



Administration of Justice Act 1977

1977 CHAPTER 38

PART II

ENGLAND AND WALES

Circuit judges and county courts

12 Alteration of qualifications for appointment as Circuit judge. ^{X1}

In section 16(3) of the ^{M1}Courts Act 1971 (service for five years as a Recorder to be a qualification for appointment as a Circuit judge) for the word “five” there shall be substituted the word “three”.

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text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 1971 c. 23.

13— ^{F1}
16.

Textual Amendments

F1 Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

Status: Point in time view as at 01/02/1991.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 II. (See end of Document for details)

17 County court jurisdiction in respect of arbitrations.

(1) F2

(2) Section 26 of the ^{M2}Arbitration Act 1950 (which provides for the enforcement of arbitration awards in the High Court) shall be re-numbered so as to become section 26(1) of that Act ; and at the end of the resulting subsection (1) there shall be added as subsections (2) and (3):—

“(2) If—

(a) the amount sought to be recovered does not exceed the current limit on jurisdiction in section 40 of the County Courts Act 1959, and

(b) a county court so orders,

it shall be recoverable (by execution issued from the county court or otherwise) as if payable under an order of that court and shall not be enforceable under subsection (1) above.

(3) An application to the High Court under this section shall preclude an application to a county court and an application to a county court under this section shall preclude an application to the High Court.”.

Textual Amendments

F2 Ss. 13–16, 17(1), 18, 19(1)(3)(4), 20 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

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text of ss. 1(1), 4, 5, 11, 12, 17(2), 19(2)(5), 24, 26(1), 28, 29, 32(4) Schs. 3, 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1950 c. 27.

18 F3

Textual Amendments

F3 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) F4

^{x2}(2) In section 168 of that Act (rules as to funds in county courts)—

(a) in paragraph (c), for the words from “registrars” to “General” there shall be substituted the words “ the transfer to the Accountant General of ”, and

(b) in paragraphs (i) and (j), for the word “registrars”, wherever occurring, there shall be substituted the words “ officers of the court ”.

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 II. (See end of Document for details)

(3) F4

^{X2}(5) In section 6 of the ^{M3}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

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

F4 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

Marginal Citations

M3 1971 c. 32.

20 F5

Textual Amendments

F5 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 F6

Textual Amendments

F6 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 . . . ^{F7}section 50 of the ^{M4}Matrimonial Causes Act 1973 be members of the General Council of the Bar.

Textual Amendments

F7 Words repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

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 II. (See end of Document for details)

Marginal Citations

M4 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
 - (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

In section 82(3) of the Land Registration Act 1925—

- (a) after the word “interest” there shall be inserted the words “ or an order of the court ” ;
- (b) the following paragraph shall be substituted for paragraph (a)—

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 II. (See end of Document for details)

“(a) unless the proprietor has caused or substantially contributed to the error or omission by fraud or lack of proper care ; or” ; and

(c) paragraph (b) shall cease to have effect.

Modifications etc. (not altering text)

C2 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.

25 F8

Textual Amendments

F8 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.

(1) The following section shall be substituted for section 106 of the ^{M5}Land Registration Act 1925 (which among other things provides that a mortgage by deed of registered land may be protected by means of a caution in a specially prescribed form and in no other way):—

“106 Creation and protection of mortgages of registered land.

- (1) The proprietor of any registered land may, subject to any entry to the contrary on the register, mortgage, by deed or otherwise, the land or any part of it in any manner which would have been permissible if the land had not been registered and, subject to this section, with the like effect.
 - (2) Unless and until the mortgage becomes a registered charge,—
 - (a) it shall take effect only in equity, and
 - (b) it shall be capable of being overridden as a minor interest unless it is protected as provided by subsection (3) below.
 - (3) A mortgage which is not a registered charge may be protected on the register by—
 - (a) a notice under section 49 of this Act,
 - (b) any such other notice as may be prescribed, or
 - (c) a caution under section 54 of this Act.
 - (4) A mortgage which is not a registered charge shall devolve and may be transferred, discharged, surrendered or otherwise dealt with by the same instruments and in the same manner as if the land had not been registered.”.
- (2) The Chief Land Registrar may arrange for the conversion into a registered charge, in such circumstances and subject to such conditions as he may direct, of any mortgage protected by a caution in a specially prescribed form entered on the register before the coming into force of this section.

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 II. (See end of Document for details)

Modifications etc. (not altering text)

- C3** 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.

Marginal Citations

- M5** 1925 c. 21.

Estates of deceased persons

27 ^{F9}

Textual Amendments

- F9** 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.** ^{X3}

- (1) In section 46 of the ^{M6}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.”.

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 II. (See end of Document for details)

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.

Marginal Citations

M6 [1925 c. 23.](#)

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 II.