



Administration of Justice Act 1920

1920 CHAPTER 81

PART I

TRIAL OF MATRIMONIAL CAUSES, TRIAL BY JURY, ADMIRALTY JURISDICTION OF HIGH COURT, AND AMENDMENTS OF JUDICATURE ACTS

1 Power to try matrimonial causes at assizes

Any commissioner acting under a commission of assize or any other commission granted under section twenty-nine of the Supreme Court of Judicature Act, 1873, shall, subject to rules of court, have power to try and determine matrimonial causes of any prescribed class and any matters arising out of or connected with any such causes, and shall for that purpose have all such powers and duties as are vested in the Probate, Divorce, and Admiralty Division of the High Court under the enactments relating to divorce and matrimonial causes.

For the purpose of the foregoing provision, the expression " prescribed " means prescribed by the Lord Chancellor by order made with the concurrence of the Lord Chief Justice of England and the President of the Probate, Divorce, and Admiralty Division of the High Court.

2 Trial by jury in the High Court

- (1) Where, in any action or other matter whatsoever requiring to be tried in the High Court, the court or a judge is satisfied, on an application made by either party to the proceedings in accordance with rules of court, that the action, or matter cannot as conveniently be tried with a jury as without a jury, the court or a judge shall, subject to the provisions of this section, have power notwithstanding anything in any Act, to order the action or matter to be tried without a jury:

Provided that—

- (a) no order for trial without a jury shall, except with the consent of both parties, be made under this section where the action or matter is one in which fraud is alleged or in which there is a claim in respect of libel, slander, malicious

prosecution, false imprisonment, seduction, or breach of promise of marriage; and.

- (b) nothing in this section shall affect the right of any party under section twenty-eight of the Matrimonial Causes Act, 1857, to insist on having contested matters of fact tried with a jury, or the right of an heir at law, cited to appear in or otherwise made a party to a probate action, to a trial with a jury if he makes an application for the purpose in accordance with rules of court.
- (2) Provision shall be made by rules of court for enabling the plaintiff in any action or matter in which an order for trial without a jury may be made under this section to signify his desire to have the action or matter tried without a jury, and for providing, but without prejudice to the discretion of the court or a judge, that where the plaintiff so signifies his desire an order shall be made for trial without a jury unless any party makes an application to the contrary.
- (3) This section shall come into operation on the date on which the Juries Act, 1918, expires, or, if His Majesty by Order in Council so directs, on such earlier date as may be specified in the Order, and, if any Order is so made, section one of the Juries Act, 1918, shall cease to have effect on the date so specified.

3 Trial by jury in county courts and other inferior courts of civil jurisdiction

- (1) Where, in any action or other matter whatsoever requiring to be tried in a county court or any other inferior court of civil jurisdiction, - the court or a judge is satisfied, on an application made by either party to the proceedings in accordance with rules of court, that the action or matter cannot as conveniently be tried with a jury as without a jury, the court or a judge shall, subject as hereinafter provided, have power, notwithstanding anything in any Act, to order the trial of the action or matter without a jury :

Provided that—

- (a) no order for trial without a jury shall be "made where the action or matter is one in the case of which, if it were tried in the High Court, there would be no power under the provisions of this Act to order a trial without a jury; and
 - (b) no such order shall be made without the consent of both parties, where the action or matter is one in the case of which, if it were tried in the High Court, there would be no power under the provisions of this Act to make such an order except with the consent of both parties,
- (2) Notwithstanding anything in any Act, it shall not be lawful for any party in a county court or any other inferior court of civil jurisdiction to require any action or other matter arising under the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, to be tried with a jury.
- (3) This section shall come into operation on the date on which the Juries Act, 1918, expires, or, if His Majesty by Order in Council so directs, on such earlier date as may be specified in the Order, and, if any Order is so made, sections three and four of the Juries Act, 1918, shall cease to have effect on the date so specified.

4 Proceedings before grand jury where defendant has admitted charge before examining justices

- (1) Where any person charged before any justice or justices with an offence pleads guilty or admits the truth of the charge before the justice or justices and is committed for trial, the clerk to the justice or justices shall, before the date fixed for the holding of

the assizes or quarter sessions at which the person so committed is to be tried, transmit to the clerk of the assize or clerk of the peace, as the case may be, a certificate stating that the person so committed so pleaded guilty or admitted the truth of the charge, and the grand jury, on the production to them of the certificate, shall forthwith, without hearing or examining any witnesses, return a true bill as respects that charge.

- (2) This section shall come into operation on the date on which the Grand Juries (Suspension) Act, 1917, expires, or, if His Majesty by Order in Council so directs, on such earlier date as may be specified in the Order, and, if any Order is so made, the Grand Juries (Suspension) Act, 1917, shall cease to have effect on the date so specified.

5 Amendment as to Admiralty jurisdiction of High Court

- (1) The Admiralty jurisdiction of the High Court shall, subject to the provisions of this section, extend to—
- (a) any claim arising out of an agreement relating to the use or hire of a ship; and
 - (b) any claim relating to the carriage of goods in any ship; and
 - (c) any claim in tort in respect of goods carried in any ship:

Provided that—

- (i) this section shall not apply in any case in which it is shown to the court that at the time of the institution of the proceedings any owner or part owner of the ship was domiciled in England or Wales; and
 - (ii) if in any proceedings under this section the plaintiff recovers a less amount than twenty pounds, he shall not be entitled to any costs of the proceedings, or, if in any such proceedings the plaintiff recovers a less amount than three hundred pounds, he shall not be entitled to any more costs than those to which he would have been entitled if the proceedings had been brought in a county court, unless in either case the court or a judge certifies that there was sufficient reason for bringing the proceedings in the High Court.
- (2) The jurisdiction conferred by this section may be exercised, either in proceedings in rem or in proceedings in personam.

6 Power to make rules as to proof

The power to make rules conferred by the Judicature Acts, 1873 to 1910, shall include power to make rules for regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given, in any proceedings or on any application in connection with or at any stage of any proceedings.

7 Precedence of President of Probate, Divorce, and Admiralty Division

The President of the Probate, Divorce, and Admiralty Division of the High Court shall have rank and precedence next after the Master of the Rolls.

8 Ex-judges of Supreme Court empowered on request of the Lord Chancellor to sit as judges

The Lord Chancellor may at any time, subject to the provisions of this section, request any person who has held the office of a judge of the Court of Appeal or of a judge of the High Court to sit and act as a judge either of the Court of Appeal or of the High

Status: This is the original version (as it was originally enacted).

Court, and every such person so requested shall, while so sitting and acting, have all the jurisdiction, powers, and privileges of a judge of the court in which he is so sitting and acting, but shall not otherwise be deemed to be a judge of the court:

Provided that—

- (a) nothing in this section shall be deemed to require any such person as aforesaid to sit and act as a judge unless he consents so to do; and
- (b) the Lord Chancellor shall not request any person to sit and act as a judge of the King's Bench Division or of the Probate, Divorce and Admiralty Division except with the concurrence of the Lord Chief Justice of England or of the President of the Probate, Divorce and Admiralty Division respectively.