



# Administration of Justice Act 1985

## 1985 CHAPTER 61

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

57 .....<sup>F1</sup>

##### **Textual Amendments**

**F1** S. 57 repealed (4.9.1996, 1.4.1999, 28.2.2000 for specified purposes and 6.1.2010 for N.I. in so far as not already in force) by 1996 c. 31, ss. 19(2), 16, **Sch. 2** (with s. 20(2)); S.I. 1999/817, **art. 2(b)**; S.I. 2000/222, **art. 3(b)**; S.I. 2009/2858, art. 3(d)

58 .....<sup>F2</sup>

##### **Textual Amendments**

**F2** S. 58 repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch.4**; S.I. 1996/3146, **art.3**(with art. 4, Sch. 2)

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

- (1) The Schedule to the <sup>M1</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

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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**  
M1 1943 c. 39.

60 ..... F3

**Textual Amendments**  
F3 S. 60 repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), Sch. 8

**61 Constitution of [F4youth courts] in London.**

In Schedule 2 to the M2Children and Young Persons Act 1963 (which by virtue of section 17(1) of that Act has effect as Schedule 2 to the M3Children and Young Persons Act 1933), in Part II (constitution of [F4youth courts] in Inner London and the City), after paragraph 15 there shall be inserted—

- (1) Where, in the case of any sitting of a [F4youth 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.
- (2) A member of a [F4youth 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.”.

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**Textual Amendments**

**F4** Words in s. 61 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 40\(1\)\(2\)\(p\)](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

**Marginal Citations**

**M2** 1963 c. 37.

**M3** 1933 c. 12.

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

- (1) In section 70(2)(a) of the <sup>M4</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**

**M4** 1978 c. 23.

**63** ..... <sup>F5</sup>

**Textual Amendments**

**F5** 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.

*Status: Point in time view as at 01/10/2007.*

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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>M5</sup>Judicature (Northern Ireland) Act 1978; or
  - (b) county court rules made under Article 47 of the <sup>M6</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>M7</sup>Administration of Justice Act 1982 (which is superseded by this section) shall cease to have effect.

**Marginal Citations**

**M5** 1978 c. 23.  
**M6** S.I. 1980/397 (N.I. 13).  
**M7** 1982 c. 53.

**65** ..... F6

**Textual Amendments**

**F6** S. 65 repealed (1.1.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/3344, art. 2(d), **Sch. 1**

*Supplementary*

**66** ..... F7

**Textual Amendments**

**F7** 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.

*Status: Point in time view as at 01/10/2007.*

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- (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>M8</sup>Justices Protection (Ireland) Act 1849, the <sup>M9</sup>Judicature (Northern Ireland) Act 1978 and the <sup>M10</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>M11</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
  - (b) shall be subject to annulment in pursuance of a resolution of either House.

**Marginal Citations**

**M8** 1849 c. 16.

**M9** 1978 c. 23.

**M10** 1982 c. 53.

**M11** 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 [<sup>F8</sup>Secretary of State] 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;

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- (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>M12</sup>Interpretation Act 1978 (which relate to repeals).

**Subordinate Legislation Made**

**P1** Power of appointment conferred by s. 69(2) partly exercised: [S.I. 1986/364](#), 1503, 2260; 1988/1341; 1989/287; 1991/2683

**Textual Amendments**

**F8** Words in s. 69 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), [arts. 1\(2\), 9](#), {Sch 2. para. 6(a)}

**Marginal Citations**

**M12** 1978 c. 30.

**Status:**

Point in time view as at 01/10/2007.

**Changes to legislation:**

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