



Administration of Justice Act 1982

1982 CHAPTER 53

PART VII

MISCELLANEOUS

Family law

49 Presentation of petitions for matrimonial relief on behalf of patients under Mental Health Act 1959

In section 103(1)(h) of the Mental Health Act 1959 the words from " so however " to the end of the paragraph (which prevent the Master of the Court of Protection and other officers of that Court making orders or giving directions or authorities to present petitions for matrimonial relief in the name or on behalf of patients) shall cease to have effect.

50 Orders for the maintenance of wards of court

In section 6(2)(b) of the Family Law Reform Act 1969 (which empowers the High Court to make an order requiring parents of a ward of court to make periodical payments towards the maintenance and education of the ward) after the words " the ward " there shall be inserted the words " or to the ward ".

51 Remission of arrears of maintenance

The following subsection shall be inserted after subsection (2) of section 31 of the Matrimonial Causes Act 1973 (which gives the High Court and divorce county courts power to vary or discharge certain orders for the payment of maintenance etc. or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended)—

“(2A) Where the court has made an order referred to in subsection (2)(a), (b) or (c) above, then, subject to the provisions of this section, the court shall have power to remit the payment of any arrears due under the order or of any part thereof.”.

52 Filing of orders

In section 19(3) of the Inheritance (Provision for Family and Dependents) Act 1975 (under which a copy of every order made under the Act is to be sent to the principal registry of the Family Division for entry and filing, and a memorandum of the order is to be endorsed on, or permanently annexed to, the probate or letters of administration under which the estate is being administered) after the words " made under this Act " there shall be inserted the words " other than an order made under section 15(1) of this Act ".

*Amendments of Attachment of Earnings Act 1971***53 Power to order debtor to appear before court where attachment of earnings order is in force**

(1) In section 14(2) of the Attachment of Earnings Act 1971 (power of court to make certain orders where an attachment of earnings order is in force) for the words from " make such " to the end there shall be substituted the words—

“(a) make such an order as is described in subsection (1)(a) or (b) above ;
and

(b) order the debtor to attend before it on a day and at a time specified in the order to give the information described in subsection (1)(a) above.”.

(2) In section 23(1) of that Act (enforcement provisions)—

(a) after the words " an order " there shall be inserted the words " or with an order made under section 14(2) (b) above "; and

(b) after the words " hearing of the application " there shall be inserted the words " or specified in the order ".

54 Deductions by employer under attachment of earnings order

The following paragraph shall be substituted for paragraph 4 of Schedule 3 to the Attachment of Earnings Act 1971 (deductions by employer under attachment of earnings order)—

“4 (1) On any pay-day—

(a) " the normal deduction " is arrived at by applying the normal deduction rate (as specified in the relevant attachment of earnings order) with respect to the relevant period; and

(b) " the protected earnings " are arrived at by applying the protected earnings rate (as so specified) with respect to the relevant period.

(2) For the purposes of this paragraph the relevant period in relation to any pay-day is the period beginning—

(a) if it is the first pay-day of the debtor's employment with the employer, with the first day of the employment ; or

(b) if on the last pay-day earnings were paid in respect of a period falling wholly or partly after that payday, with the first day after the end of that period ; or

(c) in any other case, with the first day after the last pay-day, and ending—

- (i) where earnings are paid in respect of a period falling wholly or partly after the pay-day, with the last day of that period; or
- (ii) in any other case, with the pay-day.”.

Attachment of debts

55 Attachment of debts

- (1) The section set out in Part I of Schedule 4 to this Act shall be inserted after section 40 of the Supreme Court Act 1981.
- (2) The section set out in Part II of that Schedule shall be inserted after section 143 of the County Courts Act 1959.

Penalties under Solicitors Act 191A

56 Increase in penalty etc.

In section 47 of the Solicitors Act 1974 (powers of Solicitors Disciplinary Tribunal)—

- (a) in subsection (2)(c) (payment by solicitor of penalty) for " £750 " there shall be substituted " £3,000 "; and
- (b) the following subsections shall be added after subsection (3)—

“(4) If it appears to the Lord Chancellor that there has been a change in the value of money since the relevant date, he may by order made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament substitute for the sum for the time being specified in subsection (2)(c) above such other sum as appears to him to be justified by the change.

(5) In subsection (4) above " the relevant date " means—

- (a) in relation to the first order under that subsection, the date of the coming into force of section 56 of the Administration of Justice Act 1982; and
- (b) in relation to each subsequent order, the last occasion when the sum specified in subsection (2)(c) above was altered.”.

Judicial Trustees

57 Accounts of judicial trustees

- (1) In section 1(6) of the Judicial Trustees Act 1896 (by virtue of which, among other things, the accounts of every trust of which a judicial trustee has been appointed have to be audited once in every year, and a report on them made to the court) the words from the beginning to " and ", in the second place where it occurs, shall cease to have effect.
- (2) The following paragraphs shall be substituted for paragraph (11) of subsection (1) of section 4 of that Act (by virtue of which rules may be made for the filing and auditing of the accounts of any trust of which a judicial trustee has been appointed)—

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

“(11) for the preparation, auditing (by the court or otherwise) and filing of the accounts of any trust of which a judicial trustee has been appointed ;

(12) for the making of a report to the court on the accounts of any such trust.”.

(3) The following subsection shall be inserted after the said subsection (1)—

“(1A) The rules under this Act may make different provision for different classes of trust, trustees, beneficiaries or trust property.”.

Recorders

58 Assistance by Recorders for transaction of business of High Court

At the end of the Table in section 9(1) of the Supreme Court Act 1981 (under which certain persons may be requested to act as judges in specified courts) there shall be added—

“6. A Recorder.	The High Court”.
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Official referees' business

59 Official referees' business

(1) In subsection (1)(a) of section 68 of the Supreme Court Act 1981 (by virtue of which the Lord Chancellor may nominate Circuit judges to deal with official referees' business) for the words " of the Circuit judges " there shall be substituted the words " Circuit judges, deputy Circuit judges or Recorders ".

(2) Accordingly—

- (a) the word " persons " shall be substituted—
 - (i) for the words " Circuit judges " in subsection (5) and (6) of that section; and
 - (ii) for the word " judges ", in the second place where it occurs in subsection (6); and
- (b) the word " person " shall be substituted for the words " Circuit judge " in subsection (7).

(3) In subsection (4) of section 24 of the Courts Act 1971 (deputy Circuit judges and assistant Recorders) for the words " as regards any " there shall be substituted the words " in the case of a deputy Circuit judge, as regards ".

Deputy Master of Court of Protection

60 Power to abolish office of Deputy Master of Court of Protection

In section 89(6) of the Supreme Court Act 1981 after the words " Chancery Division " there shall be inserted the words " and the office of Deputy Master of the Court of Protection ".

Jurors

61 Questions to persons summoned for jury service

In section 2(5) of the Juries Act 1974—

- (a) for the words " attends in pursuance of such a summons, or of a summons " there shall be substituted the words " is summoned under subsection (4) above or "; and
- (b) after the word " may ", in the second place where it occurs, there shall be inserted the words " at any time ".

Inquests

62 Juries where death in police custody etc. suspected

In section 13(2) of the Coroners (Amendment) Act 1926 (which requires a coroner to summon a jury in certain circumstances) there shall be added after paragraph (e) the following paragraph—

“or

- (f) that the death occurred while the deceased was in police custody, or resulted from an injury caused by a police officer in the purported execution of his duty ;”.

Explosive substances—consents to prosecutions

63 Consents to prosecutions under the Explosive Substances Act 1883

- (1) The following subsection shall be substituted for section 7(1) of the Explosive Substances Act 1883—

“(1) Proceedings for a crime under this Act shall not be instituted except by or with the consent of the Attorney General.”.

- (2) In section 9(2) of that Act (application to Scotland) the following paragraph shall be inserted before the paragraph relating to the expression " Attorney General " —

“Section 7(1) shall be omitted.”

Constitution of the Law Commission

64 Temporary vacancies in Law Commission

In section 1(1) of the Law Commissions Act 1965 (by virtue of which the Law Commission consists of a Chairman and four other Commissioners) after the word " consisting " there shall be inserted the words " (except during any temporary vacancy) ".

*Justices of the Peace***65 Appointment of justices of the peace**

In section 6(1) of the Justices of the Peace Act 1979 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 ".

*Land Registration***66 Computerisation of the title register**

- (1) The following section shall be substituted for section 1 of the Land Registration Act 1925—

“1 Registers to be continued.

- (1) The Chief Land Registrar shall continue to keep a register of title to freehold land and leasehold land.
- (2) The register need not be kept in documentary form.”.
- (2) The following section shall be inserted after section 113 of that Act—

“113A Inspection etc.— supplementary.

- (1) Any duty under this Act to make a thing available for inspection is a duty to make it available for inspection in visible and legible form.
- (2) Any reference in this Act to copies of and extracts from the register and of and from documents and plans filed in the registry includes a reference to reproductions of things which are kept by the registrar under this Act otherwise than in documentary form.”.

67 Jurisdiction

- (1) The Land Registration Act 1925 shall have effect subject to the amendments specified in Schedule 5 to this Act.
- (2) The Land Registration Rules 1967 are revoked.