

to the amount of the claim made in the proceedings and the reasonable costs of the plaintiff in the proceedings be entered into and perfected according to county court rules by or on behalf of the defendant.

(10) Except as provided by subsection (9) of this section, and notwithstanding anything in section 74 of this Act, no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.

(11) Where an action is transferred to a county court Under section 75A of this Act, any vessel, aircraft or other property which has been arrested in the action before the transfer shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders made by the county court with respect to that vessel, aircraft or property.”.

6 For section 73 substitute—

“73 Persons who may exercise jurisdiction.

(1) Any jurisdiction and powers conferred by this or any other Act—

- (a) on a county court; or
- (b) on the judge of a county court, may be exercised by any judge of the court.

(2) Subsection (1) of this section applies to jurisdiction and powers conferred on all county courts or judges of county courts or on any particular county court or the judge of any particular county court.”.

7 For section 75 substitute—

“75 Ancillary powers of judge.

A judge shall have jurisdiction in any pending proceedings to make any order or exercise any authority or jurisdiction which, if it related to an action or proceeding pending in the High Court, might be made or exercised by a judge of the High Court in chambers.”.

8 After section 75 insert—

“75A Transfer of proceedings from High Court to county court.

(1) At any stage in any proceedings to which this section applies, the High Court may, in accordance with rules of the Supreme Court, either of its own motion or on the application of any party to the proceedings, order the transfer of the whole or any part of the proceedings to a county court if—

- (a) the parties consent to the transfer ; or
- (b) the High Court is satisfied—
 - (i) that, after allowance has been made for any payment, set-off or other amount admitted to be due, the amount remaining in dispute in respect of the claim is within the monetary limit of the jurisdiction of the county court; or

Status: This is the original version (as it was originally enacted).

- (ii) that the amount recoverable in respect of the claim is likely to be within the monetary limit of the jurisdiction of the county court; or
 - (iii) in the case of proceedings not involving an unliquidated claim, that the subject matter of the proceedings is or is likely to be within the limits of the jurisdiction of the county court; or
 - (c) where only a counterclaim remains in dispute, the High Court considers that the amount recoverable in respect of the counterclaim is likely to be within the monetary limit of the jurisdiction of the county court; or
 - (d) the High Court considers that the proceedings are not likely to raise any important question of law or fact and are suitable for determination by a county court.
- (2) Subject to subsection (3) of this section, this section applies to all proceedings commenced in the High Court which (disregarding any limitation by reason of amount or value or annual value) a county court would have jurisdiction to hear and determine if they were commenced in it.
- (3) This section does not apply to the following proceedings, namely—
- (a) matrimonial causes ;
 - (b) applications relating to the adoption or custody of, or access to, minors (including applications relating to guardianship or custodianship).
- (4) This section applies to all proceedings transferred to the High Court under section 75B or 75C of this Act.
- (5) An order for the transfer to a county court of any proceedings by or against the Crown in the High Court shall not be made without the consent of the Crown.
- (6) Proceedings transferred under this section shall be transferred to such county court as the High Court considers to be convenient to the parties.
- (7) Where proceedings are ordered to be transferred from the High Court to a county court—
- (a) any party may lodge with the registrar of the county court named in the order, or cause to be lodged with him, the order and the writ, or copies of them, and such other documents (if any) as the High Court may direct; and
 - (b) the proper officer of the Supreme Court shall, on the application of that party and on the production of the order and the filing of a copy of it, send by post to the registrar of the county court all pleadings, affidavits and other documents filed in the High Court relating to the proceedings.
- (8) Subject to subsection (9) of this section, on the documents mentioned in subsection (7) of this section being so lodged or sent, the proceedings shall be transferred to the county court.

Status: This is the original version (as it was originally enacted).

- (9) The transfer shall not affect any right of appeal from the order directing the transfer, or the right to enforce in the High Court any judgment signed, or order made, in that court before the transfer.
- (10) Where proceedings are transferred to a county court under this section, the county court shall have jurisdiction—
 - (a) to hear and determine those proceedings ; and
 - (b) to award any relief, including any amount of damages, which could have been awarded by the High Court.

75B Transfer of proceedings to High Court by order of High Court.

- (1) If the High Court thinks it desirable, at any stage in proceedings commenced in a county court or transferred to a county court under section 75A of this Act, that the proceedings, or any part of them, should be heard and determined in the High Court, it may order the transfer to the High Court of the proceedings or, as the case may be, of that part of them.
- (2) The power conferred by subsection (1) of this section is without prejudice to section 29 of the Supreme Court Act 1981 (power of High Court to issue prerogative orders).

75C Transfer of proceedings to High Court by order of county court.

- (1) At any stage in any proceedings to which this section applies, the county court may, either of its own motion or on the application of any party to the proceedings, order the transfer of the whole or any part of the proceedings to the High Court if—
 - (a) the court considers that some important question of law or fact is likely to arise ; or
 - (b) the court considers that one or other of the parties is likely to be entitled in respect of a claim or counterclaim to an amount exceeding the amount recoverable in the county court; or
 - (c) any counterclaim or set-off and counterclaim of a defendant involves matters beyond the jurisdiction of the county court.
- (2) Where—
 - (a) the county court has ordered that the proceedings on a counterclaim or set-off and counterclaim be transferred to the High Court, but the proceedings on the plaintiff's claim and the defence other than any set-off are heard and determined in the county court; and
 - (b) judgment on the claim is given for the plaintiff,execution of the judgment shall, unless the High Court at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.
- (3) This section applies to all proceedings commenced in a county court which the High Court would have jurisdiction to hear and determine if they were commenced in it, other than—
 - (a) matrimonial causes ;

Status: This is the original version (as it was originally enacted).

- (b) applications relating to the adoption or custody of, or access to, minors (including applications relating to guardianship or custodianship).
- (4) This section applies to all proceedings transferred to a county court under section 75A of this Act.”.
- 9 In section 87(1) (persons who may take affidavits in county courts) for "to 1891 " substitute " and 1891 or a solicitor exercising the powers of a commissioner for oaths under section 81 of the Solicitors Act 1974 ".
- 10 For section 94(3) (trial by jury) substitute—
- “(3) Where, on any such application, the court is satisfied that there is in issue—
- (a) a charge of fraud against the party making the application ; or
- (b) a claim in respect of libel, slander, malicious prosecution or false imprisonment; or
- (c) any question or issue of a kind prescribed for the purposes of this paragraph,
- the action shall be tried with a jury, unless the court is of opinion that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.”.
- 11 After section 101 insert—

“101A Interest on judgment debts etc.

- (1) The Lord Chancellor may by order made with the concurrence of the Treasury provide that any sums to which this subsection applies shall carry interest at such rate and between such times as may be prescribed by the order.
- (2) The sums to which subsection (1) of this section applies are—
- (a) sums payable under judgments or orders given or made in a county court, including sums payable by instalments ; and
- (b) sums which by virtue of any enactment are, if the county court so orders, recoverable as if payable under an order of that court, and in respect of which the county court has so ordered.
- (3) The payment of interest due under subsection (1) of this section shall be enforceable as a sum payable under the judgment or order.
- (4) The power conferred by subsection (1) of this section includes power—
- (a) to specify the descriptions of judgment or order in respect of which interest shall be payable ;
- (b) to provide that interest shall be payable only on sums exceeding a specified amount;
- (c) to make provision for the manner in which and the periods by reference to which the interest is to be calculated and paid ;
- (d) to provide that any enactment shall or shall not apply in relation to interest payable under subsection (1) of this section or shall apply to it with such modifications as may be specified in the order; and

Status: This is the original version (as it was originally enacted).

- (e) to make such incidental or supplementary provisions as the Lord Chancellor considers appropriate.
 - (5) Without prejudice to the generality of subsection (4) of this section, an order under subsection (1) of this section may provide that the rate of interest shall be the rate specified in section 17 of the Judgments Act 1838 as that enactment has effect from time to time.
 - (6) The power to make an order under subsection (1) of this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.
- 12 For subsection (3)(c) of section 102 (county court rules) substitute—
- “(c) prescribing cases in which—
 - (i) the jurisdiction or powers of a county court or the judge of a county court may be exercised by a registrar or some other officer of the court; or
 - (ii) the jurisdiction or powers of the registrar of a county court may be exercised by some other officer of the court;”.
- 13 In section 106(1) (removal of action of replevin to High Court at instance of defendant) for " a master of the Supreme Court", and also for " the master ", substitute " the High Court ".
- 14 For section 108 substitute—

“108 Appeals general provisions.

- (1) Subject to the provisions of this section and the following provisions of this Part of this Act, if any party to any proceedings in a county court is dissatisfied with the determination of the judge or jury he may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by the rules of the Supreme Court.
- (2) The Lord Chancellor may by order prescribe classes of proceedings in which there is to be no right of appeal under this section without the leave either of the judge of the county court or of the Court of Appeal.
- (3) An order under subsection (2) of this section—
 - (a) may classify proceedings according to the nature of those proceedings ;
 - (b) may classify proceedings according to the amount or value or annual value of the money or other property which is the subject of those proceedings or according to whether that amount or value or annual value exceeds a specified fraction of the relevant county court limit;
 - (c) may provide that the order shall not apply to determinations made before such date as may be specified in the order ; and
 - (d) may make different provision for different classes of proceedings.
- (4) The power to make an order under subsection (2) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subject to the provisions of this section and the following provisions of this Part of this Act, where an appeal is brought under subsection (1) above in

Status: This is the original version (as it was originally enacted).

any action, an appeal may be brought under that subsection in respect of any claim or counterclaim in the action notwithstanding that there could have been no such appeal if that claim had been the subject of a separate action.

(6) In proceedings in which either the plaintiff or the defendant is claiming possession of any premises this section shall not confer any right of appeal on any question of fact if by virtue of—

- (a) section 13(4) of the Landlord and Tenant Act 1954 ; or
- (b) Cases III to IX in Schedule 4 to the Rent (Agriculture) Act 1976; or
- (c) section 98 of the Rent Act 1977, as it applies to Cases 1 to 6 and 8 and 9 in Schedule 15 to that Act, or that section as extended or applied by any other enactment; or
- (d) section 99 of the Rent Act 1977, as it applies to Cases 1 to 6 and 9 in Schedule 15 to that Act; or
- (e) section 34(3)(a) of the Housing Act 1980; or
- (f) any other enactment,

the court can only grant possession on being satisfied that it is reasonable to do so.

(7) This section shall not—

- (a) confer any right of appeal from any judgment or order where a right to appeal is conferred by some other enactment; or
- (b) take away any right of appeal from any judgment or order where a right to appeal is so conferred,

and shall have effect subject to any enactment other than this Act.

(8) In this section "enactment" means an enactment whenever passed and " the relevant county court limit" means, in relation to proceedings of any description, the sum by reference to which the question whether a county court has jurisdiction to hear and determine the proceedings falls to be decided."

15 Omit section 109 (appeals on questions of fact).

16 In section 112(1) (judge's note on appeal) after " appeal" insert " or from which an appeal may be brought with leave ".

17 In section 124 (goods which may be seized) after subsection (1) insert—

“(1A) Any reference to the goods of an execution debtor in this Part of this Act includes a reference to anything else of his that may be lawfully seized in execution.”.

18 Before section 134 insert—

“133A Effect of warrants of execution.

(1) Subject—

- (a) to subsection (2) of this section ; and
- (b) to section 138(1A) of this Act,

a warrant of execution against goods issued from a county court shall bind the property in the goods of the execution debtor as from the time at which application for the warrant was made to the registrar of the county court.

Status: This is the original version (as it was originally enacted).

- (2) Such a warrant shall not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration unless he had, at the time when he acquired his title—
- (a) notice that an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the registrar of a county court and that the warrant issued on the application either—
 - (i) remained unexecuted in the hands of the registrar of the court from which it was issued; or
 - (ii) had been sent for execution to, and received by, the registrar of another county court, and remained unexecuted in the hands of the registrar of that court; or
 - (b) notice that a writ of fieri facias or other writ of execution by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff.
- (3) For the better manifestation of the time mentioned in subsection (1) of this section, it shall be the duty of the registrar (without fee) on application for a warrant of execution being made to him to endorse on its back the hour, day, month and year when he received the application.
- (4) For the purposes of this section—
- (a) " property " means the general property in goods, and not merely a special property ;
 - (b) " sheriff " includes any officer charged with the enforcement of a writ of execution; and
 - (c) a thing shall be treated as done in good faith if it is in fact done honestly, whether it is done negligently or not.”.
- 19 In section 135 (sale of goods where claim made therein)—
- (a) in subsection (3), for " In " substitute " Subject to subsection (4) of this section, in "; and
 - (b) add after that subsection—
 - “(4) The goods shall not be sold if the registrar decides that, in all the circumstances, the decision of the judge on the claim made to or in respect of them ought to be awaited.”.
- 20 In section 138 (execution out of jurisdiction of court) insert after subsection (1): —
- “(1A) The original warrant shall bind the property in goods of the execution debtor which are within the jurisdiction of the court to which it is sent as from the time when it is received by the registrar of that court.
 - (1B) For the better manifestation of the time mentioned in subsection (1A) of this section, it shall be the duty of the registrar of the court to which the warrant is sent (without fee) on receipt of the warrant to endorse on its back the hour, day, month and year when he received it.”.
- 21 After section 138 insert—

Status: This is the original version (as it was originally enacted).

“138A Information as to writs and warrants of execution.

- (1) A sheriff shall on demand inform the registrar of a county court, by writing signed by any clerk in the office of the under-sheriff, of the precise time of the delivery to him of a writ against the goods of any person issued from the High Court, and a bailiff of a county court shall on demand show his warrant to any sheriff's officer.
- (2) Any writing purporting to be signed as mentioned in subsection (1) of this section and the endorsement on any such warrant shall respectively be sufficient justification to any registrar or sheriff acting on it.”.

22 For section 143 substitute—

“143 Attachment of debts.

- (1) Subject to any order for the time being in force under subsection (4) of this section, this section applies to the following accounts, namely—
 - (a) any deposit account with a bank or other deposit-taking institution ;
 - and
 - (b) any withdrawable share account with any deposit-taking institution.
- (2) In determining whether, for the purposes of the jurisdiction of the county court to attach debts for the purpose of satisfying judgments or orders for the payment of money, a sum standing to the credit of a person in an account to which this section applies is a sum due or accruing to that person and, as such, attachable in accordance with county court rules, any condition mentioned in subsection (3) of this section which applies to the account shall be disregarded.
- (3) Those conditions are—
 - (a) any condition that notice is required before any money or share is withdrawn ;
 - (b) any condition that a personal application must be made before any money or share is withdrawn ;
 - (c) any condition that a deposit book or share account book must be produced before any money or share is withdrawn ; or
 - (d) any other prescribed condition.
- (4) The Lord Chancellor may by order make such provision as he thinks fit, by way of amendment of this section or otherwise, for all or any of the following purposes, namely—
 - (a) including in, or excluding from, the accounts to which this section applies accounts of any description specified in the order ;
 - (b) excluding from the accounts to which this section applies all accounts with any particular deposit-taking institution so specified or with any deposit-taking institution of a description so specified.
- (5) Any order under subsection (4) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Status: This is the original version (as it was originally enacted).

- (6) In this section "deposit-taking institution" means any person carrying on a business which is a deposit-taking business for the purposes of the Banking Act 1979.”.
- 23 For paragraph (g) of section 168 (payment of funds into court) substitute—
“(g) providing for dealing with accounts which, subject to such, if any, exceptions as may be prescribed by the rules, have not been dealt with for such period (not being less than fifteen years in the case of deposit accounts and of short- and long-term investment accounts or five years in the case of other accounts) as may be prescribed ;”.
- 24 In section 172 (provision as to closed accounts)—
(a) omit subsection (1); and
(b) in subsection (2), after the words " County Court Funds Rules " insert " made by virtue of section 168(g) of this Act before the coming into force of paragraph 23 of Schedule 3 to the Supreme Court Act 1981 ".
- 25 In section 174 (transfer to county court of money recovered in High Court by infants &c.)—
(a) in subsection (1), for " of unsound mind" substitute " a patient "; and
(b) add after subsection (2): —
“(2A) In this section " patient" has the meaning assigned to it by section 101 of the Mental Health Act 1959.”.
- 26 After section 174 insert—
“174A Transfer to High Court of money held in a county court.
(1) Where money is held in a county court in relation to any cause or matter in that court, the court may order the money or any part of it to be paid into or transferred to the High Court.
(2) On the making of such an order, the sum to which the order relates shall be paid or transferred according to the order.”.
- 27 In section 186 (proof of service of summons, &c.)—
(a) in subsection (2), for " fifty pounds " substitute " the statutory maximum "; and
(b) add after subsection (2): —
“(3) In subsection (2) of this section " the statutory maximum " means the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980.”.
- 28 Before section 200 insert—
“199A Lords Commissioners to represent Lord Chancellor when Great Seal in commission.
When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act; but the powers vested in him by this Act in relation to the appointment of officers may be exercised by the senior Lord Commissioner for the time being.”.

Status: This is the original version (as it was originally enacted).

- 29 In section 201 (interpretation)—
- (a) after the definition of " landlord " insert—
 “matrimonial cause " has the meaning assigned to it by section 10(1) of the Matrimonial Causes Act 1967 ;” ; and
 - (b) after the definition of " officer " insert—
 “" part-time registrar " and " part-time assistant registrar " have the meaning assigned to them by section 22(3) of this Act;” .

SCHEDULE 4

Section 151(5).

CONSTRUCTION OF REFERENCES TO SUPERSEDED COURTS AND OFFICERS

General

- 1 (1) So much of any enactment as refers or relates to any former court or judge whose jurisdiction is vested in the Court of Appeal or the High Court shall be construed and have effect as if any reference to that court or judge were a reference to the Court of Appeal or the High Court, as the case may be.
- (2) All Acts, charters and other instruments which refer to Westminster as the locality of any former court, being a court whose jurisdiction is vested in the Court of Appeal or the High Court, shall be construed as referring instead to the Royal Courts of Justice and other places at which the Court of Appeal or the High Court sits.

The Accountants-General of the Courts of Chancery and Exchequer

- 2 Any enactment or document referring to the Accountant-General of the Court of Chancery or Court of Exchequer shall be read as referring instead to the Accountant General of the Supreme Court.

The Court of Criminal Appeal and its registrar

- 3 In any enactment or document passed or made before 1st October 1966—
- (a) any reference to the Court of Criminal Appeal (except where it occurs in a reference to the registrar of that court) shall, subject to rules of court made in pursuance of section 53(1), be read as a reference to the criminal division of the Court of Appeal;
 - (b) any reference to the registrar of the Court of Criminal Appeal shall be read as a reference to the registrar of criminal appeals; and
 - (c) any reference to the Court of Appeal shall, subject to rules of court made in pursuance of section 53(1), be read as a reference to the civil division of the Court of Appeal.

Principal registrar of Family Division

- 4 In any enactment or document passed or made before the commencement of this Act any reference to the principal registrar of the Family Division shall be read as a reference to the Senior Registrar of that Division.

SCHEDULE 5

Section 152(1).

CONSEQUENTIAL AMENDMENTS C

COLONIAL PROBATES ACT 1892 (c. 6)

In section 2(1), for " 156A of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "109 of the Supreme Court Act 1981".

SMALL DWELLINGS ACQUISITION ACT 1899 (c.44)

For section 5(5) substitute—

“(5) Where the local authority are entitled under this Act to take possession of a house, possession may be recovered in a county court, whatever the annual value of the house for rating.”.

BANKRUPTCY ACT 1914 (c. 59)

Section 40(2) shall continue to have effect with the amendment made by section 36(4) of the Administration of Justice Act 1956, that is with the substitution of "or" "for " or, in the case of an equitable interest,".

ADMINISTRATION OF ESTATES ACT 1925 (c. 23)

In section 47A(7) (notices to principal registrar of Family Division)—

- (a) for " principal registrar " substitute "Senior Registrar" ; and
- (b) for the words from "made under" onwards substitute "of court made under section 127 of the Supreme Court Act 1981".

LAW OF PROPERTY (AMENDMENT) ACT 1926 (c. 11)

In section 3(1), for " Supreme Court of Judicature (Consolidation) Act 1925 " substitute "Supreme Court Act 1981".

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT 1933 (c 13)

1. In section 3(1), for "ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".
2. In section 10, for "two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925 " substitute "130 of the Supreme Court Act 1981".

ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT 1933 (c. 36)

Section 2(2)(b) shall continue to have effect with the amendments made by the Criminal Appeal Act 1964 and the Criminal Appeal Act 1966, that is with the insertion after "preferred" of "by the direction of the criminal division of the Court of Appeal".

Status: This is the original version (as it was originally enacted).

EXCHANGE CONTROL ACT 1947 (c. 14)

In paragraph 3 of Schedule 4, for "ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".

COMPANIES ACT 1948 (c. 38)

Section 325(2) shall continue to have effect with the amendment made by section 36(4) of the Administration of Justice Act 1956, that is with the substitution of "or" for " and, in the case of an equitable interest,".

CRIMINAL JUSTICE ACT 1948 (c. 58)

In section 37(4), for " ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".

CONSULAR CONVENTIONS ACT 1949 (c. 29)

In section 1(4)—

- (a) for " (1) of section one hundred and sixty of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "(2) of section 114 of the Supreme Court Act 1981";
- (b) after " must " insert "in general"; and
- (c) for " (2) of the said section one hundred and sixty" substitute "(4) of that section".

ARBITRATION ACT 1950 (c. 27)

In section 38(3), for " ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".

ARMY ACT 1955 (c. 18)

Section 110(1) shall continue to have effect with the amendments made by Part II of Schedule 1 to the Criminal Appeal Act 1966, that is—

- (a) with the substitution of "is under all the circumstances of the case unsafe or unsatisfactory" for the words from " is unreasonable " to " evidence " ;
- (b) with the substitution of "there was a material irregularity in the course of the trial" for " on any ground there was a miscarriage of justice " ; and
- (c) with the addition at the end of the following proviso—

“Provided that the confirming officer may, notwithstanding that he is of opinion that he would apart from this proviso withhold confirmation of the finding, confirm the finding if he considers that no miscarriage of justice has actually occurred.”.

AIR FORCE ACT 1955 (c. 19)

Section 110(1) shall continue to have effect with the amendments made by Part II of Schedule 1 to the Criminal Appeal Act 1966, that is with the same amendments as are specified in the entry in this Schedule relating to the Army Act 1955.

Status: This is the original version (as it was originally enacted).

MEDICAL ACT 1956 (c. 76)

In paragraph 5(2) of Schedule 4, for " forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

DENTISTS ACT 1957 (c. 28)

In section 46(2), for " forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

OPTICIANS ACT 1958 (c. 32)

In section 15(1), for " forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

MENTAL HEALTH ACT 1959 (c. 72)

1. In section 73 (removal to hospital of certain prisoners), for subsection (2)(a) substitute—
 - “(a) persons committed in custody to the Crown Court for trial or under section 6 or 8 of the Criminal Justice Act 1948, and persons in custody pending a retrial ordered under section 7 of the Criminal Appeal Act 1968 ;”.
2. In section 100(2) (Court of Protection and appointment of Master and Deputy Master thereof), at the end add " under section 89 of the Supreme Court Act 1981".
3. In section 110(4), for "forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

PROFESSIONS SUPPLEMENTARY TO MEDICINE ACT 1960 (c. 66)

In paragraph 2(2) of Schedule 2, for "forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925" substitute "36 of the Supreme Court Act 1981".

NURSES (AMENDMENT) ACT 1961 (c. 14)

In section 9(2), for " forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

RIVERS (PREVENTION OF POLLUTION) ACT 1961 (c. 50)

In section 6(5), for " twenty-seven of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "16 of the Supreme Court Act 1981".

PUBLIC HEALTH ACT 1961 (c. 64)

In section 66(1), for "twenty-seven of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "16 of the Supreme Court Act 1981".

Status: This is the original version (as it was originally enacted).

ADMINISTRATION OF JUSTICE ACT 1964 (c. 42)

In section 28 (exception of prerogative proceedings from general power to indemnify justices of the peace etc. in respect of costs and damages), for " for an order of prohibition, mandamus or certiorari", in both places where it occurs, substitute "on an application for judicial review".

ADMINISTRATION OF JUSTICE ACT 1965 (c. 2)

1. In section 4(1) (mode of effecting payment of money into Supreme Court), for the words from " (as respectively " to " that Act " substitute "(within the meaning of the Supreme Court Act 1981) proceeding in a district registry of the High Court".
2. In section 6 (mode of dealing with money in Supreme Court), in subsection (1)(a) (iii), for the words from " rules" to " 1925 " substitute "rules of court".
3. In section 18, in the definition of "Supreme Court", for " Judicature in England " substitute "England and Wales".

VETERINARY SURGEONS ACT 1966 (c. 36)

In paragraph 4(2) of Schedule 2, for " 49 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

ARBITRATION (INTERNATIONAL INVESTMENT DISPUTES) ACT 1966 (c. 41)

In sections 1(6) and 2(2), for "99 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".

MATRIMONIAL CAUSES ACT 1967 (c. 56)

In section 10(1), for the definition of " matrimonial cause " substitute—

“" matrimonial cause " means an action for divorce, nullity of marriage, judicial separation, or jactitation of marriage or an application under section 3 of the Matrimonial Causes Act 1973 ;”.

CRIMINAL APPEAL ACT 1968 (c 19)

1. In section 33 (right of appeal to House of Lords from decision of criminal division of Court of Appeal), after subsection (2) insert—

“(3) Except as provided by this Part of this Act and section 13 of the Administration of Justice Act 1960 (appeal in cases of contempt of court), no appeal shall lie from any decision of the criminal division of the Court of Appeal.”.
2. For subsection (1) of, and the side-note to, section 45 (jurisdiction of Court of Appeal, and construction of certain references in Parts I and II) substitute—

“45 Construction of references in Parts I and II to Court of Appeal and a single judge.

- (1) References in Parts I and II of this Act to the Court of Appeal shall be construed as references to the criminal division of the Court.”

Status: This is the original version (as it was originally enacted).

3. In Schedule 2 (provisions applicable on order for retrial), paragraph 2(4) shall have effect, and be deemed always to have had effect, as if for " Section 17(2) of the Criminal Justice Administration Act 1962 " there were substituted "Section 67 of the Criminal Justice Act 1967".

HEARING AID COUNCIL ACT 1968 (c. 50)

In section 10(2), for "49 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

HOVERCRAFT ACT 1968 (c. 59)

1. In section 1(1)(h)(i) (power to apply to hovercraft etc. enactments about ships etc.), for "Act) " substitute "Act, or an enactment contained in sections 20 to 24 of the Supreme Court Act 1981)".
2. (1) Section 2 (Admiralty jurisdiction etc.) shall be amended as follows.
 - (2) In subsection (1)—
 - (a) for " Parts I and V " substitute "Part V"; and
 - (b) for the words from " the reference in section 4(1)" to " the said Schedule 1)" substitute "the reference in paragraph 4(1) of the said Part I and the second reference in paragraph 8(1) of that Part)".
 - (3) After subsection (3) insert—

“(3A) Subsection (3) of this section shall have effect as if the reference to the enactments mentioned in subsection (1) as extended by that subsection included a reference to sections 20 to 24 of the Supreme Court Act 1981.”.

ADMINISTRATION OF JUSTICE ACT 1970 (c. 31)

In section 37, for the words " no court other than a county court shall" substitute the words "the High Court shall not".

COURTS ACT 1971 (c. 23)

In paragraph 38(a) of Schedule 8, for " 73(2)(a)(c)" substitute "73(2)(c)".

ADMINISTRATION OF ESTATES ACT 1971 (c. 25)

1. (1) Section 11 (sealing of Commonwealth and Colonial grants) shall be amended as follows.
 - (2) In subsection (3)—
 - (a) " 167 of the Supreme Court of Judicature (Consolidation) Act 1925" substitute "120 of the Supreme Court Act 1981"; and
 - (b) omit " and orders".
 - (3) In subsection (8), for the definition of " probate rules and orders " substitute—

“" probate rules " means rules of court made under section 127 of the Supreme Court Act 1981.”.
2. In section 14(3), for " 8 " substitute "9".

Status: This is the original version (as it was originally enacted).

MISUSE OF DRUGS ACT 1971 (c. 38)

In paragraph 5(2) of Schedule 3, for "49 of the Supreme Court of Judicature (Consolidation) Act 1925" substitute "36 of the Supreme Court Act 1981".

MERCHANT SHIPPING (OIL POLLUTION) ACT 1971 (c. 59)

In section 13(1) (extension of Admiralty jurisdiction in claims for damage done by ships), for the words from the beginning to " that Act" substitute "Paragraph 1(1)(d) of Schedule 1 to the Administration of Justice Act 1956".

TRIBUNALS AND INQUIRIES ACT 1971 (c. 62)

In section 13(2), for " 27 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "16 of the Supreme Court Act 1981".

TOWN AND COUNTRY PLANNING ACT 1971 (c. 78)

In section 246(2), for "27 of the Supreme Court of Judicature (Consolidation) Act 1925" substitute "16 of the Supreme Court Act 1981".

LAND CHARGES ACT 1972 (c. 61)

In section 6(4) (effect of non-registration of writs and orders registrable under section 6), for " section 36(3) of the Administration of Justice Act 1956 " substitute "section 37(5) of the Supreme Court Act 1981".

HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)

In section 69(4), for " 27 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "16 of the Supreme Court Act 1981".

CONTROL OF POLLUTION ACT 1974 (c. 40)

In section 39(8), for "27 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "16 of the Supreme Court Act 1981".

MERCHANT SHIPPING ACT 1974 (c. 43)

In section 6(1) (extension of Admiralty jurisdiction in claims for damage done by ships), for the words from the beginning to " that Art " substitute "Paragraph 1(1)(d) of Schedule 1 to the Administration of Justice Act 1956 ".

SOLICITORS ACT 1974 (c. 47)

1. In section 19(2), for " 120 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "94 of the Supreme Court Act 1981".
2. After section 81 insert—

Status: This is the original version (as it was originally enacted).

“81A. Fees for administering oaths and taking affidavits.

- (1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice and the Master of the Rolls, by order prescribe the fees to be charged by—
 - (a) commissioners for oaths ; and
 - (b) solicitors exercising the powers of commissioners for oaths by virtue of section 81,in respect of the administration of an oath or the taking of an affidavit.
- (2) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.
- (3) In this section " affidavit" has the same meaning as in the Commissioners for Oaths Act 1889.”.

HOUSE OF COMMONS DISQUALIFICATION ACT 1975 (c. 24)

In Part III of Schedule 1, in the entry beginning " Officer of the Supreme Court ", for the words from " within " onwards substitute "being the holder of any office listed in any Part of Schedule 2 to the Supreme Court Act 1981 or a district registrar, or assistant district registrar, of the High Court".

NORTHERN IRELAND ASSEMBLY DISQUALIFICATION ACT 1975 (c. 25)

Part III of Schedule 1 shall have effect with the same amendment as is specified in the entry in this Schedule relating to the House of Commons Disqualification Act 1975.

EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) ACT 1975 (c. 34)

1. In section 4 (extension of powers of High Court etc. in relation to obtaining evidence for proceedings in that court), for the words from the beginning to " shall" substitute "The Attendance of Witnesses Act 1854 (which enables the Court of Session to order the issue of a warrant of citation in special form, enforceable throughout the United Kingdom, for the attendance of a witness at a trial) shall".
2. In section 7, for " 99 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".

FARRIERS (REGISTRATION) ACT 1975 (c. 35)

In paragraph 4(2) of Schedule 3, for " 49 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

TORTS (INTERFERENCE WITH GOODS) ACT 1977 (c. 32)

In section 4—

- (a) in subsection (4), for " 99 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".
- (b) in subsection (5), for " 99 " and " 1925 " substitute respectively "84" and " 1981 ".

Status: This is the original version (as it was originally enacted).

INSURANCE BROKERS (REGISTRATION) ACT 1977 (c. 46)

In section 19(2), for " 49 of the Supreme Court of Judicature (Consolidation) Act 1925" substitute "36 of the Supreme Court Act 1981".

MEDICAL ACT 1978 (c. 12)

In paragraph 2(2) of Schedule 4, for " 49 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "36 of the Supreme Court Act 1981".

EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978 (c. 44)

In paragraph 8(2) of Schedule 11, for "9 of the Supreme Court of Judicature (Consolidation) Act 1925" substitute "10 of the Supreme Court Act 1981".

ARBITRATION ACT 1979 (c. 42)

In section 2(3), for "27 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "16 of the Supreme Court Act 1981".

CHARGING ORDERS ACT 1979 (c. 53)

In section 5(2), for " 99 of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "84 of the Supreme Court Act 1981".

MAGISTRATES' COURTS ACT 1980 (c. 43)

1. After section 43 insert—

“43A. Functions of magistrates' court where a person in custody is brought before it with a view to his appearance before the Crown Court.

- (1) Where a person in custody in pursuance of a warrant issued by the Crown Court with a view to his appearance before the Crown Court is brought before a magistrates' court in pursuance of section 81(5) of the Supreme Court Act 1981—
 - (a) the magistrates' court shall commit him in custody or release him on bail until he can be brought or appear before the Crown Court at the time and place appointed by the Crown Court;
 - (b) if the warrant is endorsed for bail, but the person in custody is unable to satisfy the conditions endorsed, the magistrates' court may vary those conditions, if satisfied that it is proper to do so.
- (2) A magistrates' court shall have jurisdiction under subsection (1) whether or not the offence was committed, or the arrest was made, within the court's area.
section 87(2) for " penalty " substitute "sum".”

FINANCE ACT 1980 (c. 48)

In section 94(2), for " 156A(2) of the Supreme Court of Judicature (Consolidation) Act 1925 " substitute "109(2) of the Supreme Court Act 1981".

Status: This is the original version (as it was originally enacted).

JUDICIAL PENSIONS ACT 1981 (c. 20)

1. For subsection (2) of section 34 (county court registrars and assistant registrars) substitute—
 - “(2) Nothing in this Act shall apply to a part-time registrar or part-time assistant registrar within the meaning of subsection (3) of section 22 of the County Courts Act 1959 (restrictions on practice).”
2. Schedule 1 (pensions, etc. of certain judicial officers) shall be amended as follows—
 - (a) in paragraph 1, for the list of Supreme Court officers (namely that beginning with "Master and Assistant Master of the Supreme Court, Queen's Bench Division " and ending with " Registrar, and Assistant Registrar, of Criminal Appeals ") substitute—
 - “Master, Queen's Bench Division.
 - Queen's coroner and attorney and Master of the Crown Office.
 - Admiralty Registrar.
 - Master, Chancery Division.
 - Registrar in Bankruptcy of the High Court.
 - Taxing Master of the Supreme Court. Registrar, Principal Registry of the Family Division.
 - Registrar of criminal appeals.
 - Registrar of civil appeals.
 - Master of the Court of Protection.”; and
 - (b) in paragraph 4—
 - (i) in sub-paragraph (1)(a), for " the prescribed number of years of" substitute "15 years", and
 - (ii) omit sub-paragraph (2).

SCHEDULE 6

Section 152(3).

TRANSITIONAL PROVISIONS AND SAVINGS

Continuance in office of Vice-Chancellor

1. On and after the date of commencement of this Act the person who immediately before that date is Vice-Chancellor by nomination under section 5 of the Administration of Justice Act 1970 shall be deemed to have been appointed as from that date to the office of Vice-Chancellor under section 10(1) and to have duly taken the oaths required by section 10(4).

Continuity of appointments of officers

2. (1) Any person holding an office immediately before the commencement of this Act in the case of which provision for appointment is made by Part IV shall continue to hold that office as if he had been appointed under that Part (whether or not he is qualified to be so appointed).

Status: This is the original version (as it was originally enacted).

- (2) Any person holding the office of Assistant Master, Queen's Bench Division immediately before the commencement of this Act shall, notwithstanding the repeals made by this Act, continue to hold that office.

Tenure, etc. of certain officers

- 3 (1) In relation to any person who held the office of Assistant Master, Queen's Bench Division immediately before the commencement of this Act—
- (a) sections 92 to 94 ; and
 - (b) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 and Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975,
- shall have effect as if that office were listed in column 1 of Part II of Schedule 2.
- (2) In relation to any person who held the office of assistant registrar of criminal appeals immediately before the commencement of this Act—
- (a) subsection (7) of section 92 shall not apply ; and
 - (b) subsections (1) to (6) of that section shall have effect as if that office were listed in column 1 of Part II of Schedule 2.
- 4 (1) If, in the case of any person holding the office of Lord Chancellor's Medical Visitor or Lord Chancellor's Legal Visitor immediately before the commencement of this Act, the Lord Chancellor so determines with respect to any enactment relating to that Visitor which is amended or repealed by this Act, the amendment or repeal by this Act of that enactment shall, to such extent as the Lord Chancellor may determine, not take effect in relation to that person at the commencement of this Act but instead take effect in relation to him at such later time as the Lord Chancellor may determine.
- (2) If and so long as the office of Lord Chancellor's Medical Visitor or Lord Chancellor's Legal Visitor under section 108 of the Mental Health Act 1959 (as in force immediately before the commencement of this Act) continues to be held by any person after the commencement of this Act by virtue of a determination under subparagraph (1), section 144(5) of this Act shall not have effect as respects that office.
- 5 This Act, so far as it amends or repeals any provision of Schedule 1 to the Judicial Pensions Act 1981, shall not have effect in relation to any person who was within paragraph 1 of that Schedule immediately before the commencement of this Act and either was then holding office or had previously retired or died.

Scheme for establishment of district probate registries

- 6 The scheme for the establishment of district probate registries as set out in Schedule 2 to the 1925 Act and in force immediately before the commencement of this Act shall continue to have effect, but as if it were contained in an order under section 104 of this Act; and accordingly it may be amended or revoked by an order under that section.

Inland Revenue affidavits

- 7 In relation to deaths occurring before 13th March 1975 (the date on which the Finance Act 1975 was passed)—
- (a) section 109 shall not apply ; and

Status: This is the original version (as it was originally enacted).

- (b) section 110 shall have effect as if at the end of paragraph (b) there were added the words " and the Inland Revenue affidavit within the meaning of Part I of the Finance Act 1894 ".

Grants of representation made under provisions of 1925 Act not reproduced in this Act

- 8 Nothing in the repeals made by this Act shall affect—
- (a) any grant made before the commencement of this Act under any of the following provisions of the 1925 Act, namely section 162(1) and proviso (a) thereto and sections 164 and 165 ; or
- (b) the continued operation of subsections (2) and (3) of section 164 of that Act in relation to any grant so made under that section.

Minor executors

- 9 Any appointment of a minor as executor which, immediately before the commencement of this Act, was by virtue of section 165(2) of the 1925 Act rendered ineffective for the purposes mentioned in that subsection shall continue to be ineffective for those purposes unless and until probate is granted to the person in question in accordance with probate rules.

Administration bonds given before 1st January 1972

- 10 Nothing in this Act shall affect the continued operation of section 167 of the 1925 Act, as in force before 1st January 1972 (the date on which the Administration of Estates Act 1971 came into force), in relation to the enforcement or assignment of any administration bond given under that section before that date.

Grants and resealings liable to revocation or cancellation at instance of court

- 11 Section 121 applies whether the grant in question was made or (as the case may be) resealed before or after the commencement of this Act

Appeals from certain orders and decisions under section 54(3) of Magistrates' Courts Act 1952

- 12 In paragraph 3(d) of Schedule 1, the reference to an order or decision made under section 63(3) of the Magistrates' Courts Act 1980 includes a reference to an order or decision made under section 54(3) of the Magistrates' Courts Act 1952.

Interpretation

- 13 (1) In this Schedule "the 1925 Act" means the Supreme Court of Judicature (Consolidation) Act 1925.
- (2) Nothing in this Schedule shall be taken as prejudicing the operation of the provisions of the Interpretation Act 1978 as respects the effect of repeals.

Status: This is the original version (as it was originally enacted).

SCHEDULE 7

Section 152(4).

REPEALS

Chapter	Short Title	Extent of Repeal
33 Hen. 8. c. 39.	Crown Debts Act 1541.	The whole Act.
39 & 40 Geo.3. c. 36.	Transfer of Stock Act 1800.	The whole Act.
10 Geo. 4. c. 13.	Court Funds Act 1829.	The whole Act.
3 & 4 Will. 4. c. 99.	Fines Act 1833.	Sections 26 to 28 and 30 to 32, except as regards process issued before the commencement of this Act. Section 33, except as regards matters to which sections 23 to 25 of the Act relate.
7 & 8 Vict. c. 96.	Execution Act 1844.	The whole Act, except section 67 so far as it relates to the process of the High Court.
14 & 15 Vict. c. 99.	Evidence Act 1851.	Section 6.
15 & 16 Vict. c. 76.	Common Law Procedure Act 1852.	Section 126.
20 & 21 Vict. c. 77.	Court of Probate Act 1857.	The whole Act.
21 & 22 Vict. c. 27.	Chancery Amendment Act 1858.	The whole Act, so far as unrepealed.
21 & 22 Vict. c. 95.	Court of Probate Act 1858.	The whole Act.
22 & 23 Vict. c. 21.	Queen's Remembrancer Act 1859.	Section 23.
24 & 25 Vict. c. 10.	Admiralty Court Act 1861.	The whole Act.
27 & 28 Vict. c. 25.	Naval Prize Act 1864.	In section 2, the definition of "the High Court of Admiralty". Sections 10 to 12, 14, 15 and 45.
31 & 32 Vict. c. 72.	Promissory Oaths Act 1868.	In Part II of the Schedule, the entries relating to the Lord Chief Justice and the Master of the Rolls.
31 & 32 Vict. c. 125.	Parliamentary Elections Act 1868.	Section 11.
33 & 34 Vict. c. 28.	Attorneys' and Solicitors' Act 1870.	The whole Act.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
42 & 43 Vict. c. 75.	Parliamentary Elections and Corrupt Practices Act 1879.	The whole Act, so far as unrepealed.
46 & 47 Vict. c. 51.	Corrupt and Illegal Practices Act 1883.	Section 42.
54 & 55 Vict. c. 53.	Supreme Court of Judicature Act 1891.	In section 5, the words from " and " onwards.
56 & 57 Vict. c. 71.	Sale of Goods Act 1893.	Section 26.
4 & 5 Geo. 5. c. 59.	Bankruptcy Act 1914.	In section 97, subsection (1) and, in subsection (2), the proviso.
5 & 6 Geo. 5. c. 57.	Prize Courts Act 1915.	Section 4.
14 & 15 Geo. 5. c. 17.	County Courts Act 1924.	The whole Act.
15 & 16 Geo.5. c. 23.	Administration of Estates Act 1925.	In section 55(1), in paragraph (xiii), the words from " or " onwards, and paragraphs (xvi) and (xxii).
15 & 16 Geo.5. c. 49.	Supreme Court of Judicature (Consolidation) Act 1925.	The whole Act.
18 & 19 Geo. 5. c. 26.	Administration of Justice Act 1928.	The whole Act.
22 & 23 Geo. 5. c. 55.	Administration of Justice Act 1932.	The whole Act.
23 & 24 Geo. 5. c. 36.	Administration of Justice (Miscellaneous Provisions) Act 1933.	Section 6.
25 & 26 Geo. 5. c. 2.	Supreme Court of Judicature (Amendment) Act 1935.	The whole Act.
1 & 2 Geo. 6. c. 28.	Evidence Act 1938.	Section 5.
1 & 2 Geo. 6. c. 63.	Administration of Justice (Miscellaneous Provisions) Act 1938.	The whole Act.
1 & 2 Geo. 6. c. 67.	Supreme Court of Judicature (Amendment) Act 1938.	The whole Act.
3 & 4 Geo. 6. c. 28.	Evidence and Powers of Attorney Act 1940.	Section 4(1)(a).
7 & 8 Geo. 6. c. 9.	Supreme Court of Judicature (Amendment) Act 1944.	The whole Act
10 & 11 Geo.6. c. 44.	Crown Proceedings Act 1947.	In section 20(2), the proviso. In section 27(1), paragraph (c) of the proviso

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 38.	Companies Act 1948.	and the word " or " preceding it. In section 219, in subsection (1), the words from " at any time " to " or may ", and subsection (2).
11 & 12 Geo. 6. c. 58.	Criminal Justice Act 1948.	In section 37(4), the words from " and the powers" onwards.
12, 13 & 14 Geo. 6. c. 100.	Law Reform (Miscellaneous Provisions) Act 1949.	Section 9.
2 & 3 Eliz. 2. c. 38.	Supreme Court Officers (Pensions) Act 1954.	The whole Act.
4 & 5 Eliz. 2. c. 46.	Administration of Justice Act 1956.	Parts I and II. Sections 34 and Section 38. Sections 42 to 44. Section 54. Section 56.
6 & 7 Eliz. 2. c. 51.	Public Records Act 1958.	Section 8(2).
7 & 8 Eliz. 2. c. 22.	County Courts Act 1959.	Section 31. In section 39(1)(c), the word " seduction ". Sections 43 to 45. In section 47(1) and (3), the words from " or a judge " to " that referee or officer ". Section 48(2). Sections 49 and 50. Section 51A(4). Section 52(2). Section 54. Sections 58 and 59. In section 60, in subsections (2), (3) and (4), the words " or a judge " and, in subsection (5), the words " or a judge thereof". Section 63.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		<p>Section 65.</p> <p>Section 67.</p> <p>In section 68, the words " or a judge thereof" and " or judge ".</p> <p>In section 71, the words " or of any other court in England and Wales."</p> <p>Section 72.</p> <p>In section 74(1)(6), the words " (subject to the provisions of section sixty-five of this Act) ".</p> <p>In section 76, in paragraph (ii) of the proviso, the words " or judge thereof" and " or the judge by whom the transfer was ordered ".</p> <p>Section 77.</p> <p>In section 78(2), the proviso.</p> <p>Section 79.</p> <p>Section 83.</p> <p>In section 85(1), the words " on application made in manner prescribed by rules of the Supreme Court".</p> <p>Section 85(2).</p> <p>In section 90, the proviso.</p> <p>Section 94(4).</p> <p>In section 106(1), the words " or a judge thereof ".</p> <p>Section 107.</p> <p>Section 109.</p> <p>Section 110(1) and (2).</p> <p>Section 115.</p> <p>In section 116(1), the words " or a judge thereof ".</p> <p>In section 117(1), the words " or a judge thereof " and, in both places where they occur,</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		<p>the words " or judge thereof "</p> <p>Section 118.</p> <p>Section 119.</p> <p>In section 120, in subsections (1) and (2), the words " and chattels "</p> <p>In section 122, in subsection (1), the words " or chattels " and, in subsection (2), the words "and chattels" and "and chattels of the first-mentioned person "</p> <p>In section 124(1), the words "or chattels" and "and chattels "</p> <p>In section 130(1), the words " chattels or effects "</p> <p>In section 131(1), the words " chattels or effects "</p> <p>Section 134.</p> <p>In section 136(1), the words " or chattels "</p> <p>In section 138, in subsection (1), the words " and chattels ", in both places where they occur, and, in subsection (3), the words " or chattels "</p> <p>In section 146, in subsection (1), the words "or a judge thereof" and "or judge" and, in subsection (2), the words " or judge "</p> <p>In section 150(2), the words " or other inferior court "</p> <p>Section 172(1).</p> <p>Section 173.</p> <p>In section 174, in subsection (1), the words " or a judge thereof" and " or judge " and, in subsection (2),</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		the words " or a judge thereof " Section 175. Section 194. In section 201, the definitions of "Lord Chancellor", " whole-time registrar " and " whole-time assistant registrar " Section 203. Section 205(3), (5), (6) and (9). Section 206. In Schedule 2, paragraph 5. Schedule 4.
7 & 8 Eliz. 2. c. 39.	Supreme Court of Judicature (Amendment) Act 1959.	The whole Act.
7 & 8 Eliz. 2. c. 72.	Mental Health Act 1959.	In section 111(2), the words from " and " onwards. Section 115(2). In Schedule 7, in Part I, the entry relating to the Supreme Court of Judicature (Consolidation) Act 1925.
8 & 9 Eliz. 2. c. 9.	Judicial Pensions Act 1959.	In Schedule 1, in column 1, the words from " Lord Chief Justice, Master of the Rolls " to " Puisne Judge of the High Court of Justice ".
8 & 9 Eliz. 2. c. 65.	Administration of Justice Act 1960.	In section 13(6), the words from " and for " onwards. Section 16.
9 & 10 Eliz. 2. c. 3.	Administration of Justice (Judges and Pensions) Act 1960.	The whole Act.
9 & 10 Eliz. 2. c. 39.	Criminal Justice Act 1961.	In Schedule 4, the entry relating to the Mental Health Act 1959.
10 & 11 Eliz. 2. c. 27.	Recorded Delivery Service Act 1962.	In the Schedule, paragraph 4.
1964 c. 43.	Criminal Appeal Act 1964.	The whole Act.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1965 c. 2.	Administration of Justice Act 1965.	Section 15(3). Section Section Section 26. In Schedule 1, the entry relating to the Court Funds Act 1829.
1966 c. 31.	Criminal Appeal Act 1966.	The whole Act.
1967 c. 28.	Superannuation (Miscellaneous Provisions) Act 1967.	In section 3(4), the words " Lord Chancellor's Medical , Visitor ".
1967 c. 56.	Matrimonial Causes Act 1967.	Section 6.
1968 c. 5.	Administration of Justice Act 1968.	Section 1(1)(b).
1968 c. 19.	Criminal Appeal Act 1968.	In section 11(4)(b), the words "of Court of Appeal". Section 46. Section 51(3). In Schedule 5, in Part I, the amendments of the Supreme Court of Judicature (Consolidation) Act 1925, of the Mental Health Act 1959 and of the Criminal Appeal Act 1966 and, in the amendment of the Administration of Justice Act 1960, the words " and for the purposes of the said Part I".
1968 c. 20.	Courts-Martial (Appeals) Act 1968.	In section 2(1)(a), the words " of the Queen's Bench Division" and the words from " after " to " Rolls ". In section 3(a), the words " of the Queen's Bench Division ".
1968 c. 59.	Hovercraft Act 1968.	Section 2(5).
1968 c. 64.	Civil Evidence Act 1968.	In section 8(6), the words "section 99 of the Supreme Court of Judicature (Consolidation) Act 1925" and " section 101 of the

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1969 c. 46.	Family Law Reform Act 1969.	Supreme Court of Judicature (Consolidation) Act 1925 ". In Schedule 1, in Part I, the entry relating to the Supreme Court of Judicature (Consolidation) Act 1925.
1969 c. 48.	Post Office Act 1969.	In Schedule 6, the entries relating to section 27 of the Crown Proceedings Act 1947, section 38 of the Administration of Justice Act 1956 and section 143 of the County Courts Act 1959.
1969 c. 58.	Administration of Justice Act 1969.	In section 12(2)(a), the words from "(including" to " 1925)". In section 20(1), the words from the beginning to " 1925, and " and the word " each ". Section 21(1) to (3) and (5). Section 23. Sections 25, 26 and 27(1). In section 34(3), the words from the beginning to " 1947, and " in their application to section 20 as regards rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925.
1970 c. 17.	Proceedings Against Estates Act 1970.	Section 2.
1970 c. 31.	Administration of Justice Act 1970.	In section 1— (a) subsections (1) to (5), (7) and (8), and (b) in subsection (6)(a), the words from " that is " to " other ". Section 2(1) to (4). Section 3. Sections 5 and 6. Section 9. Sections 31 to 33 so far as they relate to the High Court

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		<p>and county courts in England and Wales.</p> <p>Section 34(1).</p> <p>Section 35 so far as it relates to the High Court and county courts in England and Wales.</p> <p>Section 37(3).</p> <p>Section 45(3).</p> <p>Schedule 1.</p> <p>In Schedule 2, paragraphs 6 to 15, 18, 20 and 22, and in paragraph 23, the words " and section 63 thereof (transfer of probate proceedings from High Court to county court)," and ", in each place where they occur,".</p>
1971 c. 3.	Guardianship of Minors Act 1971.	In Schedule 1, in the entry relating to the Administration of Justice Act 1970, the amendments of Schedule 1 to that Act.
1971 c. 23.	Courts Act 1971.	<p>Parts I and II.</p> <p>Section 23.</p> <p>Sections 25 and 26.</p> <p>Section 50.</p> <p>In section 57, in subsection (1), the definition of " the Judicature Act 1925", and subsection (3)(a).</p> <p>Schedule 1.</p> <p>In Schedule 8, paragraphs 18, 35(1), 40(3), 44, 46 and 57(2).</p>
1971 c. 25.	Administration of Estates Act 1971.	<p>Section 8.</p> <p>In section 11(3), the words " and orders ".</p> <p>In section 12, subsection (4) (a) and, in subsection (5), the words from " under section " to " or ".</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1971 c. 27.	Powers of Attorney Act 1971.	Section 2. In section 11(3), the words from " and " onwards.
1972 c. 11.	Superannuation Act 1972.	In Schedule 6, paragraphs 6, 8 and 34.
1972 c. 30.	Civil Evidence Act 1972.	In section 2(8), the words " section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 " and " section 101 of the said Act of 1925 ".
1973 c. 14.	Costs in Criminal Cases Act 1973.	In Schedule 1, paragraph 7.
1973 c. 15.	Administration of Justice Act 1973.	Section 9(1)(b). In section 12, in subsection (1), the words " as judge of the Supreme Court in England and Wales", and subsection (3). Section 15. In section 16— (a) subsection (1), (b) in subsections (3) to (6), the words " deputy district registrar or", wherever occurring, and (c) subsection (7). Section 19(2). In Schedule 2, paragraphs (a) and (b) of Part II.
1973 c. 18.	Matrimonial Causes Act 1973.	In Schedule 2, paragraphs 1, 6(3) and 10(1).
1973 c. 29.	Guardianship Act 1973.	Section 9(2)(c).
1974 c. 37.	Health and Safety at Work etc. Act 1974.	In section 69(6), the words from the beginning to " but".
1974 c. 47.	Solicitors Act 1974.	In section 50(1), the words from " but" onwards. In Schedule 3, paragraph 2.
1975 c. 7.	Finance Act 1975.	In Schedule 4, in paragraph 38, sub-paragraph (1) and, so far as it relates to section 156A of the Supreme Court of Judicature

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		(Consolidation) Act 1925, sub-paragraph (4).
1975 c. 14.	Social Security Act 1975.	Section 94(6).
1975 c. 72.	Children Act 1975.	In Schedule 3, paragraph 73(1).
1976 c. 36.	Adoption Act 1976.	In Schedule 3, paragraph 14.
1976 c. 63.	Bail Act 1976.	In Schedule 2, paragraphs 32 and 48.
1977 c. 37.	Patents Act 1977.	Section 96. In section 97(2), the words from " and " onwards. In Schedule 2, in paragraph 1(2), the reference to section 96.
1977 c. 38.	Administration of Justice Act 1977.	Sections 9 and 10. In section 22, the words from " section 99 " to " 1925 and ". Section 27.
1978 c. 22.	Domestic Proceedings and Magistrates' Courts Act 1978.	In Schedule 2, paragraph 25.
1979 c. 53.	Charging Orders Act 1979.	Section 7(2), so far as it repeals section 35 or amends section 36 of the Administration of Justice Act 1956.
1980 c. 51.	Housing Act 1980.	In Schedule 25, paragraph 10.
1980 c. 58.	Limitation Act 1980.	Section 35(9).
1981 c. 20.	Judicial Pensions Act 1981.	In Schedule 1, paragraph 4(2). In Schedule 3, paragraph 1.
1981 c. 49.	Contempt of Court Act 1981.	In section 16(2), paragraph (c) and the word " and " preceding it.