



Administration of Justice Act 1969

1969 CHAPTER 58

PART I

AMENDMENTS OF COUNTY COURTS ACT 1959

1 Increase of general jurisdiction in contract and tort and in respect of money recoverable by statute

In sections 39 and 40 of the County Courts Act 1959 (in this Part of this Act referred to as " the principal Act") for each reference to five hundred pounds there shall be substituted the words " £750

2 Corresponding increases under other provisions

In the following provisions of the principal Act, that is to say, section 41 (abandonment of part of claim to give court jurisdiction), section 45(2) (transfer of actions of contract or tort from High Court to county court), section 68 (transfer of interpleader proceedings from High Court to county court), section 80 (actions by persons under 21 for payment of remuneration) and section 146 (transfer from High Court of applications to attach debts or levy executions against members of firms), and, in Schedule 1 to that Act, in the entry relating to section 136 of the Law of Property Act 1925, for each reference to five hundred pounds there shall be substituted the words " £750 ".

3 Transfer of certain actions of contract or tort from county court to High Court at defendant's instance

In section 44 of the principal Act, in subsection (1), for the words " forty pounds " there shall be substituted the words " £100 ",
and in subsection (2), for the words from " the amount claimed and the costs of trial" to the end of paragraph (a) there shall be substituted the words " such amount as the registrar may determine, and ".

4 Costs of proceedings commenced in High Court which could have been commenced in county court

- (1) In section 47 of the principal Act (costs of actions of contract or tort commenced in High Court which could have been commenced in county court), in subsection (1).—
- (a) the words " and the action is not referred for trial to an official referee " shall cease to have effect;
 - (b) in paragraph (a), for the reference to four hundred pounds there shall be substituted the words " £500 "; and
 - (c) in paragraph (b), for the words " seventy-five pounds " there shall be substituted the words " £100 ",

and after that subsection there shall be inserted the following subsection:—

“(1A) In relation to an action brought to enforce a right to recover possession of goods, or to enforce such a right and to claim payment of a debt or other demand or damages, subsection (1) of this section shall have effect as if—

- (a) in paragraph (a) of that subsection, for the words 'he recovers a sum less than £500' there were substituted the words ' the aggregate amount recovered by him in the action, including the value of any goods ordered in the action to be delivered to him, is less than £500and
 - (b) in paragraph (b) of that subsection, for the words 'he recovers a sum less than £100' there were substituted the words ' the aggregate amount recovered by him in the action, including the value of any goods ordered in the action to be delivered to him, is less than £100',
- and as if, in the words so substituted, any reference to an order for the delivery of goods to the plaintiff included a reference to an order to deliver goods to the plaintiff or to pay their value to him.”

- (2) Subsection (4) of the said section 47 shall cease to have effect.
- (3) In section 60 of the principal Act (costs of certain Admiralty proceedings commenced in High Court which could have been commenced in county court), in subsection (3), for the words " seventy-five pounds " there shall be substituted the words " £100 ".

5 Increase of jurisdiction in equity and certain related proceedings

In section 52(1) of the principal Act (equity jurisdiction) and in Schedule 1 to that Act (excluding the entry in that Schedule relating to section 136 of the Law of Property Act 1925) for the words " five hundred pounds", in each place where they occur, there shall be substituted the words " £5,000 ", and for the words " thirty pounds ", in each place where they occur, there shall be substituted the words " £300 ".

6 General ancillary jurisdiction

In section 74 of the principal Act the words " in any proceedings before it " shall cease to have effect, and at the end of that section there shall be added the following subsection:—

- “(2) For the purposes of this section it shall be assumed (notwithstanding any enactment to the contrary) that any proceedings which can be commenced in a county court could be commenced in the High Court.”

7 Right of audience

(1) In section 89 of the principal Act, in paragraph (c), for the words " but not a solicitor retained as an advocate by a; solicitor so acting " there shall be substituted the words " (in this paragraph referred to as a ' solicitor on the record '), any solicitor employed by a solicitor on the record, any solicitor engaged as an agent by a solicitor on the record and any solicitor employed by a solicitor so engaged " , and paragraph (i) of the proviso shall be omitted.

(2) At the end of the said section 89 there shall be added the following subsections:—

“(2) Where an action is brought in a county court by a local authority for either or both of the following, that is to say—

- (a) the recovery of possession of a house belonging to the authority;
- (b) the recovery of any rent, mesne profits, damages or other sum claimed by the authority in respect of the occupation by any person of such a house,

then, in so far as the proceedings in the action are heard by the registrar, any officer of the authority authorised by the authority in that behalf, not being a person entitled to address the court by virtue of subsection (1) of this section, may address the registrar as if he were a person so entitled.

(3) In this section ' local authority ' means the council of a county, county borough, London borough or county district, the Greater London Council or the Common Council of the City of London, ' house ' includes a part of a house, a flat or any other dwelling and also includes any yard, garden, outhouse or appurtenance occupied with a house or part of a house or with a flat or other dwelling, and any reference to the occupation of a house by a person includes a reference to anything done by that person, or caused or permitted by him to be done, in relation to the house as occupier of the house, whether under a tenancy or licence or otherwise.”

8 Assessors

In section 91 of the principal Act, at the beginning of subsection (2) there shall be inserted the words " Subject to the next following subsection " , and after that subsection there shall be inserted the following subsection:—

“(2A) For the purpose of assisting the judge in reviewing the taxation by the registrar of the costs of any proceedings, the power conferred by subsection (1) of this section shall be exercisable by the judge without any application being made by any party to the proceedings; and, where one or more assessors are summoned for that purpose otherwise than on the application of a party to the proceedings, the remuneration of any such assessor—

- (a) shall be at such rate as may be determined by the Lord Chancellor with the approval of the Treasury, and
- (b) shall be payable out of moneys provided by Parliament.”

9 County court rules

(1) In section 102 of the principal Act (county court rules), in subsection (3)(c)(iii) (under which county court rules may authorise the registrar, by leave of the judge and in the absence of objection by the parties, to hear and determine actions in which the sum

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claimed or the amount involved does not exceed £30), for the words " thirty pounds " there shall be substituted the words " £75 ".

- (2) For paragraph (d) of subsection (3) of the said section 102 (under which rules may authorise a judge of county courts in certain circumstances to direct that the hearing in proceedings pending in one of his courts shall take place in the court for another district of which he is the judge) there shall be substituted the following paragraph:—

“(d) authorising directions to be given as follows, where the same judge is the judge for two or more districts, that is to say—

(i) authorising the judge to direct that the hearing in proceedings pending in the court for one of those districts, being proceedings which are to be heard and determined by the judge, shall take place in the court for another of those districts, or

(ii) authorising the registrar for one of those districts to direct that the hearing in proceedings pending in the court for the district for which he is the registrar, being proceedings which are to be heard and determined by the judge, shall take place in the court for another of those districts.”

- (3) After paragraph (e) of subsection (3) of the said section 102 there shall be inserted the following paragraph:—

“(f) making, with respect to proceedings in county courts, any provision regarding solicitors of the Supreme Court which could be made by rules of court with respect to proceedings in the High Court”.

10 Power to raise limits of jurisdiction

- (1) For subsection (1) of section 192 of the principal Act (which enables the limits specified in certain provisions of that Act and in section 73(2) of the Solicitors Act 1957 to be raised by Order in Council to an extent specified in that subsection), there shall be substituted the following subsection:—

“(1) If it appears to Her Majesty in Council that a sum specified in any of the enactments mentioned in the next following subsection (as that enactment has effect for the time being, whether by virtue of the Administration of Justice Act 1969 or this subsection or otherwise) should be increased, Her Majesty may by Order in Council, specifying the enactment and the sum in question, direct that the enactment shall be amended so as to substitute for that sum such larger sum as may be specified in the Order.”

- (2) For subsection (2) of the said section 192 (which specifies the enactments in relation to which the power conferred by subsection (1) is exercisable) there shall be substituted the following subsection:—

“(2) The said enactments are—

- (a) sections 39, 40, 41, 44(1), 45, 47, 52, 60(3), 68, 80, 102(3)(c)(iii) and 146 of this Act, and Schedule 1 to this Act except so much of it as relates to sections 146 and 147 of the Law of Property Act 1925 ;
- (b) section 113(3) of the Settled Land Act 1925 ; and
- (c) section 73(2) of the Solicitors Act 1957”.

11 Miscellaneous amendments of principal Act

- (1) In section 36(1) of the principal Act (which provides for the holding of additional courts at places where an office is kept open by the registrar) the words " at which an office is kept open by the registrar " shall cease to have effect.
- (2) Section 46 of the principal Act (transfer from High Court to county court of actions of tort where plaintiff impecunious) shall cease to have effect.
- (3) In sections 31(3) and 84(1) of the principal Act (each of which provides for a fine not exceeding £10) for the words "ten pounds" there shall be substituted the words " £50 ".
- (4) In section 95(4) of the principal Act (under which a person summoned as a juror and failing to attend may forfeit a sum not exceeding £5) for the words " five pounds" there shall be substituted the words " £20 ".

PART II

APPEAL FROM HIGH COURT TO HOUSE OF LORDS

12 Grant of certificate by trial judge

- (1) Where on the application of any of the parties to any proceedings to which this section applies the judge is satisfied—
 - (a) that the relevant conditions are fulfilled in relation to his decision in those proceedings, and
 - (b) that a sufficient case for an appeal to the House of Lords under this Part of this Act has been made out to justify an application for leave to bring such an appeal, and
 - (c) that all the parties to the proceedings consent to the grant of a certificate under this section,the judge, subject to the following provisions of this Part of this Act, may grant a certificate to that effect.
- (2) This section applies to any civil proceedings in the High Court which are either—
 - (a) proceedings before a single judge of the High Court (including a person acting as such a judge under section 3 of the Judicature Act 1925), or
 - (b) proceedings before a commissioner acting under a commission issued under section 70 of the Judicature Act 1925, or
 - (c) proceedings before a Divisional Court.
- (3) Subject to any Order in Council made under the following provisions of this section, for the purposes of this section the relevant conditions, in relation to a decision of the judge in any proceedings, are that a point of law of general public importance is involved in that decision and that that point of law either—
 - (a) relates wholly or mainly to the construction of an enactment or of a statutory instrument, and has been fully argued in the proceedings and fully considered in the judgment of the judge in the proceedings, or
 - (b) is one in respect of which the judge is bound by a decision of the Court of Appeal or of the House of Lords in previous proceedings, and was fully considered in the judgments given by the Court of Appeal or the House of Lords (as the case may be) in those previous proceedings.

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- (4) Any application for a certificate under this section shall be made to the judge immediately after he gives judgment in the proceedings:

Provided that the judge may in any particular case entertain any such application made at any later time before the end of the period of fourteen days beginning with the date on which that judgment is given or such other period as may be prescribed by rules of court.

- (5) No appeal shall lie against the grant or refusal of a certificate under this section.
- (6) Her Majesty may by Order in Council amend subsection (3) of this section by altering, deleting, or substituting one or more new paragraphs for, either or both of paragraphs (a) and (b) of that subsection, or by adding one or more further paragraphs.
- (7) Any Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this Part of this Act " civil proceedings " means any proceedings other than proceedings in a criminal cause or matter, and " the judge", in relation to any proceedings to which this section applies, means the judge or commissioner referred to in paragraph (a) or paragraph (b) of subsection (2) of this section, or the Divisional Court referred to in paragraph (c) of that subsection, as the case may be.

13 Leave to appeal to House of Lords

- (1) Where in any proceedings the judge grants a certificate under section 12 of this Act, then, at any time within one month from the date on which that certificate is granted or such extended time as in any particular case the House of Lords may allow, any of the parties to the proceedings may make an application to the House of Lords under this section.
- (2) Subject to the following provisions of this section, if on such an application it appears to the House of Lords to be expedient to do so, the House may grant leave for an appeal to be brought directly to the House; and where leave is granted under this section—
- (a) no appeal from the decision of the judge to which the certificate relates shall lie to the Court of Appeal, but
 - (b) an appeal shall lie from that decision to the House of Lords.
- (3) Applications under this section shall be determined without a hearing.
- (4) Any order of the House of Lords which provides for applications under this section to be determined by a committee of the House—
- (a) shall direct that the committee shall consist of or include not less than three of the persons designated as Lords of Appeal in accordance with section 5 of the Appellate Jurisdiction Act 1876, and
 - (b) may direct that the decision of the committee on any such application shall be taken on behalf of the House.
- (5) Without prejudice to subsection (2) of this section, no appeal shall lie to the Court of Appeal from a decision of the judge in respect of which a certificate is granted under section 12 of this Act until—
- (a) the time within which an application can be made under this section has expired, and

- (b) where such an application is made, that application has been determined in accordance with the preceding provisions of this section.

14 Appeal where leave granted

In relation to any appeal which lies to the House of Lords by virtue of subsection (2) of section 13 of this Act—

- (a) section 4 of the Appellate Jurisdiction Act 1876 (which provides for the bringing of appeals to the House of Lords by way of petition),
- (b) section 5 of that Act (which regulates the composition of the House for the hearing and determination of appeals), and
- (c) except in so far as those orders otherwise provide, any orders of the House of Lords made with respect to the matters specified in section 11 of that Act (which relates to the procedure on appeals),

shall have effect as they have effect in relation to appeals under that Act.

15 Cases excluded from s. 12

- (1) No certificate shall be granted under section 12 of this Act in respect of a decision of the judge in any proceedings where by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would lie from that decision to the Court of Appeal, with or without the leave of the judge or of the Court of Appeal.
- (2) No certificate shall be granted under section 12 of this Act in respect of a decision of the judge where—
 - (a) the decision is in proceedings other than proceedings under the Matrimonial Causes Act 1965, and
 - (b) by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would (with or without the leave of the Court of Appeal or of the House of Lords) lie from any decision of the Court of Appeal on an appeal from the decision of the judge.
- (3) Where by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would lie to the Court of Appeal from the decision of the judge except with the leave of the judge or of the Court of Appeal, no certificate shall be granted under section 12 of this Act in respect of that decision unless it appears to the judge that apart from the provisions of this Part of this Act it would be a proper case for granting such leave.
- (4) No certificate shall be granted under section 12 of this Act where the decision of the judge, or any order made by him in pursuance of that decision, is made in the exercise of jurisdiction to punish for contempt of court.

16 Application of Part II to Northern Ireland

- (1) In the application of this Part of this Act to Northern Ireland—
 - " the Court of Appeal " means Her Majesty's Court of Appeal in Northern Ireland ;
 - " the High Court " means the High Court of Justice in Northern Ireland;
 - " statutory instrument " includes an instrument made under an enactment of the Parliament of Northern Ireland;

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for the references in section 12(2) to sections 3 and 70 of the Judicature Act 1925 there shall be substituted respectively references to section 5(1) of the Northern Ireland Act 1962 and to sections 29 and 41 of the Supreme Court of Judicature Act (Ireland) 1877 ; and

for the reference in section 15(2)(a) to the Matrimonial Causes Act 1965 there shall be substituted a reference to the Matrimonial Causes Act (Northern Ireland) 1939 or any enactment re-enacting that Act (whether with or without modifications).

- (2) Nothing in this Part of this Act shall affect the operation of—
- (a) any enactment of the Parliament of Northern Ireland having effect after the commencement of this Act by virtue of section 1(8) or section 2(3) of the Northern Ireland Act 1962, or
 - (b) paragraph 6(2) of Schedule 1 to the Irish Free State (Consequential Provisions) Act 1922 (Session 2) (appeals to the Court of Appeal in Northern Ireland where validity of Acts of the Northern Ireland Parliament is involved and an appeal would not otherwise lie).

PART III

POWER TO MAKE WILLS AND CODICILS FOR MENTALLY DISORDERED PERSONS

17 Provision for executing will for patient

- (1) In the Mental Health Act 1959 (in this Part of this Act referred to as " the principal Act"), in section 103(1) (powers of the judge as to patient's property and affairs) the following paragraph shall be inserted after paragraph (d):—
- “(dd) the execution for the patient of a will making any provision (whether by way of disposing of property or exercising a power or otherwise) which could be made by a will executed by the patient if he were not mentally disordered, so however that in such cases as a nominated judge may direct the powers conferred by this paragraph shall not be exercisable except by the Lord Chancellor or a nominated judge ;”.
- (2) At the end of section 103(3) of the principal Act there shall be inserted the words "and the power of the judge to make or give an order, direction or authority for the execution of a will for a patient—
- (a) shall not be exercisable at any time when the patient is an infant, and
 - (b) shall not be exercised unless the judge has reason to believe that the patient is incapable of making a valid will for himself ".

18 Supplementary provisions as to wills executed under s 103(1)(dd)

The following section shall be inserted in the principal Act after section 103:—

- (1) Where under section 103(1) of this Act the judge makes or gives an order, direction or authority requiring or authorising a person (in this section referred to as ' the authorised person ') to execute a will for a patient, any will executed in pursuance of that order, direction or authority shall be expressed to be signed by the patient acting by the authorised person, and shall be—

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- (a) signed by the authorised person with the name of the patient, and with his own name, in the presence of two or more witnesses present at the same time, and
 - (b) attested and subscribed by those witnesses in the presence of the authorised person, and
 - (c) sealed with the official seal of the Court of Protection.
- (2) The Wills Act 1837 shall have effect in relation to any such will as if it were signed by the patient by his own hand, except that in relation to any such will—
 - (a) section 9 of that Act (which makes provision as to the manner of execution and attestation of wills) shall not apply, and
 - (b) in the subsequent provisions of that Act any reference to execution in the manner thereinbefore required shall be construed as a reference to execution in the manner required by subsection (1) of this section.
- (3) Subject to the following provisions of this section, any such will executed in accordance with subsection (1) of this section shall have the like effect for all purposes as if the patient were capable of making a valid will and the will had been executed by him in the manner required by the Wills Act 1837.
- (4) So much of subsection (3) of this section as provides for such a will to have effect as if the patient were capable of making a valid will—
 - (a) shall not have effect in relation to such a will in so far as it disposes of any immovable property, other than immovable property in England or Wales, and
 - (b) where at the time when such a will is executed the patient is domiciled in Scotland or Northern Ireland or in a country or territory outside the United Kingdom, shall not have effect in relation to that will in so far as it relates to any other property or matter, except any property or matter in respect of which, under the law of his domicile, any question of his testamentary capacity would fall to be determined in accordance with the law of England and Wales.
- (5) For the purposes of the application of the Inheritance (Family Provision) Act 1938 in relation to a will executed in accordance with subsection (1) of this section, in section 1(7) of that Act (which relates to the deceased's reasons for disposing of his estate in a particular way)—
 - (a) any reference to the deceased's reasons for which anything is done or not done by his will shall be construed as a reference to the reasons for which it is done or (as the case may be) not done by that will, and
 - (b) any reference to a statement in writing signed by the deceased shall be construed as a reference to a statement in writing signed by the authorised person in accordance with a direction given in that behalf by the judge.”

19 Other amendments of Mental Health Act 1959

- (1) In section 107 of the principal Act (preservation of interests in patient's property), in subsection (3), after the words "or other dealing" there shall be inserted the words " (otherwise than by will) ".

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- (2) In section 117 of the principal Act (reciprocal arrangements in relation to Scotland and Northern Ireland as to exercise of powers), after subsection (2) there shall be inserted the following subsection:—

“(2A) Nothing in this section shall affect any power to execute a will under section 103(1)(dd) of this Act or the effect of any will executed in the exercise of such a power”.

- (3) In section 119 of the principal Act (interpretation of Part VIII), at the end of subsection (1) there shall be inserted the words " ' will' includes a codicil ".

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

20 Orders for interim payment

- (1) The power to make rules of court under section 99 of the Judicature Act 1925, and the power to make county court rules under section 102 of the County Courts Act 1959, shall each include power by any such rules to make provision for enabling the court in which any proceedings are pending, in such circumstances as may be specified in the rules, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, either by payment into court or (if the order so provides) by paying it to another party to the proceedings.
- (2) Where any such rules make provision in accordance with subsection (1) of this section, the rules may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment to recover the whole or part of the amount of the payment in such circumstances, and from such other party to the proceedings, as may be determined in accordance with the rules.
- (3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
- (4) Nothing in this section shall be construed as affecting the exercise of any power relating to costs, including any power to make rules of court or county court rules relating to costs.
- (5) In its application to Northern Ireland, this section shall have effect as if for the reference to section 99 of the Judicature Act 1925 there were substituted a reference to section 7 of the Northern Ireland Act 1962, and as if any reference to county court rules were omitted.
- (6) In this section " interim payment", in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party ; and any reference to a party to any proceedings includes a reference to any person who for the purposes of the proceedings acts as next friend or guardian of a party to the proceedings.

21 Powers of court exercisable before commencement of action

- (1) On the application of any person in accordance with rules of court, the High Court shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters, that is to say—
 - (a) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of subsequent proceedings in the court, or as to which any question may arise in any such proceedings, and
 - (b) the taking of samples of any such property as is mentioned in the preceding paragraph and the carrying out of any experiment on or with any such property.
- (2) The power to make rules of court under section 99 of the Judicature Act 1925 shall include power to make rules of court as to the manner in which an application for such an order can be made, and as to the circumstances in which such an order can be made; and any such rules may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
- (3) The preceding provisions of this section shall have effect in relation to county courts in England and Wales as they have effect in relation to the High Court, as if in those provisions references to rules of court and to section 99 of the Judicature Act 1925 included references to county court rules and to section 102 of the County Courts Act 1959.
- (4) In the application of this section to Northern Ireland, " the High Court " means the High Court of Justice in Northern Ireland, the reference in subsection (2) to section 99 of the Judicature Act 1925 shall be construed as a reference to section 7 of the Northern Ireland Act 1962, and subsection (3) shall be omitted.
- (5) In this section " property " includes any land, chattel or other corporeal property of any description.

22 Interest on damages

In section 3 of the Law Reform (Miscellaneous Provisions) Act 1934 (power of courts of record to award interest on debts and damages), after subsection (1) there shall be inserted the following subsections:—

- “(1A) Where in any such proceedings as are mentioned in subsection (1) of this section judgment is given for a sum which (apart from interest on damages) exceeds £200 and represents or includes damages in respect of personal injuries to the plaintiff or any other person, or in respect of a person's death, then (without prejudice to the exercise of the power conferred by that subsection in relation to any part of that sum which does not represent such damages) the court shall exercise that power so as to include in that sum interest on those damages or on such part of them as the court considers appropriate, unless the court is satisfied that there are special reasons why no interest should be given in respect of those damages.
- (1B) Any order under this section may provide for interest to be calculated at different rates in respect of different parts of the period for which interest is given, whether that period is the whole or part of the period mentioned in subsection (1) of this section.

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(1C) For the avoidance of doubt it is hereby declared that in determining, for the purposes of any enactment contained in the County Courts Act 1959, whether an amount exceeds, or is less than, a sum specified in that enactment, no account shall be taken of any power exercisable by virtue of this section or of any order made in the exercise of such a power.

(1D) In this section 'personal injuries' includes any disease and any impairment of a person's physical or mental condition, and any reference to the County Courts Act 1959 is a reference to that Act as (whether by virtue of the Administration of Justice Act 1969 or otherwise) that Act has effect for the time being”.

23 Power of Lord Chancellor to assign any particular jurisdiction of the High Court to two or more Divisions concurrently

(1) Section 57 of the Judicature Act 1925 (which enables the Lord Chancellor by order to direct that any jurisdiction of the High Court which by any enactment, rule or order is assigned to any Division shall be assigned to another Division) shall be amended as follows.

(2) In subsection (1) for the words " 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 " there shall be substituted the words—

“(a) shall, notwithstanding that enactment, rule or order, be assigned to such other Division or Divisions as may be specified in the order (whether in addition to the Division or Divisions to which the jurisdiction is at the time assigned or by way of transfer therefrom); and

(b) shall be exercised either by any special judge or judges or by all the judges of any Division to which the jurisdiction in question is assigned by the order or by which it continues to be exercisable”.

(3) In the proviso to subsection (1) (which precludes the making of an order under that subsection except with the concurrence 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)—

(a) for the words " the Division ", in both places where they occur, there shall be substituted the words " any Division ";

(b) after the words " to which the jurisdiction is to be transferred " there shall be inserted the words " or with which it is to be shared ".

(4) In subsection (2) (which enables the Lord Chancellor, in cases where there is under any enactment a right of appeal from the county court to the High Court or to any Division, by order to direct to which Division the appeal shall lie) for the words " to which Division " there shall be substituted the words " to which Division or Divisions ".

24 Appeal Tribunals under Patents Act 1949 and Registered Designs Act 1949

(1) Section 85 of the Patents Act 1949 and section 28 of the Registered Designs Act 1949 (each of which provides for an Appeal Tribunal) shall be amended in accordance with the following provisions of this section.

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- (2) For subsection (2) of each of those sections (which provides that the Appeal Tribunal shall be a judge of the High Court nominated by the Lord Chancellor) there shall be substituted the following subsections:—

“(2) The Appeal Tribunal shall consist of one or more judges of the High Court nominated for the purpose by the Lord Chancellor.

- (2A) At any time when it consists of two or more judges, the jurisdiction of the Appeal Tribunal—

(a) where in the case of any particular appeal the senior of those judges so directs, shall be exercised in relation to that appeal by both of the judges, or (if there are more than two) by two of them, sitting together, and

(b) in relation to any appeal in respect of which no such direction is given, may be exercised by any one of the judges;

and, in the exercise of that jurisdiction, different appeals may be heard at the same time by different judges”.

- (3) After subsection (8) of each of those sections (which empowers the Appeal Tribunal to make rules) there shall be inserted the following subsection:—

“(8A) At any time when the Appeal Tribunal consists of two or more judges, the power to make rules under subsection (8) of this section shall be exercisable by the senior of those judges:

Provided that another of those judges may exercise that power if it appears to him that it is necessary for rules to be made and that the judge (or, if more than one, each of the judges) senior to him is for the time being prevented by illness, absence or otherwise from making them”.

- (4) At the end of each of those sections there shall be inserted (as subsection (11) in the case of the said section 85 and as subsection (10) in the case of the said section 28) the following provision:—

“For the purposes of this section the seniority of judges shall be reckoned by reference to the dates on which they were appointed judges of the High Court respectively”.

25 Clerks to registrars of Chancery Division

- (1) The clerks to the registrars of the Chancery Division of the High Court shall cease to be called by that name and shall instead be called assistant registrars; and accordingly—

(a) in section 123 of the Judicature Act 1925, for the words " clerks to the registrars " and " clerks ", wherever they occur, there shall be substituted the words " assistant registrars ", and

(b) in section 126(2) of that Act, for the words " clerks to the registrars" and " clerk to the registrars" there shall be substituted respectively the words " assistant registrars " and " assistant registrar ".

- (2) A solicitor shall be qualified to be appointed as an assistant registrar of the Chancery Division of the High Court notwithstanding that he is of less than two years' standing; and accordingly in section 126(2) of the Judicature Act 1925 the words " of not less than two years' standing " shall cease to have effect.

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

26 Provisions as to other employments in Supreme Court

- (1) In section 106 of the Judicature Act 1925 (appointment and removal of officers), in subsection (1) (under which the right to fill certain vacancies may be exercised by the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls in rotation) the words " or in any clerkship in the central office " shall cease to have effect, and after subsection (2) there shall be inserted the following subsection:—

“(2A) The right of filling any vacancy in any clerkship in the central office shall be vested in the Lord Chancellor”.

- (2) Section 117 of the Judicature Act 1925 (notice of vacancies in offices) shall cease to have effect.
- (3) In section 128(1)(b) of the Judicature Act 1925 (which relates to the Superannuation Act 1909) the words " section three of that Act (which provides for the application of the Act to existing male civil servants)" shall cease to have effect.

27 Records of grants of probate and grants of administration

- (1) The following section shall be substituted for section 156 of the Judicature Act 1925:

—

- (1) Records shall be kept of all grants of probate and grants of administration which are made in the principal probate registry or in any of the district probate registries.
- (2) Any such records shall be in such form, and shall contain such particulars, as the President of the Probate Division may direct.”
- (2) Section 8(3) of the Public Records Act 1958 (which relates to inspection by the public of calendars of grants) shall cease to have effect.
- (3) The following section shall be substituted for section 72 of the Probates and Letters of Administration Act (Ireland) 1857:—
- (1) Records shall be kept of all grants of probate and grants of administration which are made in the principal registry or in any district registry of the Court.
- (2) Any such records shall be in such form, and shall contain such particulars, as the Lord Chief Justice of Northern Ireland may direct.”
- (4) Section 73 of the said Act of 1857 (registrar to transmit printed copies to certain offices etc.) shall cease to have effect.
- (5) Where a calendar has been prepared under section 45 of the Sheriff Courts (Scotland) Act 1876 or under section 156 of the Judicature Act 1925 (as for the time being in force apart from this section), and a copy of that calendar is kept in the principal probate registry of the High Court of Justice in Northern Ireland, the Lord Chief Justice of Northern Ireland—
- (a) may direct that the copy shall be removed to the Public Record Office of Northern Ireland, or
- (b) in the case of a copy of a calendar prepared under the said section 45, may, with the agreement of the authority responsible for the management of the place in question, direct that it shall be removed to such place in Scotland as may be specified in the direction.

- (6) Any direction under subsection (5) of this section may be given either in respect of a particular copy to which that subsection is applicable or in respect of a class of such copies.
- (7) In relation to copies of calendars prepared as mentioned in subsection (5) of this section which—
- (a) are removed to the Public Record Office of Northern Ireland in pursuance of a direction given under that subsection, or
 - (b) have been removed to that Office before the commencement of this Act,
- the Public Records Act (Northern Ireland) 1923 shall have effect as it has effect in relation to documents which are Northern Ireland records within the meaning of that Act and which have been removed to that Office in accordance with that Act.

28 Second and subsequent grants of probate and administration

Section 153 of the Judicature Act 1925 (which limits the district probate registries in which second and subsequent grants of probate and administration may be made) shall cease to have effect.

29 Reduction of period of apprenticeship for public notaries in London

In relation to clerks and apprentices to persons who are members of the Incorporated Company of Scriveners and have been admitted to practise as public notaries within the jurisdiction of that Company, section 3 of the Public Notaries Act 1843 (which provides for admission as a public notary after five years' service as clerk or apprentice to a notary, instead of seven years' service as previously provided) shall, notwithstanding anything in section 6 of that Act (which limits the operation of that Act in relation to practice within the jurisdiction of the Company), have effect in respect of admission to practise as a public notary within the jurisdiction of that Company as it has effect in respect of admission to practise elsewhere.

30 Superannuation benefits in respect of certain judicial offices

In the Superannuation Act 1965 the following section shall be inserted after section 39:

—

- (1) The Lord Chancellor may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
- (a) in two or more offices falling within paragraphs (a) to (i) of subsection (3) of this section, or
 - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
- (2) The Secretary of State may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
- (a) in two or more offices falling within paragraphs (j) and (k) of subsection (3) of this section, or
 - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.

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

- (3) The offices referred to in subsections (1)(a) and (2)(a) of this section are the following, that is to say—
- (a) Recorder of London;
 - (b) Common Serjeant;
 - (c) additional judge of the Central Criminal Court;
 - (d) recorder of Liverpool;
 - (e) recorder of Manchester ;
 - (f) assistant judge of the Mayor's and City of London Court;
 - (g) presiding judge of the Court of Passage of the City of Liverpool;
 - (h) chairman or deputy chairman of a court of quarter sessions where under any enactment (whether passed before or after this Act) a person may qualify for a pension by virtue of service in that office ;
 - (i) stipendiary magistrate in England or Wales, other than metropolitan stipendiary magistrate ;
 - (j) stipendiary magistrate appointed under section 455 of the Burgh Police (Scotland) Act 1892 ;
 - (k) stipendiary magistrate appointed under section 24 of the Glasgow Corporation and Police Act 1895.
- (4) Subsections (2) to (5) of section 38 of this Act shall have effect in relation to rules made under this section as they have effect in relation to rules under that section, as if—
- (a) in subsection (2) of that section any reference to a public office were a reference to an office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds, and the reference to such supplemental and incidental provisions as are mentioned in that subsection were a reference to such supplemental and incidental provisions as appear to the Lord Chancellor or to the Secretary of State (as the case may be) to be expedient, and
 - (b) in subsections (3) and (4) of that section any reference to different public offices, or to ceasing to be employed in one public office and becoming employed in another, were a reference to different offices or (as the case may be) to ceasing to be employed in one office and becoming employed in another (' office' for this purpose being taken to mean any office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds).
- (5) Where any rules under this section make provision for any pension to be defrayed partly by one authority and partly by one or more other authorities, whether by way of contribution or otherwise, nothing in section 10(2) of the Criminal Justice Administration Act 1956 (which requires contributions to be paid by the city councils of Liverpool and Manchester in respect of the Crown Courts and recorders of those cities) shall be construed as preventing the rules from applying that provision to, or making any such provision specially in respect of, persons whose employment includes employment as recorder of Liverpool or recorder of Manchester.
- (6) In this section 'judicial office remunerated out of central funds' means any of the following, that is to say—

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

- (a) any office listed in Schedule 1 to the Administration of Justice (Pensions) Act 1950, with the exception of the offices of stipendiary magistrate referred to in the last two entries in that Schedule, and
 - (b) any office in relation to which sections 2 to 8 of that Act have effect as if it were listed in that Schedule, with the exception of the offices of recorder of Liverpool and recorder of Manchester,
- and 'pension' has the meaning assigned to it by section 38(6) of this Act.”

31 Further provisions as to pension rights and related matters

- (1) In Schedule 1 to the Administration of Justice (Pensions) Act 1950, before the entry " Clerk of Assize " there shall be inserted the entries " Registrar of Criminal Appeals " and " Assistant Registrar of Criminal Appeals " .
- (2) In section 3 of the Superannuation (Miscellaneous Provisions) Act 1967 (effect of pension in respect of public office on remuneration in judicial or related office), in subsection (4) (which specifies the offices to which that section applies), after paragraph (a) there shall be inserted the following paragraph:—
 - “(aa) chairman or deputy chairman of a court of quarter sessions where under any enactment (whether passed before or after this Act) a person may qualify for a pension by virtue of service in that office”.
- (3) For paragraphs 1 to 3 of Part II of Schedule 1 to the County Courts Act 1934 (which prescribe the maximum superannuation allowances of registrars of county courts and, by virtue of section 25(2) of the Administration of Justice Act 1956, apply also to the superannuation allowances of assistant registrars of county courts) there shall be substituted the following paragraph:—
 - “1 After the completion of a period of service of not less than five years, an annual allowance may be granted as follows, that is to say—
 - (a) where the period of service is five years, fifteen-eightieths of the last annual salary;
 - (b) where that period exceeds five years but is less than ten, fifteen-eightieths of that salary plus one-eightieth for each completed year of service exceeding five;
 - (c) where that period is or exceeds ten years but is less than twenty, one-fourth of that salary plus one-fortieth for each completed year of service exceeding ten;
 - (d) where that period is twenty years or more, one-half of the last annual salary”.

32 Transfer of liability for stipend and fees of Chancellor of County Palatine of Durham

If an agreement is made between the Lord Chancellor and the Church Commissioners whereby, in consideration of a capital sum to be paid by the Commissioners, any future liability of the Commissioners to pay any stipend or fees to the Chancellor of the County Palatine of Durham is transferred to the Lord Chancellor, the Lord Chancellor may with the concurrence of the Treasury pay out of moneys provided by Parliament any sums required to be paid by him for giving effect to that agreement.

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

33 Extension of legislative power of Parliament of Northern Ireland with respect to grand juries and indictments

The reservation by section 47 of the Government of Ireland Act 1920 of matters relating to the Supreme Court of Judicature of Northern Ireland shall not preclude the Parliament of Northern Ireland from making any law for the purpose of—

- (a) abolishing grand juries, or
- (b) amending the law relating to the presentment of indictments,

or of making any provision related to or consequential upon either or both of those matters.

34 Interpretation, application to Crown, and provisions as to orders

- (1) In this Act " enactment", unless the context otherwise requires, includes an enactment of the Parliament of Northern Ireland, and " the Judicature Act 1925 " means the Supreme Court of Judicature (Consolidation) Act 1925.
- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) Section 20 of this Act shall bind the Crown so far as (but no further than) any proceedings to which that section is applicable can be brought by or against the Crown in accordance with the Crown Proceedings Act 1947, and section 22 of this Act shall bind the Crown so far as (but no further than) by virtue of section 24(3) of that Act section 3 of the Law Reform (Miscellaneous Provisions) Act 1934 applies to proceedings by or against the Crown.
- (4) Any power conferred on the Lord Chancellor by this Act to make an order shall include power to revoke or vary the order by a subsequent order.
- (5) Any power of the Lord Chancellor to make an order under this Act shall be exercisable by statutory instrument.
- (6) In the application to Northern Ireland of so much of subsection (3) of this section as relates to section 20 of this Act, the reference to the Crown Proceedings Act 1947 is a reference to that Act as it applies in Northern Ireland in relation to the Crown in right of Her Majesty's Government in the United Kingdom and in right of Her Majesty's Government in Northern Ireland.

35 Minor and consequential amendments and repeals

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential upon the preceding provisions of this Act.
- (2) The enactments and instrument specified in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

36 Short title, extent and commencement

- (1) This Act may be cited as the Administration of Justice Act 1969.

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

- (2) This Act (except section 24, subsections (1) and (2) of section 27, sections 30, 31, 34, 35 and this section and Schedules 1 and 2) shall not extend to Scotland.
- (3) This Act (except Part II and sections 20, 21, 24, 27, 30, 31, 33 to 35 and this section and Schedules 1 and 2) shall not extend to Northern Ireland.
- (4) Section 24 of this Act shall extend to the Isle of Man.
- (5) The provisions of this Act shall come into operation on such day as the Lord Chancellor may by order appoint, and different days may be so appointed for different provisions of this Act or for different purposes (including, in the case of any provision of section 35 of this Act, the amendment or repeal of different enactments to which that provision is applicable); and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into operation of that provision.
- (6) Any order made under this section may make such transitional provision as appears to the Lord Chancellor to be necessary or expedient in connection with the provisions of this Act which are thereby brought (wholly or in part) into force, including such adaptations of those provisions or of any provision of this Act then in force as appears to him to be necessary or expedient in consequence of the partial operation of this Act (whether before, on or after the day appointed by the order).