



Administration of Justice Act 1977

1977 CHAPTER 38

PART I

GENERAL

1 Legal aid, advice and assistance.

- (1) The enactments relating to legal aid, advice and assistance in England and Wales shall be amended in accordance with Part I of Schedule 1 to this Act.
- (2) . . . ^{F1}

Textual Amendments

- F1** S. 1(2) repealed by [Legal Aid \(Scotland\) Act 1986 \(c. 47, SIF 77:2\)](#), ss. 43, 45(3), Sch. 4 para. 3(1), [Sch. 5](#)

Modifications etc. (not altering text)

- C1** The text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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.

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

- (3) The amendment specified in Part III of that Schedule shall have effect in the enactment mentioned in that Part of that Schedule (which extends to the whole of the United Kingdom) for the purpose of enabling the rates of the sums whose payment is provided for by it to be determined administratively.

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—

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“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) Section 35 of that Act (order for costs of defence on reference) (which is superseded by this section) shall cease to have effect.
- (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.

Marginal Citations

M5 1968 c. 20.

6 F2

Textual Amendments

F2 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 F3

Textual Amendments

F3 S. 8 repealed (31.7.1978) by [Oaths Act 1978 \(c. 19\)](#), [Sch. Pt. I](#)

Status: Point in time view as at 01/02/1991.

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

9, 10. F4

Textual Amendments

F4 Ss. 9, 10 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

[^{F5}11 Funds in Court.

- (1) For section 3 of the Administration of Justice Act 1965 (Accountant General to maintain an account at Bank of England) there shall be substituted the following section:—

“ Accountant General to maintain bank account.

The Accountant General shall maintain an account at the Bank of England or at such other bank as may be designated by the Lord Chancellor with the concurrence of the Treasury and shall pay all sums received by him into that account and all sums payable by him out of it.”.

- (2) In section 4 of that Act (mode of effecting payment of money and transfer of securities, &c., into Supreme Court)—
- (a) in subsection (1), for the words “Bank of England to the credit of the Accountant General’s account” there shall be substituted the words “Accountant General’s account under section 3 above”; and
 - (b) in subsection (3), after the words “Bank of England” there shall be inserted the words “or other such bank as may have been designated under section 3 above”.
- (3) The following section shall be inserted after section 6 of that Act:—

“ Transfer of funds in court to Official Custodian for Charities and Church Commissioners.

- (1) Any funds for the time being vested in the Accountant General and held by him in trust for any charity or in trust for any ecclesiastical corporation in the Church of England may, if the Accountant General on an application made in that behalf to him by the Charity Commissioners or the Church Commissioners thinks fit so to direct, be transferred to the Official Custodian for Charities or the Church Commissioners, as the case may be.
- (2) Any funds transferred by virtue of a direction given under subsection (1) above shall be vested in and held by the Official Custodian for Charities or the Church Commissioners respectively in trust for the charity or ecclesiastical corporation upon the trusts upon which the funds were held before the transfer.
- (3) No fees shall be payable under the Supreme Court of Judicature (Consolidation) Act 1925 or any rule or order made under it in respect of a transfer of funds under this section.
- (4) In this section “ecclesiastical corporation” means a capitular body within the meaning of the Cathedrals Measure 1963 or the incumbent of a benefice.”.]

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Textual Amendments

F5 s. 11 repealed (prosp.) by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), ss. 75(1), 76, [Sch. 9 Pt. I](#)

Status:

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Changes to legislation:

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