

*Status: Point in time view as at 01/02/1991.*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, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 1.

#### AMENDMENT OF ENACTMENTS CONSEQUENTIAL ON SECTION 1

##### Modifications etc. (not altering text)

- C1** The text of ss. 27, 29, Sch. 2, Sch. 11 are in the form in which they were originally enacted: they were not reproduced in Statutes in Force and, except as specified, do not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1 ..... **F1**

##### Textual Amendments

- F1** Sch. 2 para. 1 repealed by [Administration of Estates Act 1971 \(c. 25\)](#), s. 12(3), [Sch. 2 Pt. I](#)

##### *The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)*

- 2 In section 1 of the Maintenance Orders (Facilities for Enforcement) Act 1920 (provisions for registration and enforcement of maintenance orders made overseas), in subsection (2), for the words “Probate, Divorce and Admiralty Division” substitute the words “Family Division”.

##### *The Administration of Estates Act 1925 (c.23)*

- 3 In section 23 of the Administration of Estates Act 1925 (grant of representation in the case of settled land), in subsections (3) and (4), for the words “Principal Probate Registry” substitute the words “principal registry of the Family Division of the High Court”.
- 4 In section 47A of the said Act of 1925 (life interest of surviving spouse on an intestacy), in subsection (7), for the words “principal probate registrar” substitute the words “principal registrar of the Family Division of the High Court”.
- 5 In section 55 of the said Act of 1925 (interpretation), for paragraph (xv) substitute—  
“(xv) “Probate Judge” means the President of the Family Division of the High Court.”

##### *The Supreme Court of Judicature (Consolidation) Act 1925 (c. 49)*

##### *References to Probate Division and its President*

- [<sup>F26</sup> In the following provisions of the Supreme Court of Judicature (Consolidation) Act 1925, for the words “Probate, Divorce and Admiralty Division” or “Probate

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Division”, in each place where they occur, substitute the words “Family Division”:

**Textual Amendments**

**F2** S. 34(1), Sch. 2 paras. 6–9, 11–15, 18, 20 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7

*[F3 Other amendments in Parts I to V*

**Textual Amendments**

**F3** 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

7 In section 5 of the said Act of 1925 (power to alter divisions by Order in Council), in subsection (1), for the words “on a report or reccomendation of the council of judges of the Supreme Court assembled in persuance of the provisions of Part Xof this Act”, substitute the words “on a recommendation of the Lord Chancellor, the Lord Cheif Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor”

8 In section 56 of the said Act of 1925 (allocations of business to divisions)—  
(a) in subsection (1)(b), for the words “The wardship of infants and the care of infants’ estates” substitute—

“The appointment of a guardian of a minor’s estate alone;”

(b) after subsection (1)(b) insert—

“(bb) all causes and matters involving the exercise of the High Court’s probate jurisdiction otherwise than in respect of non-contentious or common form probate business”;

(c) after subsection (2)(a) insert—

“(aa) all causes and matters involving the exercise of the High Court’s Admiralty jurisdiction, or its jurisdiction as a prize court;”

(d) for subsection (3) substitute—

“(3) To the Family Division—

(a) all causes and matters involving the exercise of the High Court’s probate jurisdiction in proceedings specified in schedule 1 to the Administration of Justice Act 1970;

(b) all causes and matters which under,or by virtue or in pursuance of, any other enactment for the time being in force are assigned to the Family Division.”

9 For section 107 of the said Act of 1925 (principal probate registry) substitute—

“**107** The principal registry of the Family Division, for the purpose of non-contentious or common form probate business, shall remain in London, unless Her Majesty by Order in Council appoints some other place for it.”]

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#### Textual Amendments

**F4** Sch. 2 para. 10 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

[<sup>F5</sup>11 In Schedule 3 to the said Act of 1925, Part I (officers to whom special provisions as to appointment, retirement and pension apply), after the words “Assistant Master of the Supreme Court (King’s Bench Division)” insert the words “Admiralty Registrar”.]

#### Textual Amendments

**F5** 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

[<sup>F6</sup> Amendments of references in Part VII to principal probate registry and registrar

#### Textual Amendments

**F6** 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

12 In the following provisions of the said Act of 1925, for the words “the principal probate registry”, in each place where they occur, substitute the words “the principal registry of the Family Division”:

[<sup>F7</sup>13 In section 157 of the said Act of 1925 (copies of wills to be delivered to Commissioners of Inland Revenue), for the words “every probate registry” substitute the words “the principal registry of the Family Division and every district probate registry”.]

#### Textual Amendments

**F7** 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

[<sup>F8</sup>14 In the following provisions of the said Act of 1925, for the words “the principal probate registrar”, in each place where they occur, substitute the words “the principal registrar of the Family Division”:

#### Textual Amendments

**F8** 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

[<sup>F9</sup>15 In section 167 of the said Act of 1925 (administration bonds), in subsection (1), for the words from “senior” to “principal probate registrar”, where last occurring, substitute the words “principal registrar of the Family Division and, subject to the provisions of this section, if that registrar”; and in subsection (4), for the words “the principal probate registrar” substitute the words “the principal registrar of the

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Family Division or, before the coming into force of section 1 of the Administration of Justice Act 1970, the principal probate registrar”.]

**Textual Amendments**

**F9** 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](#)

16 ..... **F10**

**Textual Amendments**

**F10** Sch. 2 para. 16 repealed by [Inheritance \(Provision for Family and Dependents\) Act 1975 \(c. 63\)](#), [Sch.](#)

17 ..... **F11**

**Textual Amendments**

**F11** Sch. 2 para. 17 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(2), [Sch. 4](#)

*The Supreme Court Officers (Pensions) Act 1954 (c. 38)*

[<sup>F12</sup>18 In section 2 of the Supreme Court Officers (Pensions) Act 1954 (judges’ secretaries and clerks), in subsections (2), (5) and (6), for the words “Probate, Divorce and Admiralty Division” substitute the words “Family Division”.]

**Textual Amendments**

**F12** 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](#)

*The Public Records Act 1958 (c. 51)*

19 In section 8 of the Public Records Act 1958 (deposit and custody of court records), in subsection (5), for the words “Probate Division” substitute the words “Family Division”.

<sup>F13</sup> *The Judicial Pensions Act 1959 (c. 9)*

**Textual Amendments**

**F13** 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](#)

20 In Schedule 1 to the Judicial Pensions Act 1959 (judicial offices qualifying for pension at rates set out in section 1) for the words “Probate, Divorce and Admiralty Division” substitute the words “Probate, Divorce and Admiralty, or Family Division”.]

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*[<sup>F14</sup> The County Courts Act 1959 (c. 22)*

**Textual Amendments**

**F14** Sch. 2 paras. 21, 23, 24 repealed (E.W.) by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

21 In section 42 of the County Courts Act 1959 (jurisdiction by agreement in certain actions) for the words “Probate, Divorce and Admiralty Division” substitute the words “Family Division or have involved the exercise of the High Court’s Admiralty jurisdiction”.]

[<sup>F15</sup>22 At the end of section 54(2) of the said Act of 1959 (transfer of equity proceedings from High Court to county court) insert the words “other than a matter in relation to which section 63 of this Act applies”.]

**Textual Amendments**

**F15** Sch. 2 para. 22 repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7 and also expressed to be repealed (E.W.) by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

[<sup>F16</sup>23 In section 62(1) of the said Act of 1959 (probate jurisdiction) and section 63 thereof (transfer of probate proceedings from High Court to county court), for the words “principal probate registry”, in each place where they occur, substitute the words “principal registry of the Family Division”.]

**Textual Amendments**

**F16** Sch. 2 paras. 21, 23, 24 repealed (E.W.) by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), Sch. 4

*The County Courts Act 1959 (c.22)*

24 In section 64 of the said Act of 1959 (effect of order of judge in probate proceedings), in paragraph (a), after the word “principal” insert the words “registry of the Family Division” ; and, in paragraph (b), for the words “principal probate registry” substitute the words “principal registry of the Family Division”.

25 ..... <sup>F17</sup>

**Textual Amendments**

**F17** Sch. 2 para. 25 repealed by Administration of Justice Act 1973 (c. 15, SIF 37), Sch. 5 Pt. IV

*The Matrimonial Causes Act 1967 (c. 56)*

26 In section 4 of the Matrimonial Causes Act 1967 (county court proceedings in High Court divorce registry), for the words “principal probate registry” in each place where they occur, substitute the words “divorce registry”.

27 ..... <sup>F18</sup>

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**Textual Amendments**

**F18** Sch. 2 para. 27 repealed by [Matrimonial Clauses Act 1973 \(c. 18, SIF 49:3\)](#), **Sch. 3**

- 28      In section 10 of the said Act of 1967 (interpretation), in subsection (1), after the definition of “divorce county court” insert— “ “divorce registry” means the principal registry of the Family Division of the High Court. ”

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