



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

Status: This is the original version (as it was originally enacted).

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 ".