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SCHEDULES

SCHEDULE 17

Section 125(2).

MINOR AMENDMENTS

The Naval Agency and Distribution Act 1864 (c. 24)

- 1 In section 7 of the Naval Agency and Distribution Act 1864 (certain persons incapable of being ship's agents) the words "or a proctor, attorney or solicitor" shall cease to have effect.

The Land Registration Act 1925 (c. 21)

- 2 In section 126 of the Land Registration Act 1925 (business of the Land Registry), the following subsection shall be inserted after subsection (6)—
- “(6A) The fact that the Chief Land Registrar and other officers of the Land Registry are not required to be legally qualified is not to be taken as preventing the making of regulations under this section which provide for certain acts to be done by an officer who is legally qualified.”

The Administration of Justice Act 1956 (c. 46)

- 3 Section 53 of the Administration of Justice Act 1956 (only certain barristers or solicitors eligible for appointment as the Chief Land Registrar, a registrar or assistant registrar in the Land Registry) shall cease to have effect.

The Powers of Attorney Act 1971 (c. 27)

- 4 In section 3 of the Powers of Attorney Act 1971 (proof of instruments creating powers of attorney)—
- (a) in subsection (1)(b), after the word "solicitor" there shall be inserted "duly certificated notary public"; and
 - (b) in subsection (3), after the word "section" there shall be inserted "duly certificated notary public" has the same meaning as it has in the Solicitors Act 1974 by virtue of section 87(1) of that Act and".

Commencement Information

II Sch. 17 para. 4 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2.

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The Attachment of Earnings Act 1971 (c. 32)

PROSPECTIVE

- 5 In section 6 of the Attachment of Earnings Act 1971 (effect of attachment of earnings order), the following subsections shall be added at the end—
- “(9) The Lord Chancellor may by order make such provision as he considers expedient (including transitional provision) with a view to providing for the payment of amounts deducted under attachment of earnings orders to be made to such officers as may be designated by the order rather than to collecting officers of the court.
- (10) Any such order may make such amendments in this Act, in relation to functions exercised by or in relation to collecting officers of the court as he considers expedient in consequence of the provision made by virtue of subsection (9) above.
- (11) The power to make such an order shall be exercisable by statutory instrument.
- (12) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 6 In section 23 of that Act (powers of judge in relation to failure by debtor to comply with order etc.) the following subsection shall be inserted at the end—
- “(11) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge of a county court.”

The Juries Act 1974 (c. 23)

- 7 In Group B in Part I of Schedule 1 to the Juries Act 1974 (ineligibility and disqualification for and excusal from jury service) after the entry relating to legal executives in the employment of solicitors there shall be inserted— “ Public notaries ”.

Commencement Information

12 Sch. 17 para. 7 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

The Solicitors Act 1974 (c. 47)

- 8 In section 2 of the Solicitors Act 1974 (training regulations), the following subsections shall be added at the end—
- “(4) Where, under Schedule 4 to the Courts and Legal Services Act 1990 (approval of certain regulations in connection with the grant of rights of audience or rights to conduct litigation), the Lord Chancellor, the Lord Chief

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Justice or the Master of the Rolls approves any regulation made under this section he shall be taken, for the purposes of this section, to have concurred in the making of that regulation.

(5) Subsection (4) shall have effect whether or not the regulation required to be approved under Schedule 4 to the Act of 1990.”

Commencement Information

I3 Sch. 17 para. 8 wholly in force at 1. 4. 1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

9 Section 4 of that Act (which sets out conditions to be satisfied before certain overseas solicitors may be admitted) shall cease to have effect.

10 In section 31 of that Act (rules as to professional practice, conduct and discipline), the following subsections shall be added at the end—

“(3) Where, under Schedule 4 to the Courts and Legal Services Act 1990 (approval of certain rules in connection with the grant of rights of audience or rights to conduct litigation), the Master of the Rolls approves any rule made under this section he shall be taken, for the purposes of this section, to have concurred in the making of that rule.

(4) Subsection (3) shall have effect whether or not the rule required to be approved under Schedule 4 to the Act of 1990.”

Commencement Information

I4 Sch. 17 para. 10 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

The Magistrates’ Courts Act 1980 (c. 43)

11 In section 125(2) of the Magistrates’ Courts Act 1980 (provision for certain warrants relating to enforcement of fines to be executed by persons other than constables) for the words “a fine” there shall be substituted “any sum adjudged to be paid”.

The Supreme Court Act 1981 (c. 54)

12 In section 5(3) of the Supreme Court Act 1981 (judges to sit in other divisions of the High Court at the request of the Lord Chancellor) for the words “Lord Chancellor” to the end there shall be substituted “ Lord Chief Justice made with the concurrence of the President of the Family Division or the Vice-Chancellor, or both, as appropriate” ”.

13 In section 36(4) of that Act (witness not to be punished for failing to appear if he is not offered payment of his reasonable expenses of attending), for the words from “the expenses”, to the end, there shall be substituted “—

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- (a) the expenses of coming and attending to give evidence and of returning from giving evidence; and
- (b) any other reasonable expenses which he has asked to be defrayed in connection with his evidence,

was tendered to him at the time when the writ was served upon him.”

Commencement Information

I5 Sch. 17 para. 13 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

The County Courts Act 1984 (c. 28)

VALID FROM 14/10/1991

- 14 (1) Section 73 of the County Courts Act 1984 (register to be kept of county court judgments) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) A register of every—
- (a) judgment entered in a county court;
 - (b) administration order made under section 112; and
 - (c) order restricting enforcement made under section 112A,
- shall be kept in such manner and in such place as may be prescribed.”
- (3) In subsection (3)—
- (a) in paragraph (a)—
 - (i) after the word “judgments” there shall be inserted “ or orders ”; and
 - (ii) after the word “judgment” there shall be inserted “ or order ”; and
 - (b) in paragraph (b), after the word “judgments” there shall be inserted “ or orders ”.

Commencement Information

I6 Sch. 17 para. 14 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

- 15 In section 77 of that Act (appeals: general provisions) after subsection (1) the following subsection shall be inserted—
- “(1A) Without prejudice to the generality of the power to make county court rules under section 75, such rules may make provision for any appeal from the exercise by a district judge, assistant district judge or deputy district judge of any power given to him by virtue of any enactment to be to a judge of a county court.”
- 16 In section 103 of that Act (execution out of the jurisdiction of the court), the following subsection shall be added at the end—

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“(6) County court rules may make provision for the suspension of any judgment or order, on terms, in connection with any warrant issued with respect to any instalment payable under the judgment or order.”

17 In section 138 of that Act (forfeiture for non-payment of rent), in subsections (2), (3), (5), (7), (8) and (9) (which relate to relief from forfeiture on payment into court of rent and costs), after the words “into court”, in each place where they occur, there shall be inserted “or to the lessor”.

18 In Schedule 1 to that Act, paragraphs 2(3) and 3 (restrictions on hearing of replevin actions in the High Court) shall cease to have effect.

PROSPECTIVE

The Legal Aid Act 1988 (c. 34)

19 In section 15 of the Legal Aid Act 1988 (availability of, and payment for, representation in civil proceedings under Part IV) the following subsection shall be inserted after subsection (4)—

“(4A) A person may not be refused representation for the purposes of any proceedings on the ground (however expressed) that it would be more appropriate for him and a legal representative of his to enter into a conditional fee agreement (as defined by section 58 of the Courts and Legal Services Act 1990).”

The Law of Property (Miscellaneous Provisions) Act 1989 (c. 34)

20 (1) In subsection (5) of section 1 of the Law of Property (Miscellaneous Provisions) Act 1989 (presumption that solicitor is authorised to deliver certain instruments), after the word “solicitor”, in both places where it occurs, there shall be inserted “, duly certificated notary public”.

(2) In subsection (6) of that section (meaning of expressions used in subsection (5)), after the words “Act 1925” there shall be inserted— “ “duly certificated notary public” has the same meaning as it has in the Solicitors Act 1974 by virtue of section 87 of that Act; ”.

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