

Changes to legislation: Senior Courts Act 1981, SCHEDULE 6 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 6

Section 152(3).

TRANSITIONAL PROVISIONS AND SAVINGS

F1¹

Textual Amendments

F1 Sch. 6 paras. 1, 2(2), 3, 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I

Continuity of appointments of officers

2 (1) Any person holding an office immediately before the commencement of this Act in the case of which provision for appointment is made by Part IV shall continue to hold that office as if he had been appointed under that Part (whether or not he is qualified to be so appointed).

F2(2)

Textual Amendments

F2 Sch. 6 paras. 1, 2(2), 3, 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I

Tenure, etc. of certain officers

F3³

Textual Amendments

F3 Sch. 6 paras. 1, 2(2), 3, 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I

F4⁴

Textual Amendments

F4 Sch. 6 para. 4 repealed by Mental Health Act 1983 (c. 43), s. 148(3), Sch. 6

5 This Act, so far as it amends or repeals any provision of Schedule 1 to the^{M1} Judicial Pensions Act 1981, shall not have effect in relation to any person who was within paragraph 1 of that Schedule immediately before the commencement of this Act and either was then holding office or had previously retired or died.

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Marginal Citations

M1 1981 c. 20.

^{F5}6

Textual Amendments

F5 Sch. 6 paras. 1, 2(2), 3, 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. I**

Inland Revenue affidavits

- 7 In relation to deaths occurring before 13th March 1975 (the date on which the ^{M2}Finance Act 1975 was passed)—
- (a) section 109 shall not apply; and
 - (b) section 110 shall have effect as if at the end of paragraph (b) there were added the words “and the Inland Revenue affidavit within the meaning of Part I of the ^{M3}Finance Act 1894”.

Marginal Citations

M2 1975 c. 7.

M3 1894 c. 30.

Grants of representation made under provisions of 1925 Act not reproduced in this Act

- 8 Nothing in the repeals made by this Act shall affect—
- (a) any grant made before the commencement of this Act under any of the following provisions of the 1925 Act, namely section 162(1) and proviso (a) thereto and sections 164 and 165; or
 - (b) the continued operation of subsections (2) and (3) of section 164 of that Act in relation to any grant so made under that section.

Minor executors

- 9 Any appointment of a minor as executor which, immediately before the commencement of this Act, was by virtue of section 165(2) of the 1925 Act rendered ineffective for the purposes mentioned in that subsection shall continue to be ineffective for those purposes unless and until probate is granted to the person in question in accordance with probate rules.

Administration bonds given before 1st January 1972

- 10 Nothing in this Act shall affect the continued operation of section 167 of the 1925 Act, as in force before 1st January 1972 (the date on which the ^{M4}Administration of Estates Act 1971 came into force), in relation to the enforcement or assignment of any administration bond given under that section before that date.

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Marginal Citations

M4 1971 c. 25.

Grants and resealings liable to revocation or cancellation at instance of court

- 11 Section 121 applies whether the grant in question was made or (as the case may be) resealed before or after the commencement of this Act.

Appeals from certain orders and decisions under section 54(3) of Magistrates' Courts Act 1952

- 12 In paragraph 3(d) of Schedule 1, the reference to an order or decision made under section 63(3) of the ^{M5}Magistrates' Courts Act 1980 includes a reference to an order or decision made under section 54(3) of the ^{M6}Magistrates' Courts Act 1952.

Marginal Citations

M5 1980 c. 43.

M6 1952 c. 55.

Interpretation

- 13 (1) In this Schedule “the ^{M7}1925 Act” means the [^{F6}Senior Courts] of Judicature (Consolidation) Act 1925.
- (2) Nothing in this Schedule shall be taken as prejudicing the operation of the provisions of the ^{M8}Interpretation Act 1978 as respects the effect of repeals.

Textual Amendments

F6 Words in Sch. 6 para. 13 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, Sch. 11 para. 26(1); S.I. 2009/1604, art. 2(d)

Marginal Citations

M7 1925 c. 49.

M8 1978 c. 30.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by 2015 c. 2 s. 85(1)(a)
- s. 31(3)(a) word inserted by 2015 c. 2 s. 85(1)(a)
- s. 31(3)(b) and word inserted by 2015 c. 2 s. 85(1)(b)
- s. 31(3)(b) and word inserted by 2015 c. 2 s. 85(1)(b)
- s. 31(3A)(3B) inserted by 2015 c. 2 s. 85(2)
- s. 31(3A)(3B) inserted by 2015 c. 2 s. 85(2)