



# Administration of Justice Act 1956

## 1956 CHAPTER 46

### PART II

#### SUPREME COURT OF JUDICATURE

##### *Other provisions as to Supreme Court*

#### **15 Extension of power to make rules of court, and consequential and connected repeals**

- (1) Rules of court may prescribe the cases in which jurisdiction or powers of the High Court or a judge of the High Court may be exercised by official referees or special referees, or by masters, registrars, district registrars or other officers of the court, and without prejudice to the generality of the preceding provision may in particular—
  - (a) authorise the whole of any cause or matter or any question or issue therein to be ordered to be tried before, or any question arising in any cause or matter to be ordered to be referred for inquiry and report to, any such referee, master, registrar, district registrar or officer; and
  - (b) authorise powers of attachment and committal to be exercised by any official referee (but not by any other referee and not by any master, registrar, district registrar or other officer),and may make any provision incidental to any such provisions as aforesaid.
- (2) The decision of an official referee or special referee, or of a master, registrar, district registrar or other officer, may be called in question in such manner (whether by an appeal to the Court of Appeal or by an appeal or application to a Divisional Court or a judge in court or a judge in chambers, or by an adjournment to a judge in court or a judge in chambers) as may be prescribed by rules of court, but rules of court may, if the rule-making authority think fit, provide either generally or to a limited extent for decisions of official referees being called in question only by appeal on a question of law.
- (3) The preceding provisions of this section shall not affect section six of the Administration of Justice (Miscellaneous Provisions) Act, 1933 (which gives a right

to a jury in certain cases), but sections eighty-six to ninety-seven of the principal Act (which relate to district registrars and inquiries and trials by referees) and section one of the Administration of Justice Act, 1932 (which relates to appeals from decisions of official referees) shall cease to have effect.

- (4) Section sixty-two of the principal Act (which enables orders of a judge in chambers to be set aside or discharged by a judge in court or by a Divisional Court) and paragraph (g) of subsection (1) of section thirty-one of that Act (which requires the leave of the judge or of the Court of Appeal for an appeal against any order of a judge in chambers unless an application has been made to have it set aside or discharged as aforesaid) shall cease to have effect, without prejudice, however, to the power of rules of court to make provision corresponding to the said section sixty-two.

**16 Repeal of enactments as to registration, etc., of warrants of attorney, cognovits, and consent judgments**

The Warrants of Attorney Act, 1822, the Warrants of Attorney Act, 1843, and sections twenty-four to twenty-eight of the Debtors Act, 1869 (which require registration of warrants of attorney, cognovits and consent orders for judgment, and contain other provisions as to warrants of attorney and cognovits) are hereby repealed.

**17 Miscellaneous provisions as to probates and administrations**

- (1) Where it appears to the High Court that a probate or administration either ought not to have been granted or contains an error, the court may call in the probate or administration and, if satisfied that it would be revoked at the instance of a party interested, may revoke it.
- (2) A probate or administration may be revoked under subsection (1) of this section without being called in if it cannot be called in.
- (3) Section one hundred and sixty-nine of the principal Act (which relates to the reseating of probates and administrations granted in Northern Ireland) shall (as amended by section ten of the Administration of Justice Act, 1928)—
- (a) apply and be deemed always to have applied to grants in respect of all the estate of a person as it applies to grants in respect of the personal estate of a person;
  - (b) have effect and be deemed always to have had effect as if the requirement in paragraph (a) of subsection (3) thereof as to the production of a certificate that a bond has been given applied only to administrations and not to probates.

**18 Repeal of time limit for filing powers of attorney under the Trustee Act, 1925, s. 25**

- (1) There shall be no time limit for the filing at the Central Office of the Supreme Court of powers of attorney under section twenty-five of the Trustee Act, 1925, and of the statutory declarations mentioned in subsection (4) of that section, and accordingly, in the said subsection (4), as amended by the Schedule to the Law of Property (Amendment) Act, 1926, the words " within ten days after the execution thereof or where not executed within the United Kingdom within ten days after its receipt in the United Kingdom " are hereby repealed.

- (2) This section applies to powers of attorney and statutory declarations executed or made before the coming into operation of this section as well as to powers of attorney and statutory declarations executed or made thereafter.

## **19 Extension of time for laying Supreme Court accounts before Parliament**

The annual account relating to the Supreme Court, which is prepared under section two hundred and fourteen of the principal Act, need not be laid before Parliament within one month after the thirty-first day of March in each year, if Parliament is then sitting, or if Parliament is not then sitting, within one month after the next meeting of Parliament (as required by subsection (4) of that section), but shall be laid before Parliament between the end of March in each year and the beginning of the following year.

## **20 Interpretation of Part II**

- (1) In this Part of this Act, except so far as the context otherwise requires, expressions used in the principal Act have the same meanings as in that Act.
- (2) In this Part of this Act the expression " the principal Act " means the Supreme Court of Judicature (Consolidation) Act, 1925.