

SCHEDULES

SCHEDULE 2

Section 1.

AMENDMENT OF ENACTMENTS CONSEQUENTIAL ON SECTION 1

THE COURT OF PROBATE ACT (IRELAND) 1859 (22 and 23 Vict. c. 31)

- 1 In section 25 of the Court of Probate Act (Ireland) 1859 (certificate of principal probate registrar in England required before English grants are resealed), after the words "principal probate registrar" insert the words " or, under the hand of a registrar of the Family Division of the High Court in England, that bond has been given to the principal registrar of that Division ".

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

- 6 In the following provisions of the Supreme Court of Judicature (Consolidation) Act 1925, for the words "Probate, Divorce and Admiralty Division" or "Probate Division ", in each place where they occur, substitute the words " Family Division " :—
- section 2 (constitution of High Court), subsection (1);
 - section 3 (qualification to sit as judge), subsection (1);
 - section 4 (divisions of High Court), subsections (1)(iii) and (2);
 - section 6 (constitution of Court of Appeal), subsection (2);
 - section 9 (qualification of judges), subsection (3);

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section 16 (precedence of judges), subsections (2) and (2a);
 section 70 (commissioners of assize), subsections (3) and (5);
 section 99 (rules of court), subsections (4) and (6);
 section 100 (rules about non-contentious probate business), subsection (1);
 section 108 (district probate registries), subsections (2), (3) and (5);
 section 109 (clerks of district probate registries), subsections (1) and (2);
 section 113 (power to abolish offices);
 section 115 (tenure of officers of Supreme Court), subsection (3);
 section 116 (appointment of deputies for court officers), subsection (4);
 section 128A (district probate registrar), subsections (2) and (3);
 section 152 (duties of district probate registrars), subsection (2), (3), (5) and (6) ;
 section 156 (calendars of grants), subsection (2);
 section 157 (copies of will to be delivered to Revenue);
 section 172 (depositories of wills of living persons);
 section 174 (seals for use in probate registries), subsection (1);
 section 220 (documents filed in, or in custody of, central office), subsection (3);
 Schedule 2 (district probate registries), paragraph 2 ;
 Schedule 3, Part I (officers to whom special provisions as to appointment, retirement and pension apply).

Other amendments in Parts 1 to V

- 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 recommendation of the council of judges of the Supreme Court assembled in pursuance of the provisions of Part X of this Act", substitute the words " on 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 ".
- 8 In section 56 of the said Act of 1925 (allocation 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 jurisdiction in proceedings specified in Schedule 1 to the Administration of Justice Act 1970;

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(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.”
- 10 In section 112 of the said Act of 1925 (classification of Supreme Court clerks), in subsection (1), for the words "the principal" substitute the words " the principal registry of the Family Division ".
- 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 ".

Amendments of references in Part VII to principal probate registry and registrar

- 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 " :—
- section 126 (qualification for appointment to certain offices), subsection (3);
 - section 150 (application for grants);
 - section 151 (grants in district probate registries), subsection (3);
 - section 152 (duties of district probate registrars), subsections (1), (2), (3), (4) and (5);
 - section 154 (caveats), subsections (1) and (2);
 - section 156 (records of grants), subsection (1);
 - section 168 (resealing of Scottish confirmations), subsections (1), (2) and (3);
 - section 169 (resealing of Northern Irish grants), subsections (1), (2) and (3);
 - section 170 (deposit of wills, etc.) ;
 - section 171 (official copies of wills), paragraphs (b) and (c) ;
 - section 174 (seals for use in probate registries), subsection (1).
- 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 ".
- 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 " :—
- section 167 (administration bonds), subsection (2);
 - section 168 (re-sealing of Scottish confirmations), subsection (3);
 - section 169 (re-sealing of Northern Irish grants), subsection (2);
 - section 171 (official copies of wills), paragraph (c).
- 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 ".

THE INHERITANCE (FAMILY PROVISION) ACT 1938 (c. 45)

- 16 In section 3 of the Inheritance (Family Provision) Act 1938 (effect and form of order as to provision to be made for dependant of deceased person), in subsection (3), for the words " principal probate registry " substitute the words " principal registry of the Family Division ".

THE ADMINISTRATION OF JUSTICE (PENSIONS) ACT 1950 (14 & 15 Geo. 6 c. 11)

- 17 In Schedule 1 to the Administration of Justice (Pensions) Act 1950 (list of judges and others whose pensions are affected by Part I of the Act), in the left-hand column—
- (a) after the words " Assistant Master of the Supreme Court (King's Bench Division)" insert " Admiralty Registrar ".
 - (b) for the words " Registrar, Probate Division " substitute the words " Registrar, Probate or Family Division ".

THE SUPREME COURT OFFICERS (PENSIONS) ACT 1954 (c. 38)

- 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 ".

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 ".

THE JUDICIAL PENSIONS ACT 1959 (c. 9)

- 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 ".

THE COUNTY COURTS ACT 1959 (c. 22)

- 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 ".
- 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 ".
- 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 "

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principal probate registry ", in each place where they occur, substitute the words " principal registry of the Family Division ".

- 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 ".

THE JUDGES' REMUNERATION ACT 1965 (c. 61)

- 25 In Schedule 1 to the Judges' Remuneration Act 1965 (salaries of higher United Kingdom judiciary), for "Probate, Divorce and Admiralty Division " substitute " Family Division ".

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 In section 7 of the said Act of 1967 (matrimonial causes rules), in subsection (1).—
- (a) for the words " Probate, Divorce and Admiralty Division " substitute the words " Family Division "; and
 - (b) for the words " principal probate registry" substitute the words " divorce registry ".

- 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”.