



# 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) .....<sup>F1</sup>
- (6) In accordance with the foregoing subsections—
- (a) the enactments specified in Schedule 2 to this Act (<sup>F2</sup>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) .....<sup>F1</sup>

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**F1** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), Sch. 7

**F2** Words “that is” to “other” repealed (E.W.), by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1970, Part I. (See end of Document for details)*

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**F3** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37),s. 152(4), Sch. 7

**F4** S. 2(5) repealed by Statute Law (Repeals) Act 1977(c. 18), s. 1(1), Sch. 1 Pt.XIX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**F5** Ss. 1(1)–(4), (5), (7)(8), 2(1)–(3), (4) 3, 5, 6, 9, 45(3), Sch. 1 repealed by [Supreme Court Act 1981](#) (c. 54, SIF 37),s. 152(4), Sch. 7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 <sup>M1</sup>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 [<sup>F6</sup>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 . . . <sup>F11</sup> 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 <sup>F12</sup>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 <sup>F12</sup>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 . . . <sup>F11</sup>“the Registered Designs Appeal Tribunal” means the Appeal Tribunal constituted under section 28 of the <sup>M2</sup>Registered Designs Act 1949 <sup>F13</sup>as amended by section 24 of the <sup>M3</sup>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.](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1970, Part I.