



# Administration of Justice Act 1920

## 1920 CHAPTER 81

### PART III

#### MISCELLANEOUS

#### **15 Questions of foreign law to be decided by judge**

Where, for the purpose of disposing of any action or other matter which is being tried by a judge with a jury in any court in England or Wales, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

#### **16 Power as to appointment of arbitrators where submission provides for three arbitrators**

- (1) "Where a submission to arbitration provides that the reference shall be to three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties, then, unless the submission expresses a contrary intention—
  - (a) If one party fails to appoint an arbitrator for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and the award of the arbitrator so appointed shall be binding on both parties as if he had been appointed by consent:-
  - (b) If after each party has appointed an arbitrator the two arbitrators appointed fail to appoint a third arbitrator within seven clear days after the service by either party of a notice upon them to make the appointment, the court or a judge may, on an application by the party who gave the notice, exercise in the place of the two arbitrators the power of appointing the third arbitrator:
  - (c) If an arbitrator, appointed either by one of the parties, by the two arbitrators, or by the court or a judge, refuses to act, or is incapable of acting, or dies, a

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*Status: This is the original version (as it was originally enacted).*

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new arbitrator may be appointed in his place by the party, arbitrators, or court or judge, as the case may be.

- (2) The court or a judge may set aside any appointment of a person to act as sole arbitrator made in pursuance of this section.
- (3) This section shall be construed as if it were included in the Arbitration Act, 1889, and that Act shall have effect accordingly.

## **17 Power to grant probate to corporations**

- (1) Where a corporation, being a corporation to which this section applies, is named as the executor of the will of a deceased person who at the time of his death was domiciled in England, probate of the will may be granted by the High Court to that corporation by its corporate name, and a corporation to which probate is granted in pursuance of this section shall, subject to the provisions of any rules made for giving effect to this section, have the same rights and be subject to the same liabilities and duties in all respects as an individual to whom probate is granted.
- (2) Rules may be made under section thirty of the Court of Probate Act, 1857, for giving effect to this section, and in particular for modifying in their application to a corporation any enactments relating to executors and for prescribing the person who is to act on behalf of a corporation for the purpose of any oath required to be taken, or any other thing required to be done, by an executor on an application for or otherwise in connection with a grant of probate.
- (3) The corporations to which this section applies are all corporations having their principal place of business in the United Kingdom.

## **18 Amendment of law as to administration bonds**

- (1) All bonds given after the commencement of this Act under section eighty-one of the Court of Probate Act, 1857, shall be taken to or for the use of His Majesty, and, subject as aforesaid, shall be in such form as the President of the Probate, Divorce, and Admiralty Division of the High Court may by general or special order direct.
- (2) Any bond given under the section aforesaid before the commencement of this Act may be enforced in the same manner in all respects as if it had been taken to or for the use of His Majesty.

## **19 Fees of commissioners for oaths and registrar of solicitors**

- (1) Such fees shall be chargeable—
  - (a) by commissioners for oaths in respect of the administration of an oath or the taking of an affidavit; and
  - (b) by the registrar of solicitors in respect of the registration under section thirty of the Solicitors Act, 1860, of any authority or appointment;as may be prescribed by the Lord Chancellor by order made with the concurrence of the Lord Chief Justice of England and the Master of the Rolls.
- (2) Any order made under this section may be revoked or varied by a subsequent order so made.

- (3) In this section the expression " affidavit" has the same meaning as in the Commissioners for Oaths Act, 1889.

## **20 Power to make regulations as to enrolment of deeds**

- (1) The Master of the Rolls may, subject to the provisions of this section, make regulations—
- (a) for authorising and regulating the enrolment or filing of deeds in the Supreme Court and for prescribing the form in which certificates of enrolment or filing are to be granted; and
  - (b) prescribing the fees to be paid on the enrolment or filing of any deed, including any additional fees payable on the enrolment or filing of any deed out-of-time :

Provided that regulations shall not be made under paragraph (a) of this subsection so as to affect or prejudice in any manner the operation of any enactment requiring or authorising the enrolment in the Supreme Court of any deed or prescribing the manner in which any deed is to be so enrolled.

- (2) Every regulation made under this section shall be laid before each House of Parliament within forty days next after it is made, if Parliament is then sitting, or, if not, within forty days after the commencement of the then next ensuing session, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat, praying that the regulation may be annulled, His Majesty may by Order in Council annul the same, and any regulation so annulled shall thenceforth be void and of no effect, but without prejudice to the validity of anything previously done thereunder.
- (3) In this section the expression " deeds " includes assurances and other instruments.

## **21 Short title, repeal, and application**

- (1) This Act may be cited as the Administration of Justice Act, 1920.
- (2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.
- (3) This Act, except Part II thereof, applies only to England and Wales.