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Changes to legislation: Courts and Legal Services Act 1990, SCHEDULE 17 is up to date with all changes known to be in force on or before 09 September 2023. 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)

SCHEDULES

SCHEDULE 17

Section 125(2).

MINOR AMENDMENTS

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

1 F1

Textual Amendments

F1 Sch. 17 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

The Land Registration Act 1925 (c. 21)

2 F2

Textual Amendments

F2 Sch. 17 para. 2 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2

The Administration of Justice Act 1956 (c. 46)

3 F3

Textual Amendments

F3 Sch. 17 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

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” ”.

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Commencement Information

I1 Sch. 17 para. 4 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2.

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.”

Commencement Information

I2 Sch. 17 para. 6 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

The Juries Act 1974 (c. 23)

7 ^{F4}

Textual Amendments

F4 Sch. 17 para. 7 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(1)(iv) (subject to art. 2(3)-(6))

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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 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 ^{F5}

Textual Amendments

F5 Sch. 17 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

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)

^{F6}11

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Textual Amendments

- F6** Sch. 17 para. 11 repealed (8.1.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(8)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/3280, **art. 2(c)**

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 “—
- (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)

- 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” ”.

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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—
“(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” ”.

Commencement Information

- I7** Sch. 17 para. 17 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.
- 18 ^{F7}

Textual Amendments

- F7** Sch. 17 para. 18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

PROSPECTIVE

The Legal Aid Act 1988 (c. 34)

- ^{F8}19

Textual Amendments

- F8** Sch. 17 para. 19 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), Sch. para. 7 (with arts. 3-5)

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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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