



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) The Probate, Divorce and Admiralty Division of the High Court shall be re-named the Family Division; and the principal probate registry shall be re-named the principal registry of the Family Division.
- (2) There shall be assigned to the Family Division all causes and matters involving the exercise of the High Court's jurisdiction in proceedings specified in Schedule 1 to this Act.
- (3) Causes and matters involving the exercise of the High Court's Admiralty jurisdiction, or its jurisdiction as a prize court, shall be assigned to the Queen's Bench Division.
- (4) As respects the exercise of the High Court's probate jurisdiction—
 - (a) non-contentious or common form probate business shall continue to be assigned to the Family Division ; and
 - (b) all other probate business shall be assigned to the Chancery Division.
- (5) In section 5 of the Supreme Court of Judicature (Consolidation) Act 1925 (which enables Her Majesty, on the recommendation of the judges, by Order in Council to alter the number of divisions of the High Court or of puisne judges to be attached to any division) for the reference to a report or recommendation of the council of judges there shall be substituted a reference to a recommendation of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor.
- (6) In accordance with the foregoing subsections—

Status: This is the original version (as it was originally enacted).

- (a) the enactments specified in Schedule 2 to this Act (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) This section is not to be taken as affecting any of the following provisions of the said Act of 1925—
- (a) section 55 (which provides for the distribution of business in the High Court to be regulated by rules);
 - (b) section 57 (which enables the Lord Chancellor to assign or re-assign the jurisdiction of the court among divisions and judges);
 - (c) section 58 (which provides for the assignment of causes and matters);
 - (d) section 59 (which enables an action to be transferred at any stage from one division to another).
- (8) Notwithstanding anything in section 114(3) of the said Act of 1925 (appointment of officers attached to a division), the right of filling any vacancy in the office of the Admiralty registrar or assistant Admiralty registrar shall be vested in the Lord Chancellor; and any other officer of the Supreme Court who is to be employed in the Admiralty registry shall be appointed by the Lord Chancellor.

2 Admiralty Court

- (1) There shall be constituted, as part of the Queen's Bench Division of the High Court, an Admiralty Court to take Admiralty business, that is to say causes and matters assigned to that division and involving the exercise of the High Court's Admiralty jurisdiction, or its jurisdiction as a prize court.
- (2) The judges of the Admiralty Court shall be such of the puisne judges of the High Court as the Lord Chancellor may from time to time nominate to be Admiralty Judges.
- (3) Nothing in this section is to be taken as prejudicing provisions of the Supreme Court of Judicature (Consolidation) Act 1925 which enable the whole jurisdiction of the High Court to be exercised by any judge of that court.
- (4) In section 1(1) of the Administration of Justice Act 1956 (which defines the Admiralty jurisdiction of the High Court) for the words " which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division " there shall be substituted the words " which is for the time being assigned by rules of court to the Queen's Bench Division and directed by the rules to be exercised by the Admiralty Court ".
- (5) In the Prize Act 1948—
 - (a) in section 7(2) (determination of form and manner of advertising for claims in relation to the Supreme Court Prize Deposit Account), for the words " the President of the Probate Division of the High Court " there shall be substituted the words " such one of the Admiralty Judges of the High Court as the Lord Chancellor may nominate for the purposes of this section " and for the words

" the said President" there shall be substituted the words " the said Admiralty Judge "; and

- (b) in section 8 (regulation of payments into and out of the said Account) for the words from " the President" onwards there shall be substituted the words " such one of the Admiralty Judges of the High Court as the Lord Chancellor may nominate for the purposes of this section ".

3 Commercial Court

- (1) There shall be constituted, as part of the Queen's Bench Division of the High Court, a Commercial Court to take such causes and matters as may in accordance with rules of court be entered in the commercial list
- (2) The judges of the Commercial Court shall be such of the puisne judges of the High Court as the Lord Chancellor may from time to time nominate to be Commercial Judges.
- (3) Nothing in this section is to be taken as prejudicing provisions of the said Act of 1925 which enable the whole jurisdiction of the High Court to be exercised by any judge of that court.

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 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 at assizes, 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.

5 The Vice-Chancellor

- (1) The Lord Chancellor may, from among the puisne judges for the time being attached to the Chancery Division of the High Court, nominate one of them to be Vice-Chancellor, who shall be responsible to the Lord Chancellor (as president of the Chancery Division) for the organisation and management of the business of the division.

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

- (2) The Vice-Chancellor shall be included among the persons with power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925 to make rules of court; and in that subsection—
- (a) for the words " and four other judges " there shall be substituted the words " the Vice-Chancellor and three other judges "; and
 - (b) for the words "The four" there shall be substituted the words " The three ".

6 Divisional Courts

In paragraph (b) of the proviso to section 63(6) of the Supreme Court of Judicature (Consolidation) Act 1925 (which requires the president of a division of the High Court, in constituting a divisional court, to obtain the concurrence of other judges of his division, but only two of them in the case of the Queen's Bench Division), the words " with the concurrence of the other judges of the Division or a majority thereof, or in the case of the King's Bench Division " shall be omitted.