



Administration of Justice Act 1960

1960 CHAPTER 65

Supplementary

17 Interpretation

- (1) In this Act any reference to the defendant shall be construed—
 - (a) in relation to proceedings for an offence, and in relation to an application for an order of mandamus, prohibition or certiorari in connection with such proceedings, as a reference to the person who was or would have been the defendant in those proceedings;
 - (b) in relation to any proceedings or order for or in respect of contempt of court, as a reference to the person against whom the proceedings were brought or the order was made;
 - (c) in relation to a criminal application for habeas corpus, as a reference to the person by or in respect of whom that application was made,and any reference to the prosecutor shall be construed accordingly.
- (2) In this Act " application for habeas corpus" means an application for a writ of habeas corpus ad subjiciendum and references to a criminal application or civil application shall be construed according as the application does or does not constitute a criminal cause or matter.
- (3) In this Act any reference to the court below shall, in relation to any function of a Divisional Court, be construed as a reference to the Divisional Court or to a judge according as the function is by virtue of rules of court exercisable by the Divisional Court or a judge.
- (4) An appeal under section one of this Act shall be treated for the purposes of this Act as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this Act an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made, if it is not made within that time.
- (5) In this Act references to an appeal to the Court of Criminal Appeal shall be construed as including references to proceedings under the Crown Cases Act, 1848.

- (6) Any reference in this Act to any other enactment is a reference thereto as amended by or under any other enactment, including this Act.

18 Provisions as to Northern Ireland

- (1) No limitation or restriction imposed by the Government of Ireland Act, 1920, on the power of the Parliament of Northern Ireland to make laws shall preclude that Parliament from enacting provisions—
- (a) conferring any jurisdiction or power on the Court of Criminal Appeal in Northern Ireland or any judge or officer of that court;
 - (b) conferring on the rule-making authority power to make rules of court regulating the procedure and practice of that court;
- and subsection (3) of section twenty-one of the Criminal Appeal (Northern Ireland) Act, 1930 (which, in effect, enables that Parliament to amend or repeal that Act so far as it relates to matters within the powers of that Parliament) shall have effect accordingly.
- (2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.
- (3) An appeal shall lie to the House of Lords from any decision of the Court of Appeal in Northern Ireland in proceedings begun by a civil application for habeas corpus in like manner and subject to the like conditions (including requirements as to leave to appeal) as an appeal from a decision of the Court of Appeal in England in such proceedings.
- (4) This Act shall, in its application to Northern Ireland, have effect subject to the modifications set out in the Second Schedule to this Act; but this subsection shall not affect the operation of section ten of this Act in relation to proceedings of the Courts-Martial Appeal Court sitting in Northern Ireland.

19 Minor and consequential amendments and repeals

- (1) The enactments described in the Third Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments described in the- Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The repeals effected by subsection (2) of this section in section four of the Geneva Conventions Act, 1957, shall not affect the power of Her Majesty under subsection (2) of section eight of that Act to extend the provisions of that Act outside the United Kingdom.

20 Short title and extent

- (1) This Act may be cited as the Administration of Justice Act, 1960.
- (2) Except so far as it relates to appeals from the Courts-Martial Appeal Court and to proceedings preliminary or incidental to such appeals, this Act shall not extend to Scotland.