



Administration of Justice Act 1977

1977 CHAPTER 38

An Act to make further provision with respect to the administration of justice and matters connected therewith, to alter the method of protecting mortgages of registered land and to amend the law relating to oaths and affirmations and to the interest of a surviving spouse in an intestate's estate. [29th July 1977]

PART I

GENERAL

1 Legal aid, advice and assistance.

^{F1}

Textual Amendments

^{F1} S. 1 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), {Sch. 1 Pt. 1 Group 4}

2 Determination of expenses etc.

- (1) The amendments specified in Part I of Schedule 2 to this Act shall have effect for the purpose of enabling the rates of the sums whose payment is provided for by the enactments mentioned in that Part of that Schedule (which extend to England and Wales only) to be determined administratively.
- (2) The amendments specified in Part II of that Schedule shall have effect for the purpose of enabling the rates of the sums whose payment is provided for by the enactments mentioned in that Part of that Schedule (which extend to Scotland only) to be determined administratively.
- (3) ^{F2}

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

F2 S. 2(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}

3 Enforcement of maintenance orders.

Schedule 3 to this Act shall have effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.

4 Obligations, awards and judgments expressed in foreign currency. ^{X1}

- (1) The provisions specified in subsection (2) below shall cease to have effect.
- (2) The provisions mentioned in subsection (1) above are—
 - (a) in the ^{M1}Bills of Exchange Act 1882—
 - (i) section 57(2) (measure of damages for bills dishonoured abroad), and
 - (ii) section 72(4) (rate of exchange), and
 - (b) the following provisions (which require the conversion to United Kingdom currency as at the date of registration of the judgments and awards to which they relate)—
 - (i) section 2(3) of the ^{M2}Foreign Judgments (Reciprocal Enforcement) Act 1933 ;
 - (ii) section 1(3) of the ^{M3}Arbitration (International Investment Disputes) Act 1966, and
 - (iii) Article 3(2) of the ^{M4}European Communities (Enforcement of Community Judgments) Order 1972.
- (3) The provisions specified in subsection (2)(a) above shall continue to have effect in relation to bills drawn before the coming into force of this section.
- (4) The provisions specified in subsection (2)(b) above shall continue to have effect in relation to judgments and awards registered before the coming into force of this section.

Editorial Information

X1 The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1882 c. 61.
M2 1933 c. 13.
M3 1966 c. 41.
M4 S.I. 1972/1590.

5 Appeals etc. from courts-martial. ^{X2}

- (1) The following section shall be inserted after section 33 of the ^{M5}Courts-Martial (Appeals) Act 1968—

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

“33A Appellant’s expenses.

Without prejudice to section 31 above, where an appellant who is not in custody appears before the Appeal Court either on the hearing of his appeal or in any preliminary or incidental proceedings, the Appeal Court may direct the Secretary of State to pay him the expenses of his appearance.”

- (2) In section 34(2) of that Act (reference of cases by Service authorities), for the words “other than those of sections 31 and 32” there shall be substituted the words “ other than that of section 32 ”.
- (3) ^{F3}
- (4) In section 47(3) of that Act (costs on appeals to the House of Lords), for the words from the beginning to “accused”, in the first place where it occurs, there shall be substituted the words “ On determining an appeal from the Appeal Court, ”.

Editorial Information

X2 The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F3 [S. 3\(3\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 1 Group 4}

Marginal Citations

M5 [1968 c. 20](#).

6 ^{F4}

Textual Amendments

F4 [S. 6](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44, SIF 43:1\), s. 159\(3\), Sch. 17](#)

7 **Extent of powers of receivers and managers in respect of companies.**

- (1) A receiver appointed under the law of any part of the United Kingdom in respect of the whole or part of any property or undertaking of a company and in consequence of the company having created a charge which, as created, was a floating charge may exercise his powers in any other part of the United Kingdom so far as their exercise is not inconsistent with the law applicable there.
- (2) In subsection (1) above “receiver” includes a manager and a person who is appointed both receiver and manager.

8 ^{F5}

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

F5 S. 8 repealed (31.7.1978) by [Oaths Act 1978 \(c. 19\)](#), **Sch. Pt. I**

9, 10. **F6**

Textual Amendments

F6 Ss. 9, 10 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**

11 Funds in Court.

F7

Textual Amendments

F7 S. 11 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **s. 1(1)**, {Sch. 1 Pt. 1 Group 4}

PART II

ENGLAND AND WALES

Circuit judges and county courts

12 Alteration of qualifications for appointment as Circuit judge.

F8

Textual Amendments

F8 S. 12 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **s. 1(1)**, {Sch. 1 Pt. 1 Group 4}

13— **F9**

16.

Textual Amendments

F9 Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), **Sch. 4**

17 County court jurisdiction in respect of arbitrations.

(1) **F10**

F11(2)

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

- F10** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4
- F11** S. 17(2) repealed (31.1.1997) by 1996 c. 23, s. 107(2), Sch. 4 (with ss. 1, 2, 5, 81, 84, 93(6), 94, 95, 106); S.I. 1996/3146, art. 3 (with Sch. 2 paras. 2, 3)

18 **F12**

Textual Amendments

- F12** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

19 County court registrars.

- (1) **F13**
- ^{X3}(2) ^{F14}
- (3) **F13**

- ^{X3}(5) In section 6 of the ^{M6}Attachment of Earnings Act 1971—
 - (a) in paragraphs (a)(ii) and (b) of subsection (7) (collecting officers), for the word “registrar” there shall be substituted the words “ appropriate officer ”, and
 - (b) the following subsection shall be added after that subsection:—

“(8) In subsection (7) above “appropriate officer” means an officer designated by the Lord Chancellor.”.

Editorial Information

- X3** The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F13** Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4
- F14** S. 19(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

Marginal Citations

- M6** 1971 c. 32.

20 **F15**

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

F15 Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

21 ^{F16}

Textual Amendments

F16 S. 21 repealed by [Justices of the Peace Act 1979 \(c. 55, SIF 82\)](#), s. 71, [Sch. 3](#)

Other provisions about courts

22 Membership of Rule Committees.

It shall cease to be a requirement that the practising barristers included among the persons empowered to make rules of court under . . . ^{F17} section 50 of the ^{M7}Matrimonial Causes Act 1973 be members of the General Council of the Bar.

Textual Amendments

F17 Words repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

Marginal Citations

M7 1973 c. 18.

23 Jurisdiction of ancient courts.

- (1) The following courts, namely—
 - (a) any court of a description specified in Part I of Schedule 4 to this Act except—
 - (i) the Estray Court for the Lordship of Denbigh, and
 - (ii) the court leet for the Manor of Laxton, and
 - (b) the courts specified in Part II of that Schedule,

being the courts which appear to the Lord Chancellor to have, but not to exercise, jurisdiction to hear and determine legal proceedings, shall cease to have any jurisdiction to hear and determine legal proceedings; but any such court may continue to sit and transact such other business, if any, as was customary for it immediately before the coming into force of this section, and in the case of the courts specified in Part III of Schedule 4 to this Act the business that is to be treated as having been customary shall (apart from business relating to the appointment of officers of the court) be the business specified in relation to that court in column 2 of that Part.
- (2) The descriptions of courts in Part I of Schedule 4 to this Act include courts held for manors of which the Queen or the Duke of Cornwall is the lord.
- (3) Any jurisdiction—
 - (a) of the Court of the Chancellor or Vice-Chancellor of Oxford University, and

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- (b) of the Cambridge University Chancellor’s Court, other than that which presently exists under the statutes of those universities, is hereby abolished.
- (4) The Lord Chancellor may by order make any incidental or transitional provision which he considers expedient in consequence of this section and may by such order provide—
- (a) for enabling any jurisdiction appearing to him to have been formerly exercised by a court specified in Part I or II of Schedule 4 to this Act to be exercised instead by the High Court, the Crown Court, a county court or a magistrates’ court; and
 - (b) for such amendments or repeals of provisions of any local Act as appear to him to be required in consequence of this section.
- (5) The power to make orders under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.

Land Registration

24
F18

Textual Amendments

F18 S. 24 repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 135, 136(2), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, [art. 2\(1\)](#)

25 F19

Textual Amendments

F19 S. 25 repealed by [Land Registration Act 1988 \(c. 3, SIF 98:2\)](#), ss. 2, [Sch.](#)

26 **Alteration of methods of protecting mortgages of registered land.**

F20

Textual Amendments

F20 S. 26 repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 135, 136(2), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); S.I. 2003/1725, [art. 2\(1\)](#)

Estates of deceased persons

27 F21

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

F21 S. 27 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

28 Distribution of estate of intestate leaving surviving spouse. ^{X4}

- (1) In section 46 of the ^{M8}Administration of Estates Act 1925—
- (a) in paragraph (i) of subsection (1) (distribution of estate of intestate leaving surviving spouse)—
 - (i) as it has effect as respects persons dying before 1953, for the words “five pounds per cent. per annum”, and
 - (ii) as it has effect as respects persons dying after 1952, for the words “four pounds per cent. per annum”, wherever they occur,
 there shall be substituted the words “ at such rate as the Lord Chancellor may specify by order ”, and
 - (b) the following subsection shall be inserted after subsection (1) and shall have effect both as respects persons dying before 1953 and after 1952:—

“(1A) The power to make orders under subsection (1) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the Power.”.
- (2) Subsections (2) and (4) of section 47A of that Act (method of calculation of value of life interest of surviving spouse) shall cease to have effect.
- (3) The following subsections shall be inserted after subsection (3) of that section:—
- “(3A) The capital value shall be reckoned in such manner as the Lord Chancellor may by order direct, and an order under this subsection may include transitional provisions.
 - (3B) The power to make orders under subsection (3A) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such order may be varied or revoked by a subsequent order made under the power.”.

Editorial Information

X4 The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M8 1925 c. 23.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

PART III

OTHER PROVISIONS

Scotland

29 Admission of written statements and reports. ^{X5}

[^{F22}(1) In section 16 of the ^{M9}Administration of Justice (Scotland) Act 1933, there shall be substituted for paragraph (e)—

“(e) to provide in any category of causes before the Court, for the admission in lieu of parole evidence of written statements (including affidavits) and reports, on such conditions as may be prescribed.”.]

(2) In section 32(1)(e) of the ^{M10}Sheriff Courts (Scotland) Act 1971, there shall be substituted for “affidavits” the words “ written statements (including affidavits) and reports ”.

Editorial Information

X5 The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F22 S. 29(1) repealed (S.) and re-enacted (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), Sch. 2 Pts. I, II

Marginal Citations

M9 1933 c. 41.

M10 1971 c. 58.

Northern Ireland

30 ^{F23}

Textual Amendments

F23 S. 30 repealed by [S.I. 1986/595 \(N.I.4\)](#), art. 138, [Sch. 7](#)

Supplementary

31 Financial provision.

All expenses incurred by any Minister of the Crown in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

32 Citation etc.

- (1) This Act may be cited as the Administration of Justice Act 1977.
- (2) F24
- (3) Any reference in this Act to any enactment is a reference to it as amended or applied by or under any other enactment, including this Act.
- X6(4) The enactments specified in Schedule 5 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) shall be repealed to the extent specified in the third column of that Schedule.
- (5) F25
- (6) F25
- (7) F25
- (8) The following provisions of this Act extend to England and Wales only, namely—
 section 1(1) and Part I of Schedule 1;
 section 2(1) and Part I of Schedule 2;
 sections 9 to 22;
 section 23 and Schedule 4;
 sections 24 to 28;
 subsections (4) and (5) above so far as they relate to any enactment which extends to England and Wales only;
 paragraphs 1, 3 and 10 of Schedule 3.
- (9) The following provisions of this Act extend to Scotland only, namely—
 section 1(2) and Part II of Schedule 1;
 section 2(2), and in Schedule 2, Part II and paragraph 11;
 section 29;
 subsections (4) and (5) above so far as they relate to any enactment which extends to Scotland only.
- (10) F26
- (11) F27
- (12) Subsection (4) above, so far as it relates to any of the court-martial enactments, extends to any territory to which that enactment extends.
- (13) In subsection (12) above “the court-martial enactments” means—
 section 102 of the ^{M11}Army Act 1955;
 section 102 of the ^{M12}Air Force Act 1955; and
 section 60 of the ^{M13}Naval Discipline Act 1957.

Editorial Information

X6 The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Subordinate Legislation Made

P1 Power of appointment conferred by s. 32(6) fully exercised; appointed day 1.1.1981 by [S.I. 1980/1981](#)

Textual Amendments

F24 [S. 32\(2\)](#) repealed (31.7.1978) by [Oaths Act 1978 \(c. 19\)](#), [Sch. Pt. I](#)

F25 [S. 32\(5\)-\(7\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {[Sch. 1 Pt. 1 Group 4](#)}

F26 [S. 32\(10\)](#) repealed by [S.I. 1986/595 \(N.I.4\)](#), art. 138, [Sch. 7](#)

F27 [S. 32\(11\)](#) repealed by [Employment Protection \(Consolidation\) Act 1978 \(c. 44, SIF 43:1\)](#), s. 159(3), [Sch. 17](#)

Marginal Citations

M11 1955 c. 18.

M12 1955 c. 19.

M13 1957 c. 53.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PART I

1–3 F28

Textual Amendments

F28 Sch. 1 Pt. I repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), ss. 45(2), **Sch. 6**

PART II

4 F29

Textual Amendments

F29 Sch. 1 Pt. II repealed by Legal Aid (Scotland) Act 1986 (c. 47, SIF 77:2), ss. 43, 45(3), Sch. 4 para. 3(1), **Sch. 5**

^{x7}SCHEDULE 2

Section 2

AMENDMENTS OF ENACTMENTS RELATING TO DETERMINATION OF EXPENSES ETC.

Editorial Information

X7 The text of Sch. 2, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

ENGLAND AND WALES

Coroners Act 1887

1 F30

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

F30 Sch. 2 para. 1 repealed by Coroners Act 1988 (c. 13, SIF 33), ss. 33, 36(2), Sch. 4

Welsh Courts Act 1942

F31²

Textual Amendments

F31 Sch. 2 para. 2 repealed (21.12.1993) by 1993, c. 38, ss. 35(1), 36(1), Sch.2.

Coroners Act 1954

3 **F32**

Textual Amendments

F32 Sch. 2 Pt. 1 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

Costs in Criminal Cases Act 1973

4 **F33**

Textual Amendments

F33 Sch. 2 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

Administration of Justice Act 1973

5

F34

Textual Amendments

F34 Sch. 2 para. 5 repealed by Justices of the Peace Act 1979 (c. 55, SIF 82), s. 71, Sch. 3

Powers of Criminal Courts Act 1973

6 **F35**

Textual Amendments

F35 Sch. 2 para. 6 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group 4}

Status: Point in time view as at 22/07/2004.
Changes to legislation: There are currently no known outstanding effects
for the Administration of Justice Act 1977. (See end of Document for details)

Juries Act 1974

7 In section 19 of the ^{M14}Juries Act 1974 (payment for jury service) for the words “the prescribed rates” there shall be substituted the words “ rates determined by the Lord Chancellor with the consent of the Minister for the Civil Service ”.

Marginal Citations
M14 1974 c. 23.

PART II

SCOTLAND

Juries Act 1949

8 In section 24(1) of the ^{M15}Juries Act 1949 (payment in respect of jury service in Scotland) for the words “prescribed scales” there shall be substituted the words “ scales determined by the Secretary of State with the consent of the Minister for the Civil Service, ”.

Marginal Citations
M15 1949 c. 27.

District Courts (Scotland) Act 1975

9 In section 17 of the ^{M16}District Courts (Scotland) Act 1975—
(a) the following subsection shall be inserted after subsection (5):—
 “(5A) Allowances payable under this section shall be paid at rates determined by the Secretary of State with the consent of the Minister for the Civil Service.” ;
 and
(b) the following paragraph shall be substituted for paragraph (7)(a):—
 “(a) for prescribing the forms to be used and the particulars to be provided for the purpose of claiming payment of allowances ;”.

Marginal Citations
M16 1975 c. 20.

PART III

10–12 F36

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Textual Amendments

- F36** Sch. 2 Pt. III (paras. 10–12) repealed by [Social Security Act 1980 \(c. 30, SIF 113:1\)](#), ss. 8(1), 21(4), [Sch. 5 Pt. I](#)

^{X8}SCHEDULE 3

Section 3.

MAINTENANCE ORDERS

Editorial Information

- X8** The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Registration etc. of maintenance orders in England and Wales

- 1 The following subsections shall be substituted for subsection (2) of section I of the ^{M17}Maintenance Orders Act 1958 (introductory provisions relating to registration in one court of a maintenance order made by another):—

“(2) For the purposes of subsection (1) above, a maintenance order made by a court in Scotland or Northern Ireland and registered in England under Part II of the Maintenance Orders Act 1950 shall be deemed to have been made by the court in England in which it is so registered.

(2A) This Part of this Act applies—

- (a) to maintenance orders made by the High Court or a county court, or a magistrates’ court, other than orders registered in Scotland or Northern Ireland under Part II of the Maintenance Orders Act 1950, and
- (b) to maintenance orders made by a court in Scotland or Northern Ireland and registered in England under Part II of the Maintenance Orders Act 1950.”

Marginal Citations

- M17** 1958 c. 39.

- 2 The following subsection shall be inserted after subsection (6) of section 2 of the said Act of 1958 (registration of maintenance orders):—

“(6A) In this section—

“High Court order” includes a maintenance order deemed to be made by the High Court by virtue of section 1(2) above, and

“magistrates’ court order” includes a maintenance order deemed to be made by a magistrates’ court by virtue of that subsection.”

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

- 3 After subsection (6) of section 4 of the said Act of 1958 (variation of orders registered in magistrates' courts) there shall be inserted the following subsection:—
- “(6A) No application for any variation in respect of a registered order shall be made to any court in respect of an order made by the Court of Session or the High Court in Northern Ireland and registered in that court in accordance with the provisions of this Part of this Act by virtue of section 1(2) above.”.
- 4 In section 5 of the said Act of 1958 (cancellation of registration)—
- (a) in subsection (3) for the words “a magistrates' court” and “the magistrates' court”, wherever they occur, there shall be substituted the words “the original court”; and
- (b) the following subsection shall be inserted after subsection (4):—
- “(4A) For the purposes of a notice under subsection (2) or (3) above—
- “court of registration” includes any court in which an order is registered under Part II of the Maintenance Orders Act 1950, and
- “registration” includes registration under that Act.”.
- 5 The following subsections shall be substituted for section 23(2) of the said Act of 1958 (extent):—
- “(2) The following provisions of this Act, namely—
- section 2 ;
- section 5(2), (3), (4) and (4A) ;
- extend to Scotland and Northern Ireland.
- (2A) Section 20(3)(a) above extends to Northern Ireland.
- (2B) Subject to subsections (2) and (2A) above, this Act extends only to England.”.
- 6 The following subsection shall be inserted after section 18(3) of the Maintenance Orders Act 1950 (enforcement of registered orders):—
- “(3A) Notwithstanding subsection (1) above, no court in England in which a maintenance order is registered under this Part of this Act shall enforce that order whilst it is registered in another court in England under Part I of the Maintenance Orders Act 1958.”.
- 7 In section 21(2) of the said Act of 1950 (evidence admissible before court where order registered) for the words from “registered” to “superior court” there shall be substituted the words—
- “(a) registered under this Part of this Act in a superior court and not registered under Part I of the Maintenance Orders Act 1958, or
- (b) registered in a court in England under that Part of that Act, by virtue of section 1(2) of that Act,”.
- 8 The following section shall be substituted for section 23 of the said Act of 1950 (notice of variation, etc.):—

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

- “23 (1) Where a maintenance order registered under this Part of this Act is discharged or varied by any court, the prescribed officer of that court shall give notice of the discharge or variation in the prescribed manner—
- (a) to the prescribed officer of any court in which the order is registered ; and
 - (b) if the order was made by another court, to the prescribed officer of that court.
- (2) Any officer to whom a notice is given under this section shall cause particulars of the notice to be registered in his court in the scribed manner.”.
- 9 In section 24 of the said Act of 1950 (cancellation of registration)—
- (a) in subsection (2), for the words “of the court” there shall be substituted the words “ of any court ” ; and
 - (b) in subsection (3), for the words from “to” in the first place where it occurs to the end of the subsection there shall be substituted the words:—
 - “(a) to the prescribed officer of the court by which the order was made ; and
 - (b) to the prescribed officer of any court in which it is registered under Part I of the Maintenance Orders Act 1958.
- (3A) On receipt of a notice under subsection (3) above:—
- (a) any such officer as is mentioned in paragraph (a) of that subsection shall cause particulars of the notice to be registered in his court in the prescribed manner ; and
 - (b) any such officer as is mentioned in paragraph (b) of that subsection shall cause particulars of the notice to be registered in his court in the prescribed manner and shall cancel the registration of the order.”.
- 10 Maintenance orders made by the Court of Session or the High Court in Northern Ireland which were registered in the High Court and purportedly thereafter registered in a magistrates’ court before the coming into force of this Schedule shall be deemed to be and always to have been validly registered in the magistrates’ court, and accordingly the provisions of Part I of the ^{M18}Maintenance Orders Act 1958 shall apply to them.

Marginal Citations

M18 1958 c. 39.

Service of process

- 11 In section 15 of the ^{M19}Maintenance Orders Act 1950 (service of process), for the words in subsection (1) from the beginning to “residing” there shall be substituted the words—
- “Where—
- (a) proceedings are begun in a court having jurisdiction under or by virtue of the following, namely—
 - (i) this Part of this Act , or

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

- (ii) section 1(3) or 9(1) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 ; or
 - (iii) section 15 of the Guardianship of Minors Act 1971 ; or
 - (iv) section 41 of the Maintenance Orders (Reciprocal Enforcement) Act 1972, or
- (b) an action for separation and aliment is commenced in a sheriff court in Scotland,
- and the person against whom the action or other proceedings is or are brought resides ”.

Marginal Citations

M19 1950 c. 37.

Enforcement of payment of capital sums in Scottish divorce actions

- 12 In section 16 of that Act (which provides for the enforcement of maintenance orders throughout the United Kingdom and includes in the orders which may be enforced orders for the payment of periodical allowances under section 26 of the ^{M20}Succession (Scotland) Act 1964 and section 5 of the ^{M21}Divorce (Scotland) Act 1976), in subsection (2)(b)(i), after the words “periodical allowance”, in the second place where they occur, there shall be inserted the words “ or a capital sum ”.

Marginal Citations

M20 1964 c. 41.

M21 1976 c. 39.

SCHEDULE 4

Section 23.

CURTAILMENT OF JURISDICTION OF CERTAIN ANCIENT COURTS

PART I

DESCRIPTIONS OF COURTS

Courts Baron.

Courts Leet.

Customary Courts of the manor.

Courts of Pie Poudre.

Courts of the Staple.

Courts of the clerks of the markets (or clerk of the market).

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

Hundred Courts.

Law Days.

Views of Frankpledge.

Common law (or Sheriffs') county courts as known before the passing of the ^{M22}County Courts Act 1846.

Marginal Citations

M22 1846 c. 95.

PART II

SPECIFIC COURTS

The Basingstoke Court of Ancient Demesne.

The Coventry Court of Orphans.

The Great Grimsby Foreign Court.

The King's Lynn Court of Tolbooth.

In the City of London, the Court of Husting and the Sheriffs' Courts for the Poultry Compter and the Giltspur Street Compter.

The Macclesfield Court of Portmote.

The Maidstone Court of Conservancy.

The Melcombe Regis Court of Husting.

The Newcastle-upon-Tyne Courts of Conscience or Requests and Conservancy.

The Norwich Court of Mayoralty.

The Peterborough Dean and Chapter's Court of Common Pleas.

The Ramsey (Cambridgeshire) Court of Pleas.

The Ripon Court Military.

The Ripon Dean and Chapter's Canon Fee Court.

The St. Albans Court of Requests.

The Court of the Hundred, Manor and Borough of Tiverton.

The York Courts of Husting, Guildhall and Conservancy.

The Ancient Prescriptive Court of Wells.

The Cheney (or Cheyney) Court of the Bishop of Winchester.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

PART III

BUSINESS CUSTOMARY FOR CERTAIN COURTS

<i>Court</i>	<i>Business which the court may sit to transact</i>
The Alcester (Warwickshire) Court Leet, Court Baron and View of Frankpledge.	The taking of presentments with respect to matters of local concern. The presentation of audited accounts of the manor.
The Ashburton Courts Leet and Baron.	The appointment of a portreeve and other officers. The taking of presentments with respect to matters of local concern.
The Bideford Manor Court.	The appointment of a people's warden, tything man and way-wardens. The taking of presentments with respect to matters of local concern.
The Court Leet and Court Baron of the Ancient Manor of Bowes in the County of Durham.	The taking of presentments with respect to matters of local concern. The presentation of audited accounts of the manor. The management of the commons in the manor.
The Ancient Court Leet and Court Baron of the Manor of Bromsgrove.	The appointment of a bailiff, reeve and other officers. The taking of presentments with respect to matters of local concern. The annual proclamation of the ancient charter granted in or about 1199. The observance of the ancient custom of the Midsummer Fair.
The Bucklebury Court Baron.	The taking of presentments with respect to matters of local concern. The appointment of tythingmen and haywards.
The Courts Leet and Baron of the Barony of Cemaes in the County of Dyfed.	The taking of presentments with respect to matters of local concern. The Management of the common lands on the Preseli Hills in the County of Dyfed.
The Clifton Courts Leet and Baron and View of Frankpledge.	The taking of presentments with respect to matters of local concern.

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	The appointment of pasture masters or byelaw men and other officers.
The Manorial Court for the Hundred and Borough of Cricklade.	The appointment of a hayward.
	The management of the common lands in the Hundred and Borough of Cricklade.
The Croyland View of Frankpledge, Court Leet and Great Court Baron.	The management of the commons and village greens within the Lordship of Croyland.
The Danby Court Leet and Court Baron.	The management of the commons in the manor of Danby.
The Manor of Dorney with Boveney Court Leet with Court Baron and View of Frankpledge.	The taking of presentments with respect to matters relating to Dorney and Lake End Commons.
The Manor Court of Dunstone (otherwise Blackslade).	The appointment of a foreman and reeve.
	The taking of presentments with respect to matters of local concern.
	The management of the commons in the manor.
The Court Baron of East Horndon.	The management of the commons in the manor of East Horndon.
The Courts Leet and Baron of the Manors of Eton-cum-Stockdales in Colenorton.	The appointment of a bailiff and hayward.
	The taking of presentments with respect to the management of the commons in the manors and other matters of local concern.
The Manor of Fyling Court Leet.	The management of the commons in the manor.
The Court Baron for the Manor of Heaton in the City of Bradford	The annual appointment of a foreman.
	The taking of presentments with respect to matters of local concern.
	The occasional perambulation of boundaries.
The Court Leet and Court Baron of the Manor of Henley-in-Arden in the County of Warwick.	The taking of presentments with respect to matters of local concern.
The Town and Manor of Hungerford and Manor and Liberty of Sanden Fee Hocktide Court and Court Leet.	The appointment of a constable, portreeve, tithingmen and other officers.
	The administration and regulation of common rights and matters connected therewith.
The City of London Court of Husting.	The enrolment of wills and deeds.

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The Manor of Mickley Court Leet and Court Baron.	The taking of presentments with respect to matters of local concern.
The Court Leet and Baron of the Manor of Mynachlogddu in the County of Dyfed.	The management of the common lands in the Parish of Mynachlogddu.
The Norwich Court of Mayoralty.	The admission of freemen of the City of Norwich.
The Court Leet of the Island and Royal Manor of Portland.	The taking of presentments with respect to the common wastes of the manor.
The Southampton Court Leet.	The taking of presentments with respect to matters of local concern.
The Southwark Courts Leet and Views of Frankpledge for (respectively) the King's Manor of Southwark, the Guildable Manor and the Great Liberty Manor.	The pronouncement of an address by the High Steward of the Southwark Manors and the appointment of traditional officers.
The Manor of Spaunton Court Leet and Court Baron with View of Frankpledge.	The taking of presentments with respect to matters of local concern. The control and management of various common rights over Spaunton Moor, North Yorkshire.
The Spitchwick Courts Leet and Baron.	The appointment of a foreman, reeve and other officers. The taking of presentments with respect to matters of local concern. The management of the commons in the manor of Spitchwick.
The Courts Leet and Baron of Stockbridge.	The appointment of a bailiff, serjeant at mace and hayward. The taking of presentments with respect to matters of local concern. The management of the commons in the borough of Stockbridge.
The Court Leet of the Manor and Borough of Wareham.	The taking of presentments with respect to the common, the town walls, the town pound and other matters of local concern.
The Warwick Court Leet.	The taking of presentments with respect to matters of local concern.
The Manor of Whitby Laithes Court Leet.	The management of the commons in the manor.

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

^{x9}SCHEDULE 5

Section 32.

REPEALS

Editorial Information

X9 The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

JUDGMENTS ETC IN FOREIGN CURRENCY

Chapter or Number	Short Title	Extent of Repeal
45 & 46 Vict. c. 61.	Bills of Exchange Act 1882.	Section 57(2). Section 72(4).
23 & 24 Geo. 5. c. 13.	Foreign Judgments (Reciprocal Enforcement) Act 1933.	Section 2(3).
1966 c. 41.	Arbitration (International Investment Disputes) Act 1966.	Section 1(3).
S.I. 1972 No. 1590.	European Communities (Enforcement of Community Judgments) Order 1972.	Article 3(2).

PART II

DETERMINATION OF EXPENSES ETC

Chapter	Short Title	Extent of Repeal
50 & 51 Vict. c. 71.	Coroners Act 1887.	Section 25A(4).
6 & 7 Geo. 6. c. 39.	Pensions Appeal Tribunals Act 1943.	In the Schedule, paragraph 5(4)(a).
1973 c. 15.	Administration of Justice Act 1973.	In Schedule 1, in paragraph 8(1), the words “at the prescribed rates” and “at the prescribed rate”.
1973 c. 62.	Powers of Criminal Courts Act 1973.	In Schedule 3, in paragraph 18(2)(a), the words “the rates of allowances and”.
1974 c. 23.	Juries Act 1974.	Section 19(7).

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1975 c. 20.	District Courts (Scotland) Act 1975.	In section 17(1), the words “at the prescribed rates” and “at the prescribed rate”.
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PART III

OATHS AND AFFIRMATIONS

Chapter	Short Title	Extent of Repeal
6 & 7 Vict. c. 85.	Evidence Act 1843.	In section 1, the words “in those cases wherein affirmation is by law receivable”.
31 & 32 Vict. c. 72.	Promissory Oaths Act 1868.	Section 11.
34 & 35 Vict. c. 83.	Parliamentary Witnesses Oaths Act 1871.	In section 1, the words from “Where” to “form” and the words “or affirmation”.
52 & 53 Vict. c. 63.	Interpretation Act 1889.	In section 3, in the definitions of the expressions “oath” and “affidavit”, the words “in the case of persons for the time being allowed by law to affirm or declare instead of swearing”, and in the definition of the expression “swear”, the words “in the like case”.
1 & 2 Geo. 5. c. 6.	Perjury Act 1911.	In section 15(2), in the definition of the expression “oath”, the words “in the case of persons for the time being allowed by law to affirm or declare instead of swearing”, and in the definition of the expression “swear”, the words “in the like case”.
23 & 24 Geo. 5. c. 20.	False Oaths (Scotland) Act 1933.	In section 7(1)(b), the words “by a person for the time being allowed by law to affirm or declare, instead of swearing”.
1954 c. 33. (N.I.)	Interpretation Act (Northern Ireland) 1954.	In section 26(2), in the definition of “oath” the words “as respects persons for the time being allowed by law to affirm or declare instead of swearing” and in

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		the definition of “swear” the words “in the like case”.
3 & 4 Eliz. 2. c. 18.	Army Act 1955.	In section 102(a), the words from “and” to “belief” in the second place where it occurs.
3 & 4 Eliz. 2. c. 19.	Air Force Act 1955.	In section 102(a), the words from “and” to “belief” in the second place where it occurs.
5 & 6 Eliz. 2. c. 53.	Naval Discipline Act 1957.	In section 60(4)(a), the words from “and” to “belief” in the second place where it occurs.
9 & 10 Eliz. 2. c. 21	Oaths Act 1961.	In section 1(1), the words “in certain cases” and the words from “on” to the end of the subsection, and section 2(2).

PART IV

APPEALS

Chapter	Short Title	Extent of Repeal
44 & 45 Vict. c. 68.	Supreme Court of Judicature Act 1881.	The whole Act.
15 & 16 Geo. 5. c. 49.	Supreme Court of Judicature (Consolidation) Act 1925.	Section 27(2). In section 63(1), from “and in” to the end. In section 63(6)(c), the words “for hearing such an appeal as aforesaid”.
6 & 7 Eliz. 2. c. 39.	Maintenance Orders Act 1958.	In section 4(7), from “and so much” to the end.
8 & 9 Eliz. 2. c. 58.	Charities Act 1960.	Section 42(3).
1967 c. 22.	Agriculture Act 1967.	In section 21(5), from “and this subsection” to the end.
1969 c. 58.	Administration of Justice Act 1969.	Section 15(2)(a).
1971 c. 62.	Tribunals and Inquiries Act 1971.	In section 13(4), from the beginning to “court; but”.
1971 c. 78.	Town and Country Planning Act 1971.	In sections 246(4) and 247(5), the words from the beginning to “but”.
1973 c. 38.	Social Security Act 1973.	Section 86(7).

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

1974 c. 52.	Trade Union and Labour Relations Act 1974.	In section 21(9), the words from the beginning to “court; but”.
1975 c. 14.	Social Security Act 1975.	Section 94(6).

PART V

ANCIENT COURTS

Chapter	Short Title	Extent of Repeal
7 & 8 Vict. c. 19.	Inferior Courts Act 1844.	The whole Act.
7 & 8 Vict. c. 96.	Execution Act 1844.	Section 72. In section 73, the words from “the word” to “and” in the third place where it occurs. Schedule (B).
8 & 9 Vict. c. 127.	Small Debts Act 1845.	Sections 9 to 12, 14, 16 to 21 and 23. Section 24, except the words “In the construction of this Act every word importing the masculine gender shall include females as well as males”. Schedule (C).
19 & 20 Vict. c. xvii.	Cambridge Award Act 1856.	Section 18.
20 & 21 Vict. c. clvii.	Mayor’s Court of London Procedure Act 1857.	The whole Act.
35 & 36 Vict. c. 86.	Borough and Local Courts of Record Act 1872.	The whole Act.
46 & 47 Vict. c. 18.	Municipal Corporations Act 1883.	Sections 6, 22 and 23.
50 & 51 Vict. c. 55.	Sheriffs Act 1887.	Sections 18 and 40(1).
51 & 52 Vict. c. 57.	Statute Law Revision (No. 2) Act 1888.	Section 2.
53 & 54 Vict. c. 33.	Statute Law Revision Act 1890.	Section 4.
53 & 54 Vict. c. 51.	Statute Law Revision (No. 2) Act 1890.	Section 2.
54 & 55 Vict. c. 67.	Statute Law Revision Act 1891.	Section 2.

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

55 & 56 Vict. c. 19.	Statute Law Revision Act 1892.	Section 2.
56 & 57 Vict. c. 14.	Statute Law Revision Act 1893.	Section 2.
56 & 57 Vict. c. 54.	Statute Law Revision (No. 2) Act 1893.	Section 2.
57 & 58 Vict. c. 56.	Statute Law Revision Act 1894.	Section 2.
61 & 62 Vict. c. 22.	Statute Law Revision Act 1898.	Section 2.
8 Edw. 7. c. 49.	Statute Law Revision Act 1908.	Section 2.
3 & 4 Geo. 5. c. xcii.	Derby Corporation Act 1913.	Sections 98 and 100(2).
15 & 16 Geo. 5. c. 49.	Supreme Court of Judicature (Consolidation) Act 1925.	Part IX.
17 & 18 Geo. 5. c. 42.	Statute Law Revision Act 1927.	Section 2.
17 & 18 Geo. 5. c. xcii.	Derby Corporation Act 1927.	Section 92.
10 & 11 Geo. 6. c. 14.	Exchange Control Act 1947.	In Schedule 4, in paragraph 3, paragraph (ii) of the proviso and the word “and” immediately preceding the said paragraph (ii).
10 & 11 Geo. 6. c. 44.	Crown Proceedings Act 1947.	Section 34.
11 & 12 Geo. 6. c. 62.	Statute Law Revision Act 1948.	Section 2.
14 Geo. 6. c. 6.	Statute Law Revision Act 1950.	Section 2.
2 & 3 Eliz. 2. c. 5.	Statute Law Revision Act 1953.	Section 2.
7 & 8 Eliz. 2. c. 22.	County Courts Act 1959.	Sections 140, 162, 198 and 205(8).

PART VI

MISCELLANEOUS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 21.	Land Registration Act 1925.	Section 82(3)(b).
15 & 16 Geo. 5. c. 23.	Administration of Estates Act 1925.	Section 47(2) and (4).

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Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

15 & 16 Geo. 5. c. 49.	Supreme Court of Judicature (Consolidation) Act 1925.	<p>In section 99(4), the words “being members of the General Council of the Bar.”.</p> <p>In Schedule 4, in paragraphs 6(ii), (iii) and 7(iv), the words from “provided” to “standing”, in paragraph 9(i) the word “practising”, and paragraph 9(ii).</p>
18 & 19 Geo. 5. c. 26.	Administration of Justice Act 1928.	Section 15.
1 & 2 Geo. 6. c. 63.	Administration of Justice (Miscellaneous Provisions) Act 1938.	<p>In Schedule 2, the amendment of section 116(3) of the Supreme Court of Judicature (Consolidation) Act 1925.</p>
7 & 8 Eliz. 2. c. 22.	County Courts Act 1959.	<p>In section 2, in subsection (2) (a) the words from “and the places” to the end, in subsection (2)(b) the words “discontinue the holding of any court”, subsection (2)(c) and subsection (3)(a).</p> <p>Section 60(2).</p> <p>In section 168(c), the words “by them”.</p> <p>In section 182, subsection (1), and in subsection (2) from the beginning to “subsection”.</p> <p>Section 183.</p>
8 & 9 Eliz. 2. c. 48.	Matrimonial Proceedings (Magistrates’ Courts) Act 1960.	Section 14(1).
8 & 9 Eliz. 2. c. 58.	Charities Act 1960.	<p>In Schedule 6, the entry relating to the Administration of Justice Act 1928.</p>
1966 c. 31.	Criminal Appeal Act 1966.	<p>In section 3(5), the word “practising”, wherever occurring.</p>
1968 c. 20.	Courts-Martial (Appeals) Act 1968.	Section 35.
1969 c. 58.	Administration of Justice Act 1969.	Section 4(3).

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1977. (See end of Document for details)

1971 c. 23.	Courts Act 1971.	In Schedule 8, paragraph 35(2).
1972 c. 50.	Legal Advice and Assistance Act 1972.	In section 6(1)(b), the words “subsections (1) to (3) of section 6,”.
1972 c. 67.	Companies (Flouting Charges and Receivers) (Scotland) Act 1972.	Section 15(4).
1973 c. 15.	Administration of Justice Act 1973.	Section 7(1).
1973 c. 18.	Matrimonial Causes Act 1973.	In section 50, the words “being members of the General Council of the Bar”.
1974 c. 4.	Legal Aid Act 1974.	Section 9(3).

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Point in time view as at 22/07/2004.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1977.