



# Administration of Justice Act 1956

## 1956 CHAPTER 46

### PART III

#### COUNTY COURTS

##### *Other provisions as to county courts*

#### **31 Miscellaneous procedural amendments**

- (1) In section sixty-two of the principal Act (which provides for a county court order for the grant or revocation of probate or administration to be certified to a district probate registry, and given effect to there), there shall be substituted in paragraph (a) for the words "transmit to the registrar of such district probate registry as he thinks convenient" the words "transmit to the principal or a district probate registry as he thinks convenient", and the references in paragraph (b) to the district probate registry and the district probate registrar shall respectively include references to the principal probate registry and a registrar of the principal probate registry.
- (2) An application to a county court under subsection (2) of section seventeen of the Matrimonial Causes Act, 1950, shall be made in the manner prescribed by county court rules, and shall not be required by that section to be made by petition: and accordingly—
  - (a) in subsection (2) of that section, for the words "by petition to the court" there shall be substituted the words "to the court by petition or to a county court";
  - (b) in subsection (3) of that section—
    - (i) the words "A petition under the last foregoing subsection may be presented to a county court instead of the High Court" shall be omitted;
    - (ii) for the words "Provided that, where a petition is presented to a county court" there shall be substituted the words "Where an application under the last foregoing subsection is made to a county court";

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*Status: This is the original version (as it was originally enacted).*

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- (iii) for the word " therein " at the end of the subsection, there shall be substituted the words " by a petition presented to the High Court " ;  
and
  - (c) in subsection (6) of that section after the word " petition ", wherever occurring, there shall be inserted the words " or other application " and after the word " presented" there shall be inserted the words " or made ".
- (3) Section one hundred and seventy-five of the principal Act (which enables service of any summons or other process by a bailiff to be proved by an endorsement signed by him, and penalises a false endorsement) shall apply to any officer of a county court as it applies to a bailiff.
- (4) In the proviso to subsection (3) of section eighty-nine of the principal Act (which confers power on the judge of a county court to set aside an award on a reference under that section or to revoke the reference or order another reference) for the words " on application made to him at the first court held after the expiration of one week after the entry of the award " there shall be substituted the words " on application made to him within such time as may be prescribed by county court rules ".