



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

#### **57 Time limits for actions for libel and slander.**

- (1) The <sup>M1</sup>Limitation Act 1980 shall be amended as follows.
- (2) After section 4 there shall be inserted—

##### **“4A Time limit for actions for libel or slander.**

The time limit under section 2 of this Act shall not apply to an action for libel or slander, but no such action shall be brought after the expiration of three years from the date on which the cause of action accrued.”.

- (3) In section 28 (persons under disability), after subsection (4) there shall be inserted—

“(4A) If the action is one to which section 4A of this Act applies, subsection (1) above shall have effect as if for the words from “at any time” to “occurred)” there were substituted the words “by him at any time before the expiration of three years from the date when he ceased to be under a disability”.”.

- (4) After section 32 there shall be inserted—

*“ Discretionary extension of time limit for actions for libel or slander.*

##### **32A Discretionary extension of time limit for actions for libel or slander.**

Where a person to whom a cause of action for libel or slander has accrued has not brought such an action within the period of three years mentioned

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in section 4A of this Act (or, where applicable, the period allowed by section 28(1) as modified by section 28(4A)) because all or any of the facts relevant to that cause of action did not become known to him until after the expiration of that period, such an action—

- (a) may be brought by him at any time before the expiration of one year from the earliest date on which he knew all the facts relevant to that cause of action; but
  - (b) shall not be so brought without the leave of the High Court.”.
- (5) In section 36(1) (exclusion of claims for equitable relief from certain time limits), after paragraph (a) there shall be inserted—
- “(aa) the time limit under section 4A for actions for libel or slander;”.

**Marginal Citations**

**M1** 1980 c. 58.

**58 Power of High Court to appoint an arbitrator on behalf of party in default.**

In section 10 of the <sup>M2</sup>Arbitration Act 1950 (power of court in certain cases to appoint an arbitrator or umpire), after subsection (2) there shall be inserted—

- “(3) In any case where—
- (a) an arbitration agreement provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties or in some other manner specified in the agreement; and
  - (b) one of the parties (“the party in default”) refuses to appoint an arbitrator or does not do so within the time specified in the agreement or, if no time is specified, within a reasonable time,
- the other party to the agreement, having appointed his arbitrator, may serve the party in default with a written notice to appoint an arbitrator and, if the appointment is not made within seven clear days after the service of the notice, the High Court or a judge thereof may, on the application of the party who gave the notice, appoint an arbitrator on behalf of the party in default who shall have the like powers to act in the reference and make an award (and, if the case so requires, the like duty in relation to the appointment of a third arbitrator) as if he had been appointed in accordance with the terms of the agreement.
- (4) Except in a case where the arbitration agreement shows that it was intended that the vacancy should not be supplied, paragraph (b) of each of subsections (2) and (3) shall be construed as extending to any such refusal or failure by a person as is there mentioned arising in connection with the replacement of an arbitrator who was appointed by that person (or, in default of being so appointed, was appointed under that subsection) but who refuses to act, or is incapable of acting or has died.”.

**Marginal Citations**

**M2** 1950 c. 27.

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**59 Pensions Appeal Tribunals: provision for appeals by non-residents to be heard in Scotland or Northern Ireland.**

- (1) The Schedule to the <sup>M3</sup>Pensions Appeal Tribunals Act 1943 shall be amended as follows.
- (2) In paragraph 6 (which provides for appeals by persons not resident in Scotland or Northern Ireland to be heard by one of the Tribunals appointed for England and Wales), after “and” there shall be inserted “, subject to any provision made by virtue of paragraph 6A of this Schedule.”.
- (3) After paragraph 6 there shall be inserted—

“6A  
Rules made under this Schedule may make provision for enabling an appeal brought by a person who, at the time when the notice of appeal was given, did not reside in any part of the United Kingdom to be heard by one of the Tribunals appointed for Scotland or, as the case may be, for Northern Ireland where, on an application in that behalf by the appellant made in such manner as may be prescribed by the rules to such authority as may be so prescribed, that authority is satisfied—

- (a) that the appellant has a closer connection with Scotland or, as the case may be, with Northern Ireland than with England and Wales; or
- (b) that there is some other good reason for the appeal to be heard in Scotland or, as the case may be, Northern Ireland.”.

**Marginal Citations**

**M3** 1943 c. 39.

**60** ..... <sup>F1</sup>

**Textual Amendments**

**F1** S. 60 repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(2), [Sch. 8](#)

**61 Constitution of juvenile courts in London.**

In Schedule 2 to the <sup>M4</sup>Children and Young Persons Act 1963 (which by virtue of section 17(1) of that Act has effect as Schedule 2 to the <sup>M5</sup>Children and Young Persons Act 1933), in Part II (constitution of juvenile courts in Inner London and the City), after paragraph 15 there shall be inserted—

- (1) Where, in the case of any sitting of a juvenile court, a person nominated under paragraph 15(b) of this Schedule—
  - (a) is available to act as chairman; but
  - (b) considers that it would be appropriate for another member of the court to act as chairman,he may nominate that member to act as chairman at that sitting.

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- (2) A member of a juvenile court nominated to act as chairman under subparagraph (1) shall only so act while the person making the nomination continues to sit as a member of the court.”.

**Marginal Citations**

- M4 1963 c. 37.
- M5 1933 c. 12.

**62 Amendments of Judicature (Northern Ireland) Act 1978.**

- (1) In section 70(2)(a) of the <sup>M6</sup>Judicature (Northern Ireland) Act 1978 the words “and is in practice as such” (which disqualify non-practising barristers and solicitors for appointment as statutory officers under section 70(2) of that Act) shall be omitted.
- (2) In section 103(3) of that Act (appointment and removal from office of justices of the peace) for the words from “on behalf” to “Chancellor” there shall be substituted the words “by the Lord Chancellor by instrument on behalf and in the name of Her Majesty”.

**Marginal Citations**

- M6 1978 c. 23.

**63** ..... F2

**Textual Amendments**

- F2 S. 63 repealed by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 109(5), 125(7), Sch. 20

**64 Northern Ireland rules of court with respect to disclosure of expert evidence etc.**

- (1) Notwithstanding any enactment or rule of law by virtue of which documents prepared for the purpose of pending or contemplated civil proceedings, or in connection with the obtaining or giving of legal advice, are in certain circumstances privileged from disclosure, provision may be made by rules of court for requiring, in the case of civil proceedings of any description specified in the rules—
  - (a) a party who has been afforded a medical examination of another party to disclose to that other party the result of the examination;
  - (b) a party who proposes to adduce at the trial expert evidence with respect to medical matters, or matters of any other class specified in the rules, to disclose that evidence to every other party to the proceedings;
 and any such disclosure shall be made by the furnishing of any such document or documents as may be specified in the rules, and shall be so made by such time as may be determined by or in accordance with the rules.
- (2) Provision may be made by rules of court as to the conditions subject to which expert evidence may be given in civil proceedings.

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- (3) Without prejudice to the generality of subsection (2), rules of court made in pursuance of that subsection may make provision for prohibiting a party from adducing, except with the leave of the court, any expert evidence the contents of which were required to be, but have not been, disclosed by him in accordance with rules under subsection (1) (b).
- (4) Any rules of court made in pursuance of this section may make different provision for different classes of cases and for other different circumstances.
- (5) In this section “rules of court” means—
  - (a) rules of court made under section 55 of the <sup>M7</sup>Judicature (Northern Ireland) Act 1978; or
  - (b) county court rules made under Article 47 of the <sup>M8</sup>County Courts (Northern Ireland) Order 1980;and nothing in this section shall prejudice the generality of either of those provisions.
- (6) Section 71 of the <sup>M9</sup>Administration of Justice Act 1982 (which is superseded by this section) shall cease to have effect.

**Marginal Citations**

- M7** 1978 c. 23.  
**M8** S.I. 1980/397 (N.I. 13).  
**M9** 1982 c. 53.

**65 Administration of oaths and taking of affidavits by public notaries in London.**

- (1) Subject to the provisions of this section, every member of the Incorporated Company of Scriveners (“the Company”) who has been admitted to practise as a public notary within the jurisdiction of the Company shall have the powers conferred on a commissioner for oaths by the Commissioners for Oaths Acts 1889 and 1891; and any reference to such a commissioner in an enactment or instrument (including an enactment passed or instrument made after the commencement of this section) shall include a reference to such a member of the Company unless the context otherwise requires.
- (2) A member of the Company shall not exercise the powers conferred by this section in a proceeding in which he is interested.
- (3) A member of the Company before whom any oath or affidavit is taken or made in pursuance of this section shall state in the jurat or attestation the place at which and the date on which the oath or affidavit is taken or made.
- (4) A document containing such a statement and purporting to be sealed or signed by a member of the Company shall be admitted in evidence without proof of the seal or signature, and without proof that he is a member of the Company or that he has been admitted to practise as mentioned in subsection (1).

<sup>F3</sup>(5) .....

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#### Textual Amendments

- F3** S. 65(5) repealed (*I. 4. 1991*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s.125(7), Sch.20; S.I. 1991/608, art. 2, Sch.

#### Supplementary

66 ..... F4

#### Textual Amendments

- F4** S. 66 repealed by Building Societies Act 1986 (c. 53, SIF 16), ss. 54(3)(a)(5), 119(5), 120, Sch. 19 Pt. I

#### 67 Consequential amendments and repeals.

- (1) The enactments specified in Schedule 7 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 8 are hereby repealed to the extent specified in the third column of that Schedule.

#### 68 Extent: power to make corresponding provision for Northern Ireland.

- (1) With the exception of the provisions referred to in subsection (2), this Act does not extend to Scotland or Northern Ireland.
- (2) Those provisions are—
  - (a) sections 59 and 60;
  - (b) sections 62 to 64, section 67(2) and Schedule 8 so far as they relate to the <sup>M10</sup>Justices Protection (Ireland) Act 1849, the <sup>M11</sup>Judicature (Northern Ireland) Act 1978 and the <sup>M12</sup>Administration of Justice Act 1982, and paragraph 16 of Schedule 9.
  - (c) section 66;
  - (d) this section; and
  - (e) section 69.
- (3) Of those provisions—
  - (a) subsections (1) to (5) of section 60 extend to the Isle of Man as well as to Scotland and Northern Ireland;
  - (b) the provisions referred to in subsection (2)(b) extend to Northern Ireland only; and
  - (c) section 66 does not extend to Northern Ireland.
- (4) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M13</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of section 45 or 52 of this Act—
  - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but

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(b) shall be subject to annulment in pursuance of a resolution of either House.

**Marginal Citations**

**M10** 1849 c. 16.

**M11** 1978 c. 23.

**M12** 1982 c. 53.

**M13** 1974 c. 28

**69 Short title, commencement, transitional provisions and savings.**

- (1) This Act may be cited as the Administration of Justice Act 1985.
- (2) Subject to subsections (3) and (4), this Act shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint; and an order under this subsection may appoint different days for different provisions and for different purposes.
- (3) The following provisions of this Act shall come into force on the day this Act is passed—
  - (a) section 63;
  - (b) Part I of Schedule 8 and section 67(2) so far as relating thereto;
  - (c) section 68;
  - (d) this section and Schedule 9.
- (4) The following provisions of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed—
  - (a) sections 45, 49, 52, 54, 56 to 62 and 64 and 65;
  - (b) paragraph 8 of Schedule 7 and section 67(1) so far as relating thereto;
  - (c) Part II of Schedule 8 and section 67(2) so far as relating thereto.
- (5) The transitional provisions and savings contained in Schedule 9 shall have effect; but nothing in that Schedule shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M14</sup>Interpretation Act 1978 (which relate to repeals).

**Modifications etc. (not altering text)**

**C1** Power of appointment conferred by s. 69(2) partly exercised: [S.I. 1986/364](#), 1503, 2260; 1987/787; 1988/1341; 1989/287

**Marginal Citations**

**M14** 1978 c. 30.

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