
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS CONSEQUENTIAL ON MERGER OR ABOLITION OF CERTAIN COURTS

PART II

MAYOR'S AND CITY OF LONDON COURT

Interpretation

- 6 In this Part of this Schedule—
- “the City Court” means the Mayor’s and City of London Court;
 - “the county court” means the county court for the City of London established by virtue of section 42(2) of this Act;
 - “the relevant date” means the date on which the City Court is abolished.

Pending proceedings

- 7
- (1) Any proceedings which had been begun in the City Court before the relevant date may be continued on and after that date in the county court, whether or not the proceedings could have been begun in a county court.
 - (2) Where, by virtue of sub-paragraph (1) above, proceedings which would not otherwise be within the jurisdiction of a county court are continued in the county court,—
 - (a) the county court shall have the like jurisdiction in respect of the proceedings as if it were the City Court and as if section 42(1) of this Act had not been enacted; and
 - (b) notwithstanding the repeals effected by this Act, section 19(2) of the ^{M1}City of London (Courts) Act 1964 (procedure for non-county court cases) shall apply to the proceedings with the modification that for any reference in the enactment or rules referred to in that section to the City Court there shall be substituted a reference to the county court, and section 15 of the ^{M2}Administration of Justice (Miscellaneous Provisions) Act 1938 (appeals from the City Court) shall apply accordingly.
 - (3) Notwithstanding anything in this Act, the provisions of any enactment or rule of law applicable immediately before the relevant date to any act, judgment or order of the City Court shall continue to apply thereto on and after the relevant date, but anything required on or after the relevant date to be done by or to the City Court or any officer

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thereof, under or by virtue of any such enactment or rule of law, shall be treated as validly done if done by or to the county court.

Marginal Citations

M1 1964 c. iv.

M2 1938 c. 63.

Outstanding fees

- 8 All fees and similar payments which, having become due in the City Court, had not been paid before the relevant date shall become due on and after the relevant date to the Common Council of the City of London and shall be recoverable as if they were due to the Common Council under an order of the High Court.

Funds in court

- 9 (1) On the relevant date all investments and money which immediately before that date constituted the funds in court in the City Court shall, by virtue of this Act and without any transfer or assignment, be vested, subject to sub-paragraph (2) below, in the registrar of the county court as funds in that court.
- (2) So much of the investments and money referred to in sub-paragraph (1) above as, immediately before the relevant date, was held in the joint names of the Chamberlain of the City of London and the registrar of the City Court shall, instead of being vested solely in the registrar of the county court in accordance with that sub-paragraph, be vested, by virtue of this Act and without any transfer or assignment, jointly in the registrar of the county court and the Accountant-General of the Supreme Court.

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