



# Administration of Justice Act 1982

## 1982 CHAPTER 53

### PART IX

#### GENERAL AND SUPPLEMENTARY

#### **73 Transitional provisions and savings**

- (1) Subject to subsections (2) and (3) below, nothing in Part I of this Act or paragraphs 2 to 10 of Schedule 6 to this Act applies to causes of action which accrue before its commencement.
- (2) Section 6 above and paragraph 10 of Schedule 6 to this Act shall apply to actions whenever commenced, including actions commenced before the passing of this Act.
- (3) The provisions to which this subsection applies have effect where a person has died after the commencement of Part I of this Act.
- (4) The provisions of this Act to which subsection (3) above applies are—
  - (a) section 1;
  - (b) section 4(2); and
  - (c) paragraph 9(2) of Schedule 6.
- (5) Without prejudice to the provisions of Parts II and III of the Prescription and Limitation (Scotland) Act 1973, Part II of this Act shall apply to rights of action which accrued before, as well as rights of action which accrue after, the coming into operation of that Part of this Act; but nothing in Part II of this Act other than the repeal of section 5 of the Damages (Scotland) Act 1976 shall affect any proceedings commenced before that Part of this Act comes into operation.
- (6) Nothing in the following provisions of this Act
  - (a) section 17;
  - (b) section 18(2);
  - (c) sections 19 to 22 ;
  - (d) section 75, so far as it relates—

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- (i) to the Wills Act Amendment Act 1852 ; and
  - (ii) to the Family Law Reform Act 1969,
- affects the will of a testator who dies before the commencement of the provision in question.
- (7) Neither section 18(1) above nor the repeal by this Act of section 177 of the Law of Property Act 1925 affects a will made before the commencement of section 18(1) above.
- (8) Until Part VI of this Act comes into force—
- (a) in section 1 of the Administration of Justice Act 1965—
    - (i) in subsection (4), after the word " General" there shall be inserted the words
      - “and the Public Trustee”; and
    - (ii) the following subsection shall be inserted after that subsection—
      - “(4A) Where provision is made by a common investment scheme for the Public Trustee to hold shares in a common investment fund, he shall have the same power to invest trust money in shares in the fund as if they were investments specified in Part I of Schedule 1 to the Trustee Investments Act 1961.”; and
  - (b) in the County Courts Act 1959—
    - (i) the following subsection shall be substituted for section 99(3)—
      - “(3) Subject to rules under section 168 of this Act, all moneys payable under a judgment or order shall be paid into court.”; and
    - (ii) the following paragraph shall be added at the end of section 168—
      - “(o) prescribing cases in which moneys payable under a judgment or order are to be paid by one party to the other party or his solicitor and regulating, in such cases as may be prescribed, the evidence of such payment.”.
- (9) Nothing in paragraph 1 of Schedule 6 to this Act affects a cause of action accruing before that paragraph comes into force if an action in respect thereof has been begun before the paragraph comes into force.

#### **74 Interest on damages-disregard for income tax purposes**

In section 375A of the Income and Corporation Taxes Act 1970 (interest on damages for personal injuries or death not income for income tax purposes)—

- (a) in paragraph (a) of subsection (1), for the words from " an order " to " 1937 " there shall be substituted the words
  - “a provision to which this paragraph applies”; and
- (b) the following subsection shall be inserted after subsection (1A) of that section—
  - “(1B) The provisions to which subsection (1)(a) of this section applies are—
    - (a) section 3 of the Law Reform (Miscellaneous Provisions) Act 1934 ;

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- (b) section 17 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937;
- (c) section 35A of the Supreme Court Act 1981 ;
- (d) section 97A of the County Courts Act 1959 ;
- (e) section 33A of the Judicature (Northern Ireland) Act 1978 ;
- and (f) Article 45A of the County Courts (Northern Ireland) Order 1980.”.

## **75 Repeals and revocations**

- (1) The enactments specified in Part I of Schedule 9 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Part of that Schedule.
- (2) The instruments specified in Part II of that Schedule are revoked to the extent specified in the third column of that Part of that Schedule.

## **76 Commencement**

- (1) The provisions of this Act specified in subsection (2) below shall come into operation on such day as the Lord Chancellor may by order appoint.
- (2) The provisions of this Act mentioned in subsection (1) above are—
  - (a) section 6;
  - (b) Part III;
  - (c) sections 34 and 35 ;
  - (d) sections 38 to 47 ;
  - (e) section 54; (f) section 57;
  - (g) section 69;
  - (h) section 73(8);
  - (f) section 75, so far as it relates—
    - (i) to the Judicial Trustees Act 1896 ;
    - (ii) to section 17 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 ;
    - (iii) to the Prevention of Fraud (Investments) Act 1958;
    - (iv) to sections 99(3), 168 to 174A and 176 of the County Courts Act 1959 ;
    - (v) to sections 1 to 16 of the Administration of Justice Act 1965 and Schedule 1 to that Act;
    - (vi) to the Administration of Justice Act 1977 ; and
    - (vii) to the Judicature (Northern Ireland) Act 1978;
  - (k) paragraph 10 of Schedule 6 ; and
  - (l) paragraphs 6 to 8 of Schedule 8.
- (3) The provisions of this Act specified in subsection (4) below shall come into operation on such day as the Secretary of State may by order appoint.
- (4) The provisions of this Act mentioned in subsection (3) above are—
  - (a) section 12;
  - (b) section 14(2);

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- (c) section 48 ; and
  - (d) section 75 above, so far as it relates to the Damages (Scotland) Act 1976.
- (5) The provisions of this Act specified in subsection (6) below shall come into operation on such day as the Lord Chancellor and the Secretary of State may by order jointly appoint.
- (6) The provisions of this Act mentioned in subsection (5) above are—
- (a) sections 23 to 25 ;
  - (b) sections 27 and 28 ;
  - (c) section 75, so far as it relates—
    - (i) to section 126 of the Supreme Court Act 1981; and
    - (ii) to Article 27 of the Administration of Estates (Northern Ireland) Order 1979.
- (7) Any order under this section shall be made by statutory instrument.
- (8) Any such order may appoint different days for different provisions and for different purposes.
- (9) The provisions of this Act specified in subsection (10) below shall come into operation on the day this Act is passed.
- (10) The provisions of this Act mentioned in subsection (9) above are—
- (a) section 32;
  - (b) section 36;
  - (c) section 52;
  - (d) section 60;
  - (e) section 64;
  - (f) section 65 ;
  - (g) this section;
  - (h) section 77 ; and
  - (i) section 78.
- (11) Subject to the foregoing provisions of this section, this Act shall come into operation on 1st January 1983.

## 77      **Extent**

- (1) Subject to subsection (6) below, the following provisions of this Act—
- (a) sections 3, 4 and 6 ; 1
  - (b) Part III;
  - (c) sections 17 to 22 ;
  - (d) Part V;
  - (e) sections 49 to 57 ;
  - (f) sections 65 to 67,
- extend to England and Wales only.
- (2) Sections 1, 2, 5, 39, 42 to 47, 64 and 74 above extend to England and Wales and Northern Ireland.

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- (3) Part II of this Act and section 26 above extend to Scotland only and Part VI of this Act applies to Scotland only to the extent specified in section 48 above.
- (4) Part VIII of this Act extends to Northern Ireland only.
- (5) The repeal of the Wills Act Amendment Act 1852 by section 75 above does not extend to Northern Ireland.
- (6) Subject to subsection (5) above, where any enactment repealed or amended or instrument revoked by this Act extends to any part of the United Kingdom, the repeal, amendment or revocation extends to that part.

## **78 Citation**

This Act may be cited as the Administration of Justice Act 1982.