



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Status: This is the original version (as it was originally enacted).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

- (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.

Assizes and Central Criminal Court

7 Extension of power to dispense with holding of assizes

- (1) An Order in Council under section 72 of the Supreme Court of Judicature (Consolidation) Act 1925 (regulation of circuits) may contain a direction that, notwithstanding any enactment or custom to the contrary, assizes shall no longer be held for such county or at such place as may be specified in the Order either at all or for the transaction of such class of business as may be so specified.
- (2) Where such an Order contains in relation to any county or place a direction authorised by this section, the Order may also contain such provisions as appear to Her Majesty to be necessary or expedient in consequence of the direction including, without prejudice to the generality of the foregoing provision or to the provisions of paragraphs (f), (g) and (h) of subsection (1) of the said section 72, provision—
 - (a) for enabling business which would or might have been transacted at assizes held in or for that county or place to be transacted at other assizes and persons who would or might have been tried or dealt with by a court of assize held in or at that county or place to be tried or dealt with by a court of assize held elsewhere;
 - (b) for assigning to such local authority as may be prescribed by the Order liability in respect of the costs of cases taken at any assizes in consequence of a provision made by virtue of paragraph (a) above (so far as those costs are payable out of local funds under the Costs in Criminal Cases Act 1952) and in respect of such of the expenses of holding any court of assize at which cases are so taken as may be so prescribed; and
 - (c) for the modification or amendment of any enactment (including an enactment extending to Scotland) relating to courts of assize and their jurisdiction.
- (3) In this section " county" has the same meaning as in the Supreme Court of Judicature (Consolidation) Act 1925.

8 Sittings of Central Criminal Court

The Administration of Justice Act 1964 shall be deemed to have been enacted with the following paragraph in place of paragraph 14 of Schedule 1 (which Schedule relates to the constitution, jurisdiction, sittings, etc. of the Central Criminal Court):—

- “14 (1) The Court may sit in more than one division simultaneously.
- (2) Any division of the Court may sit at any place in Greater London.”.

Court of Appeal

9 Constitution of criminal division and powers of single judge

- (1) A court of the criminal division of the Court of Appeal shall, for the purpose of exercising any of its jurisdiction, be duly constituted if it consists of an uneven number of judges, not being less than three.
- (2) A court of the said division shall be duly constituted if it consists of two judges, but not for the purpose—
- (a) of determining an appeal; or
 - (b) of determining an application for leave to appeal to the House of Lords; or
 - (c) of refusing an application for leave to appeal to the criminal division, other than an application which has been refused by a single judge under section 31 of the Criminal Appeal Act 1968.
- (3) In section 45(2) of the said Act of 1968 (which defines "single judge", for the purposes of sections 31 and 44 of the Act, as meaning any judge of the Court of Appeal or of the Queen's Bench Division of the High Court) the words "of the Queen's Bench Division of" shall be omitted.
- (4) In section 83(1) of the Criminal Justice Act 1967 (which enables the Secretary of State to make regulations about legal aid in criminal cases and, by paragraph (b), enables a court's powers in relation to legal aid to be made exercisable by a member or officer of the court) that paragraph shall have effect in relation to the criminal division of the Court of Appeal as if for the reference to a person entitled to sit as a member of the court there were substituted a reference to any judge of the court or of the High Court.

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 Patents Appeal Tribunal or the Registered Designs Appeal Tribunal, he may appoint—
- (a) a judge of the Court of Appeal; or
 - (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.

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- (2) A person appointed to either 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 either 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 " the Patents Appeal Tribunal " means the Appeal Tribunal constituted under section 85 of the Patents Act 1949 (as amended by section 24 of the Administration of Justice Act 1969); and " the Registered Designs Appeal Tribunal" means the Appeal Tribunal constituted under section 28 of the Registered Designs Act 1949 (as so amended).
- (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 ".