



Administration of Justice Act 1925

1925 CHAPTER 28

An Act to amend the law with respect to the jurisdiction and business of the Supreme Court in England and with respect to the judges, officers and offices thereof and otherwise with respect to the administration of justice. [7th May 1925]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Assizes

1 Power to dispense with holding of assizes in places where unnecessary

- (1) If at any time it appears to the Lord Chief Justice that there is no business or no substantial amount of business to be transacted at the assizes then about to be held at any place on a circuit and that having regard to all the circumstances of the case it is desirable that an order should be made under this section, he may, with the concurrence of the Lord Chancellor, by order direct that assizes shall not on the occasion of that circuit be held at that place, and, where any such order is made, then, notwithstanding any enactment or custom to the contrary, assizes shall not on that occasion be held at the place specified in the order.
- (2) There may be included in an order made under this section provision for any matters (including any of the matters mentioned in paragraph (3) of section two of the Winter Assizes Act, 1876) for which it appears to the Lord Chief Justice to be necessary or proper to make provision with a view to giving full effect to the order.

2 Power to include ex-judges in commissions of assize

His Majesty may include in a commission of assize any person who has held the office of a judge of the Court of Appeal or of a judge of the High Court, but no person who has held office as aforesaid shall be required to act as commissioner of assize unless he consents so to do.

Supreme Court

3 Trial with jury in High Court

Section two of the Administration of Justice Act, 1920 (which relates to the mode of trial in the High Court), shall cease to have effect, and provision may be made by rules of court in the same manner as if the Juries Act, 1918, and section two of the Administration of Justice Act, 1920, had not passed, for prescribing in what cases trials in the High Court are to be with a jury and in what cases they are to be without a jury, and until sft.ch rules of court come into force the rules of court relating to the mode of trial in the High Court which were in force immediately before the passing of the Juries Act, 1918, shall have effect.

4 Qualifications of judges of Supreme Court

- (1) Any person being a barrister of not less than ten years' standing shall be qualified for appointment as a puisne judge of the High Court.
- (2) Any person being a barrister of not less than fifteen years' standing or a judge of the High Court shall be qualified for appointment as a Lord Justice of Appeal.
- (3) Any person qualified for appointment as a Lord Justice of Appeal or being a judge of the Court of Appeal shall be qualified for appointment as Lord Chief Justice, Master of the Rolls or President.

5 Power to appoint additional judge of Probate Divorce and Admiralty Division, and amendment of 10 Edw. 7 and 1 Geo. 5. c. 12

- (1) It shall be lawful for His Majesty from time to time to appoint one judge of the High Court in addition to the number of judges of that court authorised to be appointed by the Judicature Acts, 1873 to 1910.
- (2) The judge so appointed shall, subject to such power of transfer as is authorised by the Supreme Court of Judicature Act, 1873, be attached to the Probate Division, and the law relating to the appointment and qualification of judges of the High Court, their duties, tenure, precedence, salary and pension and otherwise shall apply to a judge appointed under this section.
- (3) Where under subsection (2) of section one of the Supreme Court of Judicature Act, 1910, an Address from both Houses of Parliament has, whether before or after the passing of this Act, been presented to His Majesty representing that the state of business in the King's Bench Division requires that a vacancy among the puisne judges of that Division should be filled, it shall be lawful for His Majesty from time to time without any further Address, to fill any vacancy which may arise among the said judges at any time within a period of one year next after the date of the presentation to His Majesty of the said Address.
- (4) This section shall come into operation on the passing of this Act.

6 Qualifications for certain offices in Supreme Court

A person shall not be qualified for appointment to any of the offices in the Supreme Court specified in the first column of the First Schedule to this Act unless he is a

person of the description specified in the second column of that Schedule in respect of that office :

Provided that, notwithstanding anything in this section, any person who holds any office in the Supreme Court at the commencement of this Act shall be qualified for appointment to any office to which he might have been appointed if this Act had not passed.

7 Tenure of officers of Supreme Court

- (1) Any officer of the Supreme Court who by virtue of the provisions of section one of the Supreme Court Officers (Retirement, Pensions, &c.) Act, 1921, is required to vacate office at the end of the completed year of service in the course of which he attains the age of seventy-two years shall, subject to the provisions of the said section and subject as hereinafter provided, hold office during good behaviour:

Provided that the power to remove any such person from his office on account of misbehaviour shall be exercisable by the Lord Chancellor, and the Lord Chancellor shall have power to remove any such person from his office on account of inability to perform the duties of the office.

- (2) Every officer of the Supreme Court, not being an officer to whom subsection (1) of this section applies, shall hold office during His Majesty's pleasure :

Provided that nothing in this subsection shall affect the tenure of any officer appointed before the commencement of this Act.

- (3) In the application of this section to registrars of the Probate Division, the President shall be substituted for the Lord Chancellor.

8 Appointment of deputies for Supreme Court officers

- (1) "Where an officer of the Supreme Court is absent from illness or other reasonable cause, he may, with the approval of the Lord Chancellor and subject to the provisions of this section, appoint a deputy, and if being so absent he fails to make such an appointment, the Lord Chancellor may appoint a deputy.
- (2) Every deputy appointed under this section shall have all the powers and authorities of the officer for whom he is appointed to act.
- (3) A person shall not be qualified to be appointed under this section to act as a deputy in any office unless he is qualified for appointment to that office.
- (4) Nothing in this section shall affect the power of the President under section thirty-five of the Court of Probate Act, 1858, to appoint any person to discharge the duties of any officer appointed under the Court of Probate Act, 1857, or the Court of Probate Act, 1858, or be taken to authorise either the Lord Chancellor or any officer so appointed as aforesaid to appoint a deputy in any case to which the said section thirty-five applies.

9 District registrars of High Court

- (1) Any person being the registrar of a county court or being a solicitor of not less than seven years' standing shall be qualified for appointment as district registrar of the High Court.

- (2) The Lord Chancellor may, if he thinks fit, appoint two persons to execute jointly the office of district registrar in any district registry, and may in any case where joint district registrars are appointed give directions with respect to the division between them of the duties of the office and may, as he thinks fit, on the death, resignation or removal of a joint district registrar, either appoint another person to be joint district registrar in the place of the person so dying, resigning or removed, or give directions that the continuing registrar shall act as sole registrar.
- (3) On a vacancy occurring in the office of a district registrar, any person being a person qualified for appointment as district registrar may be appointed to act as provisional district registrar for such period not exceeding six months from the date on which the vacancy occurs as the Lord Chancellor may direct.
- (4) The power to make appointments to the office of district registrar and provisional district registrar shall be vested in the Lord Chancellor.
- (5) All acts authorised or required to be done by, to or before a district registrar may be done by, to or before a provisional district registrar appointed under this section, and a provisional district registrar shall receive in respect of the period during which he so acts remuneration on a scale not higher than the scale applicable in the case of the registrar of the district for which he is appointed to act.
- (6) Every district registrar and provisional district registrar shall be an officer of the Supreme Court, and no person who is, or is acting as, the district registrar or the provisional district registrar of any district shall, either by himself or his partner, be directly or indirectly engaged as a solicitor or agent for a party to any proceeding whatsoever in the registry of that district.

10 Amendments as to business in central office and as to officers of Supreme Court

- (1) Directions under section twelve of the Supreme Court of Judicature (Officers) Act, 1879, as to the business to be performed in, and the duties of the officers of, the central office of the Supreme Court shall, instead of being given by rules of court, be given by order of the Lord Chancellor.
- (2) The clerks employed in the offices of the Supreme Court shall be classified in such manner as the Lord Chancellor, with the concurrence of the Treasury, may by order direct, and shall be employed in such capacities, as the Lord Chancellor may by order direct.

For the purposes of this subsection, the expression "the offices of the Supreme Court" shall include the department of the official solicitor to the Supreme Court, the bankruptcy department and the companies (winding-up) department, but shall not include the principal probate registry.

- (3) The Lord Chancellor may from time to time as respects any class of officers in the Supreme Court, with the concurrence of the Treasury, determine the number of persons who may be appointed to be officers of that class, and section fourteen of the Court of Justice (Salaries and Funds) Act, 1869 (which relates to the appointment of officers) shall, so far as it relates to officers of the Supreme Court, cease to have effect.
- (4) From and after the commencement of this Act, the power to appoint a person to be a clerk in the office of the master in lunacy shall be vested in and exercisable by the Lord Chancellor, and that office shall be included among the offices of the Supreme Court.

- (5) The central office of the Supreme Court shall comprise and shall be deemed always to have comprised the officers and persons employed in the Court of Criminal Appeal.

11 Office of Accountant-General

- (1) There shall be an Accountant-General of the Supreme Court, and all powers and duties which under the Court of Chancery (Funds) Act, 1872, or any Act amending that Act, may be exercised or are to be performed by the Paymaster-General shall become powers and duties of the Accountant-General, and references to the Paymaster-General in those Acts or in any rules made under or for the purposes of those Acts before the commencement of this Act shall be construed as references to the Accountant-General.
- (2) All money, securities and other property vested in the Paymaster-General for or on behalf of the Supreme Court at the commencement of this Act shall, by virtue of this Act and without any transfer or assignment, become vested in the Accountant-General.
- (3) The Clerk of the Crown shall be the Accountant-General.
- (4) The office of the Accountant-General shall be an office of the Supreme Court.

12 Amendment as to preparation of annual accounts of Supreme Court

Section twenty-eight of the Supreme Court of Judicature Act, 1875, which requires the Treasury to prepare annually an account of the receipts and expenditure in respect of the High Court and the Court of Appeal, and of certain other matters, shall have effect as though for the words " the Treasury shall cause to be prepared annually an account," and for the words " make " such returns and give such information as the Treasury " may from time to time require for the purpose of " enabling them to make out the said account," there were respectively substituted the words " the Lord Chancellor shall cause to be prepared annually an account, " and the words " make such returns and give such information as " the Lord Chancellor may from time to time require for " the purpose of enabling him to make out the said " account."

13 Accounts of funds in court

- (1) Accounts in such form as the Treasury may direct, including all such accounts as may be necessary for carrying into effect the orders of the High Court, shall be kept for the purposes of the Court of Chancery (Funds) Act, 1872, as amended by the Supreme Court of Judicature (Funds, &c.) Act, 1883, and this Act, and separate accounts shall be kept for the transactions under those Acts of the Accountant-General of the Supreme Court and of the National Debt Commissioners and of the liability of the Consolidated Fund under those Acts.

The accounts to be kept as aforesaid shall be examined by the Comptroller and Auditor-General, and the Treasury shall cause copies of the accounts certified by the Comptroller and Auditor-General, together with his report thereon, to be sent to the Lord Chancellor and to be laid before both Houses of Parliament.

- (2) The following paragraph shall be substituted for paragraph (9) of section eighteen of the Court of Chancery (Funds) Act, 1872 (which gives power to the Lord Chancellor, with the concurrence of the Treasury, to make rules for carrying that Act into effect) :—

“(9) Dealing with—

- (a) accounts on which the balance of money and securities together amounts to less than five pounds;
 - (b) accounts on which that balance amounts to five pounds or more, but less than fifty pounds, and which have not been dealt with for a period of five years;
 - (c) accounts on which that balance amounts to fifty pounds or more and which have not been dealt with for a period of fifteen years;
- and providing for the publication of lists of all or any of such last-mentioned accounts.”

14 Distribution of business in High Court, 15. Rules of Supreme Court

- (1) The Lord Chancellor may, if at any time it appears to him desirable so to do with a view to the more convenient administration of justice, by order direct that any jurisdiction vested in the High Court in respect of any matter which by any enactment or any rule or order made under any enactment is assigned to any Division shall, notwithstanding that enactment, rule or order, be assigned to such other Division as may be specified in the order and shall be exercised either by any special judge or judges or by all the judges of that other Division:

Provided that an order shall not be made under this subsection except with the concurrence both of the president of the Division to which the jurisdiction is at the time assigned and of the president of the Division to which the jurisdiction is to be transferred.

- (2) Where under any enactment a right of appeal to the High Court or to any Division is given from decisions given by county courts in pursuance of the jurisdiction vested in county courts in respect of any matter, the Lord Chancellor may, notwithstanding anything in any enactment, by order direct to which Division the appeal shall lie.

15 (1) Rules of court may be made under the Judicature Acts, 1873 to 1910, for the following purposes:—

- (a) For regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the Court of Appeal and the High Court respectively in all causes and matters whatsoever in or with respect to which those courts respectively have for the time being jurisdiction (including the procedure and practice to be followed in the offices of the Supreme Court and in district registries), and any matters incidental to or relating to any such procedure or practice, including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any applications which under this or any other Act are to be made to the Court of Appeal or to the High Court shall be made:
- (b) For regulating and prescribing the procedure on appeals from any court or person to the Court of Appeal or the High Court, and the procedure in connection with the transfer of proceedings from any inferior court to the High Court or from the High Court to any inferior court:
- (c) For regulating the sittings of the Court of Appeal and the High Court, of the divisional courts of the High Court, and of the judges of the High Court whether sitting in court or in chambers:
- (d) For prescribing what part of the business which may be transacted and of the jurisdiction which may be exercised by judges of the High Court in chambers

may be transacted or exercised by masters of the Supreme Court, registrars of the Probate Division, or other officers of the Supreme Court:

- (e) For regulating any matters relating to the costs of proceedings in the Court of Appeal or the High Court:
 - (f) For regulating and prescribing the procedure and practice to be followed in the Court of Appeal or the High Court in cases in which the procedure or practice is regulated by enactments in force at the commencement of this Act (including so much of any of the Acts set out in the Second Schedule to this Act as is specified in the third column of that Schedule):
 - (g) For repealing any enactments which relate to matters with respect to which rules are made under this section;
 - (h) For regulating or making provision with respect to any other matters which are regulated or with respect to which provision is made by the rules of the Supreme Court in force at the commencement of this Act, or by any rules or regulations so in force with respect to practice and procedure in matrimonial causes or with respect to applications and proceedings under the Legitimacy Declaration Act, 1858.
- (2) No rule of the Supreme Court which may involve an increase of expenditure out of public funds shall be made except with the concurrence of the Treasury, but the validity of a rule of the Supreme Court shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred in the making thereof.
- (3) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules) shall not apply to rules of the Supreme Court.
- (4) All rules of court made before the commencement of this Act under enactments repealed by this Act, and all rules and regulations with respect to practice and procedure in matrimonial causes or with respect to applications and proceedings under the Legitimacy Declaration Act, 1858, made before the commencement of this Act under section fifty-three of the Matrimonial Causes Act, 1857, or under that section as applied by section four of the Legitimacy Declaration Act, 1858, shall, notwithstanding the repeal of enactments effected by this Act, continue in force and shall have effect as if made under this section.
- (5) Nothing in this section shall affect the power conferred by section two hundred and thirty-seven of the Companies (Consolidation) Act, 1908, or by section one hundred and thirty-two of the Bankruptcy Act, 1914, of making general rules for carrying into effect the objects of those Acts respectively, or the power conferred on the President by section thirty of the Court of Probate Act, 1857, as applied by section eighteen of the Supreme Court of Judicature Act, 1875, of making rules and orders with respect to the practice and procedure in non-contentious probate business, and the power to make rules of court under this section shall not extend to the matters with respect to which rules or orders may be made by virtue of the enactments mentioned in this subsection.

16 Provision as to fixing of fees to be taken in Supreme Court

Any enactment authorising the making of rules of court for imposing or fixing the amount of any fees to be taken in connection with proceedings in the Supreme Court shall cease to have effect, and provision for imposing or fixing the amount of the fees

to which any such enactment relates may be made by means of orders under section twenty-six of the Supreme Court of Judicature Act, 1875 :

Provided that nothing in this section shall—

- (1) apply to the fees to be taken in connection with non-contentious probate business; or
- (2) affect the validity of any such rule of court made before the commencement of this Act, and any such rule shall have effect as if it were an order made under the said section twenty-six.

17 Scheme for establishment of district probate registries

- (1) Subject as hereinafter provided in this section, the provisions of section thirteen of the Court of Probate Act, 1857, and Schedule A to that Act (which make provision with respect to the establishment of district probate registries) shall cease to have effect, and district probate registries shall be established at the places mentioned in, and otherwise in accordance with, the Scheme set out in the Third Schedule to this Act.
- (2) In the case of a district probate registry to be established at a place at which there is no district probate registry at the commencement of this Act, the registry shall be established at such date as the President may, with the concurrence of the Lord Chancellor, determine, and no district probate registry established by the said section thirteen shall be discontinued until such date as may be so determined.
- (3) The President may from time to time, with the concurrence of the Lord Chancellor and the Treasury, by order modify or vary the said Third Schedule :

Provided that, before any order is made under this subsection, a draft thereof shall be laid before both Houses of Parliament, and the order shall not be made unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, and on the draft being so approved the order may be made in the form of the draft as approved.

- (4) His Majesty may by Order in Council make such adaptations of any enactments as may appear to Him; to be, rendered necessary or expedient by reason of the provisions of this section.

18 Extension of power to make grants of probate and administration in district probate registries

- (1) The power of a district probate registrar to grant probate of a will or letters of administration may be exercised whether the testator or intestate, as the case may be, had or had not at the time of his death a fixed place of abode Within the district of the registry, and accordingly the words " if it shall appear by affidavit of " the person or some or one of the persons applying for " the same that the testator or intestate, as the case may " be, at the time of his death had a fixed place of abode " within the district in which the application is made, " such place of abode being stated in the affidavit," in section forty-six of the Court of Probate Act, 1857, shall cease to have effect.
- (2) Notwithstanding anything in section sixty-three of the Court of Probate Act, 1857, it shall not be necessary to give notice of a caveat entered in the principal registry to the district probate registrar of the district, if any, in which it is alleged that the deceased resided at the time of his death unless the registrar of the principal registry thinks it expedient so to do.

- (3) The provisions of this section shall have effect subject to such rules and orders as may be made by the President in pursuance of section thirty of the Court of Probate Act, 1857, and shall come into operation on such date as the President, with the concurrence of the Lord Chancellor, may direct.

County Courts

19 Trial with jury in county courts and other inferior courts of civil jurisdiction

- (1) The following provisions shall have effect in relation to the trial of actions in a county court or any, other inferior court of civil jurisdiction :—
- (a) In actions within the equity jurisdiction of the court, and in actions in which the amount claimed does not exceed five pounds, the trial shall, unless otherwise ordered by the court, be without a jury:
 - (b) Any action, not being an action to which paragraph (a) of this subsection applies, in which there is a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage, shall, if any party thereto so requires, be tried with a jury:
 - (c) Any action, not being an action to which paragraph (a) or paragraph (b) of this subsection applies, shall, if any party thereto so requires, be tried with a jury, unless the court is satisfied on an application made by any party thereto that the action is more fit to be tried without a jury.
- (2) In this section the expression " action " includes any matter or other proceeding requiring to be tried, and the expression " equity jurisdiction" in relation to a county court means the equity jurisdiction given to county courts by section sixty-seven of the County Courts Act, 1888.

20 Amendment of s. 11 of County Courts Act, 1919

The following proviso shall be substituted for proviso (ii) to subsection (1) of section eleven of the County Courts Act, 1919 (which relates to costs of actions, Commenced in the High Court which could have been commenced in a county court)—

“(ii) if in any action the claim is for a debt or liquidated demand only for a sum of twenty pounds or upwards and—

- (a) the defendant pays the amount claimed or a sum of not less than twenty pounds within the time limited in that behalf by the endorsement made on the writ in accordance with the rules of the Supreme Court; or
- (b) the plaintiff, within twenty-eight days after the service of the writ or within such further time as may be allowed by the court or a judge, obtains judgment in default of appearance or of defence for a sum of twenty pounds or upwards; or
- (c) the plaintiff, within twenty-eight days after the service of the writ or within such further time as may be allowed by the court or a judge, obtains under any rule of the Supreme Court providing for summary judgment without trial an order empowering him to sign judgment for a sum of twenty pounds or upwards,

either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor;
the plaintiff shall, unless otherwise ordered by the court or a judge, be entitled to costs on such scale as may be prescribed by rules of court."

21 Transfer to county court of money recovered in High Court by infants, and c

- (1) Where in any cause or matter in the King's Bench Division or in an Admiralty action in the Probate Division money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an infant or of unsound mind, the High Court or a judge may order the money or any part thereof to be paid into or transferred to the county court of the district in which that person resides or such other county court as the High Court or judge may order, and the money or the part thereof to which the order relates shall thereupon be paid or transferred accordingly, and shall, subject to any special order or direction of the High Court or a judge and to county court rules, be invested, applied or otherwise dealt with for the benefit of that person in such manner as the county court in its discretion thinks fit.
- (2) The provisions of this section shall apply to money which in proceedings under the Fatal Accidents Acts, 1846 to 1908, is recovered by or adjudged or ordered to be paid to the widow of the person killed as they apply to money recovered by or adjudged or ordered to be paid to an infant.
- (3) The Lord Chancellor may, with the concurrence of the Treasury, by order prescribe the fees to be charged in respect of the payment and investment of money or the application thereof or dealing therewith under this section.
- (4) Where before the commencement of this Act money recovered in any cause or matter in the King's Bench Division by or on behalf of a person who is an infant or of unsound mind has been paid to the Public Trustee, it shall be lawful for the Public Trustee to pay that money, or so much of it as remains in his possession into the county court of the district in which that person resides, and money so transferred shall be invested, applied or dealt with in the same manner as if it had been paid into the county court under subsection (1) of this section.
- (5) County court rules may be made for the purpose of carrying into effect the provisions of this section so far as they relate to the receipt of money into county courts and the investment thereof or application thereof or dealing therewith and the duties of registrars of county courts, and any such rules may provide for the transfer of money paid into a county court under this section or the investment representing any such money from one county court to another.

Miscellaneous

22 Registration of deeds of arrangement

- (1) The office for the registration of deeds of arrangement under the Deeds of Arrangement Act, 1914 (in this section referred to as "the Act of 1914"), shall be transferred to the Board of Trade, and the registrar for the purposes of the Act of 1914 shall be appointed by the Board of Trade, and references in that Act to the registrar of bills of sale or to the registrar for the purposes of that Act shall be construed as references to the registrar so appointed.

- (2) Subsection (1) of section five of the Act of 1914 (which provides that a copy of every deed to be registered shall be presented to the registrar) shall have effect as if it provided that there shall be presented to the registrar such number of copies of the deed and of every schedule or inventory annexed thereto or referred to therein as he may deem to be necessary for the purpose of carrying out the requirements of the Act of 1914 as amended by this section.
- (3) Paragraph (c) of section six of the Act of 1914 (which provides that a short statement of the nature and effect of the deed shall be entered in the register) shall cease to have effect.
- (4) Subsection (2) of section twenty-six of the Act of 1914 (which provides that section twenty-six of the Supreme Court of Judicature Act, 1875, as amended by any subsequent enactment, shall apply to fees under the Act of 1914), shall apply only to fees to be taken in the Supreme Court in respect of matters arising under the Act of 1914 as amended by this section, and all other fees whatsoever to be taken under the Act of 1914 shall be prescribed by order made by the Lord Chancellor with the concurrence of the Treasury and not otherwise, and all such other fees shall be paid into such account as the Treasury may direct.
- (5) Subject to the provisions of subsection (4) of this section, rules for carrying into effect the provisions of the Act of 1914, as amended by this section, other than the provisions of section seven thereof, may be made by the Lord Chancellor with the concurrence of the President of the Board of Trade, and, subject as aforesaid, the expression "prescribed" in the Act of 1914 shall mean prescribed by rules made under this subsection.
- (6) This section shall be construed as one with the Act of 1914.

23 Local registration of bills of sale under Bills of Sale Acts, 1878 and 1882

- (1) Section eleven of the Bills of Sale Act (1878) Amendment Act, 1882 (which makes provision for the local registration of the contents of bills of sale), shall have effect as if it required the registrar of bills of sale to transmit to county court registrars copies of the bills instead of abstracts of the contents of the bills, and references in that section to the abstract transmitted and the abstract registered shall be construed accordingly.
- (2) Section ten of the Bills of Sale Act, 1878, shall have effect as though it required the presentation to the registrar on the registration of a bill of sale, in addition to the copy of the bill of sale mentioned in paragraph (2) of that section, of such number of copies of the bill and every schedule and inventory annexed thereto as the registrar may deem to be necessary for the purpose of carrying out the requirements of the said section eleven as amended by this section.

24 Administration bonds

- (1) Every person to whom a grant of administration is made shall give a bond (in this section referred to as "an administration bond") to the senior registrar of the Probate Division by the name of "the principal probate registrar," and, subject to the provisions of this section, if the principal probate registrar, or, where the grant was made in a district registry, the district probate registrar, so requires, with one or more sureties conditioned for duly collecting, getting in, and administering the real and personal estate of the deceased.

- (2) The principal, probate registrar for the time being shall have power to enforce any administration bond or to assign it in accordance with the provisions of this section to some other person.
- (3) An administration bond shall be in such form as may be directed by rules and orders made under section thirty of the Court of Probate Act, 1857.
- (4) Where it appears to the satisfaction of the court or a judge that the condition of an administration bond has been broken, the court or judge may, on an application in that behalf, order that the bond shall be assigned to such person as may be specified in the order, and the person to Whom the bond is assigned in pursuance of the order shall be entitled to sue thereon in his own name as if it had been originally given to him instead of to the principal probate registrar, and to recover, thereon as trustee for all persons interested the full amount recoverable in respect of the breach of the condition thereof,
- (5) Without prejudice to any proceedings instituted before the date of the commencement of this Act, any administration bond given before that date under any enactment repealed by this Act, or which is to be enforceable as if it had been given under any such enactment, may be enforced or assigned as if it had been given to the principal probate registrar under this section.
- (6) Nothing in this section shall require the Solicitor for the affairs of His Majesty's Treasury, when applying for or obtaining administration for the use or benefit of His Majesty, to give an administration bond.
- (7) Rules and orders may be made under section thirty of the Court of Probate Act, 1857, for providing that sureties to administration bonds shall not be required when the grant is made to a trust corporation within the meaning of the Law of Property Act, 1922, or to two or more individuals, or in any other proper case.
- (8) The provisions of this section shall apply to any bond to be given by a receiver of real estate under section twenty-one of the Court of Probate Act, 1858, as they apply to an administration bond.

25 Enrolment and engrossment of instruments

- (1) Any instrument which is required or authorised under or in pursuance of the provisions of any enactment to be enrolled or engrossed or enrolled and engrossed in any manner in the Supreme Court shall be deemed to have been duly enrolled, engrossed, or enrolled and engrossed in accordance with those provisions if it is written on such material and has been filed or otherwise preserved in such manner as the Master of the Rolls may by order direct.
- (2) The power of the Master of the Rolls to prescribe the fees to be paid on the enrolment and filing of deeds under section twenty of the Administration of Justice Act, 1920, shall be exercised by him subject to the concurrence of the Treasury.

26 Provision for facilitating production of documents filed in or in custody of central office

- (1) Rules may be made under this section for providing that, in any case where a document filed in or in the custody of any department of the central office of the Supreme Court is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than at the Royal Courts of Justice, it shall not be necessary for

an officer of the department, whether served with a subpoena in that behalf or not, to attend for the purpose of producing the document, and that the document may be produced to the court or tribunal by sending it by registered post, together with a certificate in the form prescribed by the rules to the effect that the document has been filed in, or is in the custody of, the department, to such judge or officer of the court as may be so prescribed, and any such certificate shall be prima facie evidence of the facts stated therein.

- (2) Rules made under this section may contain provisions for securing the safe custody and return to the proper department of the central office of any document sent to a court or tribunal in pursuance of the rules, and such other provisions as appear to the rule-making authority necessary or expedient for carrying this section into effect.
- (3) Rules for the purposes of this section may be made by the Lord Chancellor, the Lord Chief Justice and the Senior Master of the Supreme Court (King's Bench Division), and all such rules shall be laid before Parliament.

27 Repeal of certain obsolete enactments relating to administration of justice

Whereas the enactments set out in the Fourth Schedule to this Act have to the extent specified in the third column of that Schedule by lapse of time or otherwise become unnecessary or obsolete, and it is desirable that they should, with a view to the consolidation of the enactments relating to the Supreme Court, be forthwith repealed:

Now, therefore, the enactments aforesaid shall be repealed to the extent specified as aforesaid.

28 Power to revoke and vary orders

Any order made under this Act by the Lord Chancellor, the Lord Chief Justice or the President may at any time be revoked, varied or amended by a subsequent order made under this Act by the Lord Chancellor, the Lord Chief Justice or the President, as the case may be.

29 Short title, interpretation, extent, repeal and commencement

- (1) This Act may be cited as the Administration of Justice Act, 1925.
- (2) In this Act unless the context otherwise requires—
 - The expression " Division " means Division of the High Court:
 - The expression " Probate Division " means Probate, Divorce and Admiralty Division :
 - The expression " Lord Chief Justice " means Lord Chief Justice of England:
 - The expression " President " means President of the Probate Division:
 - The expression " solicitor " means solicitor of the Supreme Court.
- (3) This Act shall not extend to Scotland or Northern Ireland.
- (4) The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) This Act shall, save as therein otherwise expressly provided, come into operation on the first day of October, nineteen hundred and twenty-five.

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

SCHEDULES.

FIRST SCHEDULE

Section 6.

QUALIFICATIONS FOR CERTAIN OFFICES SUPREME COURT

Office.	Persona qualified for appointment.
1. Permanent Secretary to the Lord Chancellor and Clerk of the Crown.	1.— (i) A practising barrister of not less than ten years' standing; or , (ii) A barrister of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed in some legal capacity under the State, or who has during part of that period been employed in such a capacity and during the remainder of that period been in practice as a barrister.
2. Master, King's Bench Division (including the King's Coroner and Attorney and Master of the Crown Office).	2.— (i) A practising barrister of not less than ten years' standing; or (ii) An official referee ; or (iii) A master in lunacy.
3. Official Referee	3.— (i) A practising barrister of not less than ten years' standing; or (ii) A master, King's Bench Division; or (iii) A master in lunacy.
4 Master in Lunacy	4.— (i) A practising barrister of not less than ten years' standing ; or (ii) A master, King's Bench Division; or (iii) An official referee.
5. Registrar in Bankruptcy of the High Court.	5.—A practising barrister or practising solicitor of not less than ten years' standing.
6. Master, Chancery Division.	6.— (i) A practising solicitor of not less than ten years' standing ; or

For the purposes of this Schedule, any persons who, having been called to the bar or admitted as solicitors before the fourth day of August, nineteen hundred and fourteen, have practised as barristers or solicitors for a period of, or periods amounting in the aggregate to, not less than ten years shall, if they served in His Majesty's Forces in the late war, be deemed to be practising barristers and practising solicitors respectively.

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

Office.	Persona qualified for appointment.
7. Master, Taxing Office.	<p>(ii) A master, Taxing Office, provided he has been a practising solicitor of not less than ten years' standing ; or</p> <p>(iii) The official solicitor to the Supreme Court, provided he has been a practising solicitor of not less than ten years' standing.</p> <p>7.—</p> <p>(i) A practising solicitor of not less than ten years' standing ; or</p> <p>(ii) An admitted solicitor of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed as deputy or assistant master or as deputy or assistant to the official solicitor or as a clerk in the offices of the Royal Courts of Justice, or who has during part of that period been employed as such deputy or assistant or clerk and during the remainder of that period been in practice as a solicitor, provided that there shall at no time be more than one taxing master who shall have been appointed by virtue of the qualification specified in this paragraph ; or</p> <p>(iii) A master, Chancery Division; or</p> <p>(iv) The official solicitor to the Supreme Court, provided he has been a practicing solicitor of not less than ten years' standing.</p>
8. Legal Visitor in Lunacy.	8. A practising barrister or practising solicitor of not less than ten years' , standing.
9. Official Solicitor to the Supreme Court.	<p>9.—</p> <p>(i) A practising solicitor of not less than ten years' standing; or</p> <p>(ii) An admitted solicitor .of not less than ten years' standing who has during the ten years immediately preceding his appointment been employed as deputy or assistant master or as deputy or assistant to the official solicitor or as a clerk in the offices of the Royal Courts of Justice, or who has during part of that period been employed as such deputy or assistant or clerk and</p>

For the purposes of this Schedule, any persons who, having been called to the bar or admitted as solicitors before the fourth day of August, nineteen hundred and fourteen, have practised as barristers or solicitors for a period of, or periods amounting in the aggregate to, not less than ten years shall, if they served in His Majesty's Forces in the late war, be deemed to be practising barristers and practising solicitors respectively.

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

Office.

Persona qualified for appointment during the remainder of that period been in practice as a solicitor; or
 (iii) A master, Chancery Division ; or
 (iv) A master, Taxing Office.

For the purposes of this Schedule, any persons who, having been called to the bar or admitted as solicitors before the fourth day of August, nineteen hundred and fourteen, have practised as barristers or solicitors for a period of, or periods amounting in the aggregate to, not less than ten years shall, if they served in His Majesty's Forces in the late war, be deemed to be practising barristers and practising solicitors respectively.

SECOND SCHEDULE

Section 15.

ENACTMENTS CONTAINING AND REGULATING MATTERS WITH RESPECT TO WHICH RULES OF COURT THAT BE MADE

Session and Chapter.	Title or Short Title.	Enactments affected.
4 Will. & Mar. c. 18.	An Act to prevent malicious informations in the Court of King's Bench.	The whole Act so far as unrepealed.
8 & 9 Will. 3. c. 11.	An Act for the better preventing of frivolous and vexatious suits.	The whole Act so far as unrepealed.
4 & 5 Anne c. 3.	An Act for the Amendment of the Law and the better Advancement of Justice.	Sections twelve and thirteen.
7 Geo. 2. c. 20	The Mortgage Act, 1733.	The whole Act.
39 & 40 Geo. 3. c. 36.	The Transfer of Stock Act, 1800.	The whole Act so far as unrepealed.
10 Geo. 4. c. 13.	The Court Funds Act, 1829.	The whole Act so far as unrepealed.
11 Geo. 4. & 1 Will 4. c. 36.	The Contempt of Court Act, 1830.	The whole Act so far as unrepealed.
2 & 3 Will. 4. c. 58.	The Contempt of Court Act, 1832.	The whole Act so far as unrepealed.
3 & 4 Will. 4. c. 42.	The Civil Procedure Act, 1833.	Sections sixteen and eighteen.
1 & 2 Vict. c. 110.	The Judgments Act, 1838.	Sections fourteen and fifteen.
3 & 4 Vict. c. 65.	The Admiralty Court Act, 1840.	Sections seven, eight, and nine.
3 & 4 Vict. c. 82.	The Judgments Act, 1840.	The whole Act so far as unrepealed.
5 Vict. c. 5.	The Court of Chancery Act, 1841.	Section four.

Session and Chapter.	Title or Short Title.	Enactments affected.
5 & 6 Vict. c. 86.	The Exchequer Court Act, 1842.	The whole Act so far as unrepealed.
5 & 6 Vict. c. 97.	The Limitations of Actions and Costs Act, 1842.	Sections four and five.
12 & 13 Vict. c. 109.	The Petty Bag Act, 1849.	The whole Act so far as unrepealed.
15 & 16 Vict. c. 76.	The Common- Law Procedure Act, 1852.	Sections one hundred and twenty-six, one hundred and twenty-seven, one hundred and thirty-two, two hundred and ten to two hundred and fourteen, and two hundred and seventeen to two hundred and twenty.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections twenty-four, twenty-six and thirty-one.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-nine, forty-one to forty-four, forty six, and forty-nine.
21 & 22 Vict. c. 93.	The Legitimacy Declaration Act, 1858.	Section three.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Section twenty-three.
21 & 22 Vict. c. 108.	The Matrimonial Causes Act, 1858.	Section thirteen.
23 & 24 Vict. c. 126.	The Common Law Procedure Act, 1860.	Section seventeen.
23 & 24 Vict. c. 149.	The Court of Chancery Act, 1860.	Sections two, three, five, and six.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Sections sixteen, eighteen, twenty-five, twenty-six, twenty-eight, thirty-three, and thirty-four.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	Sections forty-six, sixty-four and sixty-six.

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

THIRD SCHEDULE

Section 17.

SCHEME FOR ESTABLISHMENT OF DISTRICT PROBATE REGISTRIES

Group.	Registries.	Sub-registries.
1	Newcastle Durham Carlisle	
2	Leeds Sheffield York	
3	Manchester	
4	Liverpool Lancaster	
5	Chester	{ Bangor. { Shrewsbury.
6	Lincoln Nottingham Leicester	Derby.
7	Peterborough Norwich Ipswich	
8	Birmingham Oxford	Northampton.
9	Cardiff	{ Hereford. { Gloucester. { Carmarthen,
10	Bristol Exeter	Bodmin.
11	Southampton Lewes	Salisbury.

NOTES.

1. The place first mentioned in the second column of the foregoing Table in relation to each group shall be the chief registry of the group, and the registrar of that place shall by virtue of his office be the registrar of the other registries and of any sub-registries in the group.
2. If the President, with the concurrence of the Lord Chancellor and the Treasury and after consultation with the council of the borough of Cardiff, thinks fit so to direct, Llandaff shall be substituted for Cardiff as the chief registry of Group 9.
3. In addition to the places mentioned in the third column of the said Table, there shall be a district probate sub-registry at Canterbury which shall be under the management of the principal probate registry.

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

FOURTH SCHEDULE

Section 27.

OBSOLETE ENACTMENTS

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 Eliz. c. 2	An Acte whereby the Defendant maye recover his Costes beinge wrongfully vexed.	The whole Act.
34 Geo. 3 c. 58.	The Lancaster Palatine Courts Act, 1794.	The whole Act.
7 Will. 4 & 1 Vict. c. 30.	The Superior Courts (Officers) Act, 1837.	Section nineteen.
3 & 4 Vict. c. 65.	The Admiralty Court Act, 1840.	Sections twenty and twenty-one.
5 & 6 Vict. c. 103.	The Court of Chancery Act, 1842.	In section eleven the words from " and every solicitor " to the end of the section.
15 & 16 Vict. c. 73.	The Common Law Courts Act, 1852.	Section twenty-six.
15 & 16 Vict. c. 80.	The Court of Chancery Act, 1852	Sections nineteen, twenty and , twenty-three.
15 & 16 Vict. c. 87.	The Court of Chancery Act, 1852.	Sections three and four.
20 & 21 Vict. c 77.	The Court of Probate Act, 1857.	Sections eighty-eight and ninety-four.
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-seven, thirty-eight, and forty.
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Sections seventeen and twenty-eight.
21 & 22 Vict. . c. 108.	The Matrimonial Causes Act, 1858.	Sections five and fourteen.
23 & 24 Vict. c. 149.	The Court of Chancery Act, 1860.	Section nine.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Sections thirteen, twenty-one, twenty-three, and thirty.
30 & 31 Vict. c. 87.	The Court of Chancery (Officers) Act, 1867.	The whole Act.
32 & 33 Vict. c. 89.	The Clerks of Assize, &c, Act, 1869.	Paragraph (2) of section three.
32 & 33.Vict. c. 91.	The Courts of Justice (Salaries and Funds) Act, 1869.	Section eight.

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

Session and Chapter.	Title or Short Title.	Extent of Repeal.
35 & 36 Vict. c. 44.	The Court of Chancery (Funds) Act, 1872.	Section twenty-five.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	In section twenty-nine the words from " and subject to any restrictions" to the end of the section, in section thirty-two the words from "and such Order" to the words " and patronage but," in section thirty-three the words from " every document " to the end of the section, section forty-four, in section fifty-two the words " or a Divisional Court thereof," and in section eighty-four the words from the beginning of the section to the words " from time to time determine,"
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	In paragraph 1 of section twenty-three the words from " and in particular" to the words " any of them."
42 & 43 Vict. c. 78.	The Supreme Court of Judicature (Officers) Act, 1879.	In section ten the words' " or has practised for five " years as a special pleader " or as a special pleader and " barrister," and sections sixteen and twenty-six.
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	Section eleven.
53 & 54 Vict. c. 44.	The Supreme Court of Judicature Act, 1890.	Section two.
54 & 55 Vict. c. 14.	The Supreme Court of Judicature (London Causes) Act, 1891.	The whole Act.

FIFTH SCHEDULE

Section 29.

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
7 Will. 4 and 1 Vict. c. 30.	The Superior Courts (Officers) Act, 1837.	Section thirteen.

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

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict. c. 65.	The Admiralty Court Act, 1840.	Section eighteen.
5 & 6 Vict. c. 103.	The Court of Chancery Act, 1842.	Section six.
15 & 16 Vict. c. 80.	The Court of Chancery Act, 1852.	Sections seventeen and twenty-one.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections nineteen and eighty-one, and, as from the date on which section eighteen of this Act comes into operation, in section forty-six the words from " if it shall appear," to " stated in the affidavit," section forty-seven, and in section forty-nine the words " and the " place of his abode at his " decease as stated in the " affidavit made in support " of such application."
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Sections thirty-six, fifty-three, fifty-four and sixty-seven.
21 & 22 Vict. c. 93.	The Legitimacy Declaration Act, 1858.	In section four the words from " and the powers" to the words " before the court."
21 & 22 Vict. c. 95.	The Court of Probate Act, 1858.	Section fifteen, in section twenty-one the words from " and the Court " to the end of the section and, as from the date on which section eighteen of this Act comes into operation, in section twenty the words from ";" and " for and in respect of," to the end of the section.
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	In section twenty-seven, the words " or deputy."
32 & 33 Vict. c. 91.	The Courts of Justice (Salaries and Funds) Act, 1869.	Section fourteen so far as it relates to officers of the Supreme Court.
35 & 36 Vict. c. 44.	The Court of Chancery (Funds) Act, 1872.	In section eight the words from " and shall " to the end of the section, the first paragraph of section nineteen, and section twenty.

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

Session and Chapter.	Short Title.	Extent of Repeal.
36 & 37 Vict. c. 66.	The Supreme Court of Judicature Act, 1873.	Section eight, in paragraph (2) of section thirty-four the words "except appeals from county " courts," in section sixty the words from "and Her Majesty" to the end of that section, in section eighty-three the words " and the qualifications," and in section eighty-four the words from " any " officer of the Supreme " Court "to " order of " removal."
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	Sections thirteen, seventeen, eighteen, twenty-two and twenty-four.
39 & 40 Vict. c. 59.	The Appellate Jurisdiction Act 1876.	Section sixteen, in section seventeen the words from " and rules of court for " to the end of the section and section twenty-two.
42 & 43 Vict. c. 78.	The Supreme Court of Judicature (Officers) Act, 1879.	Subsection (4) of section nine, sections ten, eleven, thirteen, eighteen and twenty-two.
44 & 45 Vict. c. 59.	The Statute Law Revision and Civil Procedure Act, 1881,	In section six the words from " matters with respect" to the words " and to all."
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	Section twenty-two.
46 & 47 Vict. c. 29.	The Supreme Court of Judicature (Funds, etc.) Act, 1883.	Subsection (2) of section four.
46 & 47 Vict. c. 49.	The Statute Law Revision and Civil Procedure Act, 1883.	Section six.
47 & 48 Vict. c. 20.	The Greek Marriages Act, 1884.	In section one the words from "or with such rules" to the end of the section.
47 & 48 Vict. c. 61.	The Supreme Court of Judicature Act, 1884.	Section twenty-three.
52 & 53 Vict. c. 49.	The Arbitration Act, 1889.	Section twenty-one.
53 & 54 Vict. c. 5.	The Lunacy Act, 1890	In subsection (3) of section one hundred and eleven the words "must be a barrister

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

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 44.	The Supreme Court of Judicature Act, 1890.	" of not less than ten years' " standing and" and in subsection (5) of that section the words " number and," and in subsection (2) of section one hundred and sixty-three the words " being a barrister of not less than live years' standing."
57 & 58 Vict. c. 16.	The Supreme Court of Judicature (Procedure) Act, 1894.	Section three.
58 & 59 Vict. c. 39.	The Summary Jurisdiction (Married Women) Act, 1895.	Section five and the Schedule.
8 Edw. 7.c. 47.	The Lunacy Act, 1908	In section eleven the words from " rules of court " to the end of the section.
8 Edw. 7.c. 69.	The Companies (Consolidation) Act, 1908.	Section four.
4 & 5 Geo. 5. c. 47.	The Deeds of Arrangement Act, 1914.	In subsection (1) of section two hundred and thirty-eight, the words " and fees" so far as they relate to the High Court.
9 & 10 Geo. 5 c. 26.	The Grant of Administration (Bonds) Act, 1919.	Section four, in subsection (1) of section five the words from " in like manner" to the words "to be filed," paragraph (c) of section six, in subsection (4) of section thirteen the words from " and the " to the end of the section, in section twenty-seven the words from "and for the purposes" to the end of the section, section twenty-eight, in section twenty-nine the words from " but this " to the end of the section, and in section thirty the interpretation of "prescribed."
10 & 11 Geo.5. c. 81.	The Administration of Justice Act, 1920.	The whole Act,
		Section two, subsection (1) of section three, and section eighteen.

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

Session and Chapter.	Short Title.	Extent of Repeal.
12 & 13 Geo.5. c. 16.	The Law of Property Act, 1922.	In subsection (9) of section one hundred and fifty-six the words from " and for dispensing " to the end of the subsection.