



Administration of Justice Act 1970

1970 CHAPTER 31

PART I

COURTS AND JUDGES

High Court

1 Redistribution of business among divisions of the High Court.

(1)^{F1}

(6) In accordance with the foregoing subsections—

(a) the enactments specified in Schedule 2 to this Act (^{F2}that is to say, the said Act of 1925 and other] enactments relative to the High Court, its jurisdiction, judges, divisions and business) shall be amended as shown in that Schedule; and

(b) references in any other enactment or document to the Probate, Divorce and Admiralty Division, the President of that division, the principal probate registry, the principal (or senior) probate registrar and a probate registrar shall, so far as may be necessary to preserve the effect of the enactment or document, be construed respectively as references to the Family Division and to the President, principal registry, principal registrar and a registrar of that division.

(7)^{F1}

Textual Amendments

F1 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

F2 Words “that is” to “other” repealed (E.W.), by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

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2 Admiralty Court.

- (1) F3
- (5) F4

Textual Amendments

F3 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37),s. 152(4), Sch. 7

F4 S. 2(5) repealed by Statute Law (Repeals) Act 1977(c. 18), s. 1(1), Sch. 1 Pt.XIX

3 Commercial Court.

- F5

Textual Amendments

F5 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37),s. 152(4), Sch. 7

4 Power of judges of Commercial Court to take arbitrations.

- (1) A judge of the Commercial Court may, if in all the circumstances he thinks fit, accept appointment as sole arbitrator, or as umpire, by or by virtue of an arbitration agreement within the meaning of the ^{M1}Arbitration Act 1950, where the dispute appears to him to be of a commercial character.
- (2) A judge of the Commercial Court shall not accept appointment as arbitrator or umpire unless the Lord Chief Justice has informed him that, having regard to the state of business in the High Court and [^{F6}in the Crown Court], he can be made available to do so.
- (3) The fees payable for the services of a judge as arbitrator or umpire shall be taken in the High Court.
- (4) Schedule 3 to this Act shall have effect for modifying, and in certain cases replacing, provisions of the Arbitration Act 1950 in relation to arbitration by judges and, in particular, for substituting the Court of Appeal for the High Court in provisions of that Act whereby arbitrators and umpires, their proceedings and awards, are subject to control and review by the court.
- (5) Any jurisdiction which is exercisable by the High Court in relation to arbitrators and umpires otherwise than under the Arbitration Act 1950 shall, in relation to a judge of the Commercial Court appointed as arbitrator or umpire, be exercisable instead by the Court of Appeal.

Textual Amendments

F6 Words substituted by [Courts Act 1971](#) (c. 23), **Sch. 8 para. 60(1)**

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Modifications etc. (not altering text)

C1 S. 4(5) modified by [Arbitration Act 1979 \(c. 42, SIF 5\)](#), s. 5(3)

Marginal Citations

M1 1950 c. 27.

5 **F7**

Textual Amendments

F7 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#),s. 152(4), Sch. 7

6 **F8**

Textual Amendments

F8 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#),s. 152(4), Sch. 7

7–8. **F9**

Textual Amendments

F9 Ss.7&8 repealed by [Courts Act 1971 \(c. 23, SIF 37\)](#), s.56(4), **Sch. 11 Pt.IV**

Court of Appeal

9 **F10**

Textual Amendments

F10 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#),s. 152(4), Sch. 7

Patents and Registered Designs Appeal Tribunals

10 Temporary additional judges.

- (1) If it appears to the Lord Chancellor expedient, having regard to the state of business pending before the . . . ^{F11} Registered Designs Appeal Tribunal, he may appoint—
 - (a) a judge of the Court of Appeal; or

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- (b) a person who has held office as a judge of the Court of Appeal or of the High Court; or
- (c) one of Her Majesty’s counsel,
- to sit and act as an additional judge of the Tribunal (either alone or with a judge of the High Court who is a judge of the Tribunal) for such period, or for the purpose of hearing such appeals, as the Lord Chancellor may specify.
- (2) A person appointed to ^{F12}the Tribunal under this section shall, while sitting and acting as aforesaid, have all the jurisdiction of, but shall not otherwise be deemed to be, a judge of the Tribunal.
- (3) The Lord Chancellor may pay to a person appointed to ^{F12}the Tribunal under this section (other than a judge of the Court of Appeal) such remuneration as he may determine with the approval of the Minister for the Civil Service; and any such remuneration shall be included in the expenses of the Tribunal.
- (4) In this section . . . ^{F11}“the Registered Designs Appeal Tribunal” means the Appeal Tribunal constituted under section 28 of the ^{M2}Registered Designs Act 1949 ^{F13}as amended by section 24 of the ^{M3}Administration of Justice Act 1969].
- (5) In subsection (8) of the said section 85 and subsection (8) of the said section 28 (which confer power on the two Tribunals to make rules about procedure etc.), there shall in each case be inserted at the end of the subsection the words “including right of audience”.

Textual Amendments

- F11** Words repealed by [Patents Act 1977 \(c. 37\)](#), [Sch. 6](#)
- F12** Word substituted by [Patents Act 1977 \(c. 37\)](#), [Sch. 5 para. 5\(1\)](#)
- F13** Words substituted by [Patents Act 1977 \(c. 37\)](#), [Sch. 5 para. 5\(2\)](#)

Modifications etc. (not altering text)

- C2** The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M2** [1949 c. 88.](#)
- M3** [1969 c. 58.](#)

PART II

ENFORCEMENT OF DEBT

Provisions restricting sanction of imprisonment

11 **Restriction on power of committal under Debtors Act 1869 (c. 62).**

The jurisdiction given by section 5 of the Debtors Act 1869 to commit to prison a person who makes default in payment of a debt, or instalment of a debt, due from him in pursuance of an order or judgment shall be exercisable only—

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- (a) by the High Court in respect of a High Court maintenance order; and
- (b) by a county court in respect of—
 - (i) a High Court or a county court maintenance order; or
 - (ii) a judgment or order which is enforceable by a court in England and Wales and is for the payment of any of the taxes, contributions [^{F14}premiums] or liabilities specified in Schedule 4 to this Act.

Textual Amendments

F14 Word inserted by [Social Security Act 1973 \(c. 38, SIF 113: 1\)](#), [Sch. 27 para. 85](#)

12 Restriction on magistrates’ power of committal for civil debt.

F15

Textual Amendments

F15 [S. 12](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

13— F16
26.

Textual Amendments

F16 [Ss. 13–26, 27\(1\)\(2\), 28\(2\)–\(5\), 29\(1\)–\(4\)](#), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), [Sch. 6](#)

Enforcement by attachment of earnings

27 (1) F17

- (3) In section 1 of the Act of 1958 (introductory provisions setting out the scheme of Part I as respects registration in one court of a maintenance order made by another), after subsection (1) there shall be inserted the following subsection:—

“(1A) In the following provisions of this Act “maintenance order” means any order specified in Schedule 8 to the Administration of Justice Act 1970.”

Textual Amendments

F17 [Ss. 13–26, 27\(1\)\(2\), 28\(2\)–\(5\), 29\(1\)–\(4\)](#), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), [Sch. 6](#)

Modifications etc. (not altering text)

C3 The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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28 Other provisions for interpretation of Part II.

(1) In this Part of this Act, except where the context otherwise requires—

.....^{F18}
^{F19}^{F19}
.....^{F19}
.....^{F18}
“High Court maintenance order”, “county court maintenance order” and . . .^{F18}
mean respectively a maintenance order enforceable by the High Court, a county
court . . .^{F18};
.....^{F19}
“maintenance order” means any order specified in Schedule 8 to this Act and
includes such an order which has been discharged, if any arrears are recoverable
thereunder;
.....^{F19}

(2)^{F20}

Textual Amendments

- F18** Definitions repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 9**
- F19** Definitions repealed by [Attachment of Earnings Act 1971 \(c. 32\)](#), **Sch. 6**
- F20** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), **Sch. 6**

Supplementary

29 (1)^{F21}

(5) In Part VII of the said Act of 1959 (administration orders)—

- (a)^{F22}
- (b)^{F23}

Textual Amendments

- F21** Ss. 13–26, 27(1)(2), 28(2)–(5), 29(1)–(4), repealed by [Attachment of Earnings Act 1971 \(c. 32, SIF 45\)](#), s. 29(2), **Sch. 6**
- F22** S.29(5)(a) repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), **Sch. 4**
- F23** S. 29(5)(b) repealed by [Insolvency Act 1976 \(c.60, SIF 66\)](#), s. 14(4), **Sch. 3**

Modifications etc. (not altering text)

C4 The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

30^{F24}

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Textual Amendments

F24 S. 30 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. I Gp. 5

PART III

DISCOVERY AND RELATED PROCEDURES

[^{F25}31 Power of court to order disclosure, etc. of documents before commencement of proceedings.

On the application, in accordance with rules of court, of a person who appears to the High Court to be likely to be a party to subsequent proceedings in that court in which a claim in respect of personal injuries to a person or in respect of a person's death is likely to be made, the High Court shall, in such circumstances as may be specified in the rules, have power to order a person who appears to the court to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising or likely to arise out of that claim—

- (a) to disclose whether those documents are in his possession, custody or power ;and
- (b) to produce to the applicant such of those documents as are in his possession,custody or power.]

Textual Amendments

F25 Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

[^{F26}32 Extension of existing powers of court to order disclosure of documents,inspection of property, etc.

(1) On the application,in accordance with rulesof court,of a party to any proceedings in which a claim in respect of personal injuries to a person or in respect of a persons' death is made,the High Court shall,in such circumstances as may be specified in the rules,have power to order a person who is not a party to the proceedings and who appears to the court to be likely to have or to have had in his possession,custody or powerany documents which are relevant to an issue arising out of that claim—

- (a) to disclose whether those documents are in his possession,custody or power; and
 - (b) to produce to the applicant such of those documents as are in his possession,custody or power.
- (2) On the application,in accordance with rules of court, of a party to any such proceedingsas are referred to in subsection (1) above,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 is not the property of, or in the possession of, any party to the

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- proceedings but which is the subject matter of the proceedings or as to which any question arises in the proceedings;
 - (b) the taking of samples of any such property as is mentioned in paragraph (a) above and the carrying out of any experiment on or with any such property.
- (3) The foregoing provisions of this section are without prejudice to the exercise by the High Court of any power to make orders which is exercisable apart from those provisions.
- (4) In this section “property” includes any land, chattel or other corporeal property of any description.]

Textual Amendments

F26 Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

- [^{F27} 33
- (1) The power to make rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 shall include power to make rules of court as to the circumstances of in which an order under section 31 or 32 of this Act 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.
 - (2) Without prejudice to the generality of subsection (1) above, rules of court shall be made under the said section 99 for the purpose of ensuring that the costs of and incidental to proceedings for an order under section 31 or 32 of this Act incurred by the person against whom the order is sought shall be awarded to that person unless the court otherwise directs.
 - (3) In this Part of this Act “personal injuries” includes any disease and any impairment of a person’s physical or mental condition.]

Textual Amendments

F27 Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

34 Application of ss.31 to 33 to county courts and High Court in Northern Ireland.

- (1) ^{F28}
- (2) In the application of the provisions of this Part of this Act to Northern Ireland, “the High Court” means the High Court of Justice in Northern Ireland, the reference in section 33(1) to section 99 of the ^{M4}Supreme Court of Judicature (Consolidation) Act 1925 shall be construed as a reference to [^{F29}section 55 of the Judicature (Northern Ireland) Act 1978], and subsection (1) above shall be omitted.

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Textual Amendments

- F28** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)
- F29** Words substituted (N.I) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), [Sch. 5 Pt. II \(1\)](#), Sch. 6 para. 13

Marginal Citations

- M4** 1925 c. 49.

[^{F30} 35 Application to Crown.

- (1) This Part of this Act shall bind the Crown.
- (2) Section 21 of the ^{M5}Administration of Justice Act 1969 (power of court to order inspection, custody, etc. of property pending commencement of action) shall bind the Crown so far as it relates to property (within the meaning of that section) as to which it appears to the court that it may become the subject-matter of subsequent proceedings involving a claim in respect of personal injuries to a person or in respect of a person's death.
- (3) A court shall not make an order under section 31 or 32 of this Act, nor an order under section 21 of the said Act of 1969, if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.
- (4) In this section references to the Crown do not include references to Her Majesty in Her private capacity nor to Her Majesty in right of Her Duchy of Lancaster, nor to the Duke of Cornwall.]

Textual Amendments

- F30** Ss. 31–33, 35 repealed (so far as they relate to the High Court and county courts in England and Wales) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

Marginal Citations

- M5** 1969 c. 58.

PART IV

ACTIONS BY MORTGAGEES FOR POSSESSION

36 Additional powers of court in action by mortgagee for possession of dwelling-house.

- (1) Where the mortgagee under a mortgage of land which consists of or includes a dwelling-house brings an action in which he claims possession of the mortgaged property, not being an action for foreclosure in which a claim for possession of the mortgaged property is also made, the court may exercise any of the powers conferred on it by subsection (2) below if it appears to the court that in the event of its exercising the power the mortgagor is likely to be able within a reasonable period to pay any

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sums due under the mortgage or to remedy a default consisting of a breach of any other obligation arising under or by virtue of the mortgage.

- (2) The court—
- (a) may adjourn the proceedings, or
 - (b) on giving judgment, or making an order, for delivery of possession of the mortgaged property, or at any time before the execution of such judgment or order, may—
 - (i) stay or suspend execution of the judgment or order, or
 - (ii) postpone the date for delivery of possession,
 for such period or periods as the court thinks reasonable.
- (3) Any such adjournment, stay, suspension or postponement as is referred to in subsection (2) above may be made subject to such conditions with regard to payment by the mortgagor of any sum secured by the mortgage or the remedying of any default as the court thinks fit.
- (4) The court may from time to time vary or revoke any condition imposed by virtue of this section.
- (5) This section shall have effect in relation to such an action as is referred to in subsection (1) above begun before the date on which this section comes into force unless in that action judgment has been given, or an order made, for delivery of possession of the mortgaged property and that judgment or order was executed before that date.
- (6) In the application of this section to Northern Ireland, “the court” means a judge of the High Court in Northern Ireland, and in subsection (1) the words from “not being” to “made” shall be omitted.

Modifications etc. (not altering text)

C5 s. 36 extended by [Administration of Justice Act 1973 \(c. 15\)](#), ss. 8, 21(2)(b)

37, 38. Exclusive jurisdiction of county court in certain mortgage actions.

F31

Textual Amendments

F31 Ss. 37, 38, 45(2) repealed by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

[^{F32}38A

This Part of this Act shall not apply to a mortgage securing an agreement which is a regulated agreement within the meaning of the ^{M6}Consumer Credit Act 1974.]

Textual Amendments

F32 S. 38A inserted by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 4 Pt. I para. 30](#)

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Marginal Citations

M6 1974 c. 39.

39 Interpretation of Part IV.

- (1) In this Part of this Act—
- “dwelling-house” includes any building or part thereof which is used as a dwelling;
 - “mortgage” includes a charge and “mortgagor” and “mortgagee” shall be construed accordingly;
 - “mortgagor” and “mortgagee” includes any person deriving title under the original mortgagor or mortgagee.
- (2) The fact that part of the premises comprised in a dwelling-house is used as a shop or office or for business, trade or professional purposes shall not prevent the dwelling-house from being a dwelling-house for the purposes of this Part of this Act.

PART V

MISCELLANEOUS PROVISIONS

40 Punishment for unlawful harassment of debtors.

- (1) A person commits an offence if, with the object of coercing another person to pay money claimed from the other as a debt due under a contract, he—
- (a) harasses the other with demands for payment which, in respect of their frequency or the manner or occasion of making any such demand, or of any threat or publicity by which any demand is accompanied, are calculated to subject him or members of his family or household to alarm, distress or humiliation;
 - (b) falsely represents, in relation to the money claimed, that criminal proceedings lie for failure to pay it;
 - (c) falsely represents himself to be authorised in some official capacity to claim or enforce payment; or
 - (d) utters a document falsely represented by him to have some official character or purporting to have some official character which he knows it has not.
- (2) A person may be guilty of an offence by virtue of subsection (1)(a) above if he concert with others in the taking of such action as is described in that paragraph, notwithstanding that his own course of conduct does not by itself amount to harassment.
- (3) Subsection (1)(a) above does not apply to anything done by a person which is reasonable (and otherwise permissible in law) for the purpose—
- (a) of securing the discharge of an obligation due, or believed by him to be due, to himself or to persons for whom he acts, or protecting himself or them from future loss; or
 - (b) of the enforcement of any liability by legal process.

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- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine of not more than £100, and on a second or subsequent conviction to a fine of not more than £400.

Modifications etc. (not altering text)

- C6** S. 40(4) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

41 Recovery of costs and compensation awarded by magistrates, assizes, quarter sessions, etc.

- (1) In the cases specified in Part I of Schedule 9 to this Act (being cases where, in criminal proceedings, a court makes an order against the accused for the payment of costs, compensation, etc.) any sum required to be paid by such an order as is there mentioned shall be treated, for the purposes of collection and enforcement, as if it had been adjudged to be paid on a conviction by a magistrates' court, being—
- (a) where the order is made by a magistrates' court, that court; and
 - (b) in any other case, such magistrates' court as may be specified in the order.
- (2) In the cases specified in Part II of the said Schedule (being cases where a court makes an order against the prosecutor in criminal proceedings, and certain cases where an order for costs arises out of an appeal to [^{F33}the Crown Court] in proceedings which are not criminal) any sum required to be paid by such an order as is there mentioned shall be enforceable as if the order were for the payment of money recoverable summarily as a civil debt.
- (3) Without prejudice to the foregoing subsections, but subject to subsection (4) below, in the cases specified in Schedule 9 to this Act any sum required to be paid by such an order as is there mentioned shall be enforceable by the High Court or a county court (otherwise than by issue of a writ of fieri facias or other process against goods or by imprisonment or attachment of earnings) as if the sum were due in pursuance of a judgment or order of the High Court or county court as the case may be.
- (4) Subsection (3) above shall not authorise the enforcement by a county court of payment of any sum exceeding the [^{F34}county court limit] on the amount of any penalty recoverable by statute in a county court.
- [^{F35}(4A) In subsection (4) above “the county court limit” means the amount which for the time being is the county court limit for the purposes of section 16 of the County Courts Act 1984.]
- (5) References in subsections (1) and (2) above to orders mentioned in Schedule 9 to this Act include references to orders made before the day appointed under section 54 of this Act for the coming into force of this section, except an order in the case of which the person entitled to payment has before that day begun proceedings for its enforcement; and in relation to such a case the enactments in force immediately before that day with reference to the enforcement of such an order shall continue to apply notwithstanding any repeal effected by this Act, without prejudice however to section 13(6) of this Act.

For the purpose of the operation of subsection (1) above with respect to an order made (otherwise than by a magistrates' court) before the day so appointed, the order shall

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be deemed to specify the magistrates' court for the petty sessions area in which the person subject to the order for the time being resides.

(6) F36

(7) In section 32(2) of the ^{M7}Courts-Martial (Appeals) Act 1968 (enforcement of order for costs against unsuccessful appellant or applicant for leave to appeal to that court), for paragraph (a) there shall be substituted the following:—

“(a) in the same manner as an order for costs made by the criminal division of the Court of Appeal under section 25 of the Criminal Appeal Act 1968 ; or”

[^{F37}(8) Subject to subsection (8A) below, where in the case specified in paragraph 10 of Schedule 9 to this Act the Crown Court thinks that the period for which the person subject to the order is liable apart from this subsection to be committed to prison for default under the order is insufficient, it may specify a longer period for that purpose; and then, in the case of default—

(a) the specified period shall be substituted as the maximum for which the person may be imprisoned under section 76 of the Magistrates' Courts Act ^{M8}1980; and

(b) paragraph 2 of Schedule 4 to that Act shall apply, with any necessary modifications, for the reduction of the specified period where, at the time of the person's imprisonment, he has made part payment under the order.

(8A) The Crown Court may not specify under subsection (8) above a period of imprisonment longer than that which it could order a person to undergo on imposing on him a fine equal in amount to the sum required to be paid by the order.]

(9) Where a magistrates' court has power to commit a person to prison for default in paying a sum due under an order enforceable as mentioned in this section, the court shall not exercise the power unless it is satisfied that all other methods of enforcing payment have been tried or considered and either have proved unsuccessful or are likely to do so.

Textual Amendments

F33 Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 Pt. I para. 2](#)

F34 Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 para. 38\(a\)](#)

F35 [S. 41\(4A\)](#) inserted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 para. 38\(b\)](#)

F36 [S. 41\(6\)](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, [Sch. 9](#)

F37 [S. 41\(8\)\(8A\)](#): by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 106, (which was brought into force 12.10.1988) s. 41(8)(8A) are expressed to be substituted for s. 41(8) and by s. 170(2), Sch. 16 of that Act (the relevant part of which was brought into force 3.4.1989) s. 41(8) is expressed to be repealed and by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 23(3) (with s. 28) and [S.I. 1992/333, art. 2\(2\)](#), [Sch.2](#) the relevant entry in Sch. 16 is repealed with retrospective effect (1.10.1992); the text of s. 41(8) (8A) as so substituted is set out above

Modifications etc. (not altering text)

C7 [S. 41](#) should have effect as if a new paragraph relating to the [Isle of Wight County Council Act 1971 \(c. lxxi\)](#), s. 5(9)(e) were inserted in Sch. 9 Pt. I of this 1970 Act

C8 The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 02/02/1991. This version of this Act contains provisions that are not valid for this point in time.

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Marginal Citations

- M7** 1968 c. 20
M8 1980 c.43 (82).

42 F38

Textual Amendments

- F38** Ss. 41(6), 42 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 9**

43 F39

Textual Amendments

- F39** S. 43 repealed by Legal Aid Act 1974 (c. 4, SIF 77), s. 42(1), **Sch. 5 Pt. I**

44 Interest on judgment debts.

- (1) The Lord Chancellor may by order made with the concurrence of the Treasury direct that section 17 of the ^{M9}Judgments Act 1838 (as that enactment has effect for the time being whether by virtue of this subsection or otherwise) shall be amended so as to substitute for the rate specified in that section as the rate at which judgment debts shall carry interest such rate as may be specified in the order.
- (2) An order under this section shall be made by statutory instrument which shall be laid before Parliament after being made.

Marginal Citations

- M9** 1838 c. 110.

VALID FROM 01/11/1996

[44A ^{F40}Interest on judgment debts expressed in currencies other than sterling.

- (1) Where a judgment is given for a sum expressed in a currency other than sterling and the judgment debt is one to which section 17 of the Judgments Act 1838 applies, the court may order that the interest rate applicable to the debt shall be such rate as the court thinks fit.
- (2) Where the court makes such an order, section 17 of the Judgments Act 1838 shall have effect in relation to the judgment debt as if the rate specified in the order were substituted for the rate specified in that section.]

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Textual Amendments

F40 S. 44A inserted (1.11.1996) by 1995 c. 42, s. 1(1)(2); S.I. 1996/2515, art. 2

45 Removal of limit on number of county court judges assignable to a district and of certain registrars appointed jointly.

- (1) **F41**
- (2) **F42**
- (3) **F43**

Textual Amendments

F41 S. 45(1) repealed by Courts Act 1971 (c. 23, SIF 37), s. 56(4), **Sch. 11 Pt. IV**
F42 Ss. 37, 38, 45(2) repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**
F43 Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

46 **F44**

Textual Amendments

F44 S. 46 repealed by Administration of Justice Act 1973 (c. 15, SIF 37), s. 19(1), **Sch. 5 Pt. VI**

47 **F45**

Textual Amendments

F45 S. 47 repealed by Rent Act 1977 (c. 42, SIF 75:3), s. 155(5), **Sch. 25**

48 Variation in rate of payments in maintenance order registered in magistrates' court.

- (1) Section 4 of the Maintenance Orders Act 1958 (which enables the rate of payments in a maintenance order registered in a magistrates' court under that Act to be varied by the court of registration) shall be amended in accordance with this section.
- (2) Subsection (3) of that section (rate of payments not to be varied upwards) shall cease to have effect in relation to any maintenance order as defined by section 28(1) of this Act, whether made or registered before or after the coming into force of this section.
- (3) In subsection (4) of that section (power of magistrates' court, on application for variation, to remit to the court which made the order), for the words "that, by reason of the limitations imposed on the court's jurisdiction by the last foregoing subsection or for any other reason, it is" there shall be substituted the words "that it is for any reason".

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Modifications etc. (not altering text)

C9 The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

49 **F46**

Textual Amendments

F46 S. 49 repealed by [Guardianship of Minors Act 1971 \(c. 3\)](#), s. 18(2), **Sch. 2**

50 **F47**

Textual Amendments

F47 Ss. 50, 51(1) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), **Sch. 9**

51 Minor amendments of Children and Young Persons Act 1969 (c. 54).

(1) **F48**

(2) The following paragraph shall be inserted after paragraph 1 of Schedule 4 to the Act of 1969 (transitional provisions and savings)—

“1A (1) Where—

- (a) before the date when section 1 of this Act comes into force any child or young person (hereafter in this paragraph referred to as “the relevant infant”) has been brought before a juvenile court under section 62 of the Children and Young Persons Act 1933 or has been brought before such a court by virtue of a provision of section 40 or 40A of the Education Act 1944; and
- (b) immediately before that date that court has neither made any order which it had power to make in respect of the relevant infant under the said section 62 nor dismissed the case,

nothing in paragraph 13 of Schedule 5 to this Act nor in any provision of Schedule 6 thereto shall prevent the proceedings before that court in respect of the relevant infant being continued ; but the court shall in those proceedings have power to make any order which it has power to make in proceedings under section 1 of this Act and shall not have power to make any other order, and subsections (3), (4) and (5) of the said section 1 and subsections (10) and (13) of section 2 of this Act shall have effect accordingly with any necessary modifications.

(2) For the purposes of subsection (12) of the said section 2, any order made in respect of the relevant infant by virtue of sub-paragraph (1) of this paragraph shall be deemed to be made under section 1 of this Act.

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(3) Any record of a finding of the fact that the relevant infant is in need of care or protection made in pursuance of section 5 of the Children and Young Persons Act 1938 in any such proceedings as are referred to in sub-paragraph (1) of this paragraph shall, notwithstanding the repeal of the said section 5 by this Act, be admissible as evidence of that fact in those proceedings.”

(3) In this section . . . ^{F49} and “the Act of 1969” mean respectively . . . ^{F49} and the ^{M10}Children and Young Persons Act 1969.

Textual Amendments

F48 Ss. 50, 51(1) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), **Sch. 9**

F49 Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), **Sch. 9**

Modifications etc. (not altering text)

C10 The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M10 1969 c. 54.

PART VI

GENERAL

52 Financial provisions.

There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.

53 ^{F50}

Textual Amendments

F50 S. 53 repealed by Northern Ireland Constitution Act 1973 (c. 36), s.41(1), **Sch. 6 Pt. I**

54 Citation, interpretation, repeals, commencement and extent.

- (1) This Act may be cited as the Administration of Justice Act 1970.
- (2) References in this Act to any enactment include references to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) The enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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- (4) This Act shall come into force on such day as the Lord Chancellor may appoint by order made by statutory instrument, and different days may be so appointed for different provisions of this Act, or for different purposes.
- (5) Except insofar as it amends, or authorises the amendment of, any enactment which extends to Scotland, this Act shall not extend to Scotland.
- (6) This section (except subsection (3)) and the following provisions only of this Act extend to Northern Ireland, that is to say—
- (a) sections 1(6) . . . ^{F51} and Schedules 2 . . . ^{F51}, so far as they relate to any enactment which extends to Northern Ireland, and section 2(5);
 - (b) Part III; and
 - (c) sections 36, [^{F52}38A], 39, 43(6) . . . ^{F53}

..... F54

Textual Amendments

F51 Words repealed by [Attachment of Earnings Act 1971 \(c. 32\)](#), [Sch. 6](#)

F52 Words inserted by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 4 Pt. I para. 31](#)

F53 Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, [Sch. 6 Pt. I](#)

F54 Words repealed by [Administration of Estates Act 1971 \(c. 25\)](#), s. 12(3), [Sch. 2 Pt. I](#)

Modifications etc. (not altering text)

C11 The text of ss. 10(5), 41(7), 48, 51(2), 54(3) are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

C12 Power of appointment conferred by s. 54(4) fully exercised

Status:

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Changes to legislation:

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