

SCHEDULES

SCHEDULE 5

Sections 41 to 43.

TRANSITIONAL PROVISIONS CONSEQUENTIAL ON MERGER OR ABOLITION OF CERTAIN COURTS

PART I

THE PALATINE COURTS

Interpretation

- 1 In this Part of this Schedule—
- " the Palatine Court " means the Lancaster Palatine Court or the Durham Palatine Court, as the case may require ; and
- " the relevant date in relation to the Palatine Court ", means the date on which it ceases to exercise any jurisdiction by virtue of section 41(1) of this Act.

Pending Proceedings

- 2 (1) Subject to any provision made (whether before or after the relevant date) by Rules of the Supreme Court.—
- (a) any proceedings which had been begun in the Palatine Court before the relevant date may be continued on and after that date in the High Court as if they had been begun in the High Court; and
- (b) anything done in accordance with the rules applicable to proceedings in the Palatine Court shall be treated as having been done in accordance with the rules applicable to corresponding proceedings in the High Court.
- (2) Any act, judgment or order of the Palatine Court in any proceedings shall have the like effect, and further proceedings may be taken in respect of it, as if it were an act, judgment or order of the High Court.

Fees

- 3 (1) All fees and other payments which, having become due in the Lancaster Palatine Court in accordance with any order made under the Chancery of Lancaster Acts 1850 to 1961, had not been paid before the relevant date, shall on and after that date become due to the Duchy of Lancaster, and all money which immediately before that date stood to the credit of, or was awaiting payment into any of the Fee Fund Accounts of the Lancaster Palatine Court shall on that date vest in the Duchy.
- (2) Any money due to the Duchy of Lancaster by virtue of sub-paragraph (1) above shall be recoverable as if it were due to the Duchy under an order of the High Court; and

all sums received by the Duchy by virtue of that sub-paragraph shall form part of the revenue of the Duchy.

- (3) All fees and similar payments which, having become due in the Durham Palatine Court, had not been paid before the relevant date shall on and after that date become due to the registrar of the Durham district registry of the High Court as fees in the High Court, and all money received as fees or similar payments in the Durham Palatine Court and held immediately before the relevant date by the registrar of the Durham district registry of the High Court in his capacity as Registrar of the Durham Palatine Court shall be dealt with by him, on and after that date, as High Court fees received by him in his capacity as a district registrar.

Funds in court

- 4 (1) On the relevant date all investments and money which, immediately before that date, constituted the funds in court in the Palatine Court shall, by virtue of this Act and without any transfer or assignment, be vested in the Accountant General of the Supreme Court as funds in the Supreme Court.
- (2) In dealing with any investments and money vested in him by virtue of sub-paragraph (1) above, the Accountant General of the Supreme Court shall comply with any directions which the Lord Chancellor may consider it expedient to give to him with a view to securing the transition of the administration of the funds in court in the Palatine Court to the Supreme Court.
- (3) The transfer of any funds under sub-paragraph (1) above shall not affect the right of any person in or to any of those funds, and any such right may be enforced on and after the appointed day as if it had always been a right in respect of funds in the Supreme Court.
- (4) On the relevant date there shall be vested in the Accountant General of the Supreme Court any outstanding liabilities of the Lancaster Palatine Court in respect of sums which at one time formed part of the funds in court in the Lancaster Palatine Court but which ceased to do so at some time prior to that date ; and any amounts required to meet any such liabilities shall be paid out of the Consolidated Fund to the Accountant General.
- (5) On the relevant date section 52 of the Administration of Justice Act 1956 (provision for transfer to charities and ecclesiastical corporations of certain funds in the Lancaster Palatine Court) shall cease to have effect and any funds which, immediately before that date, might have been dealt with under that section may, on and after that date, be dealt with under section 15 of the Administration of Justice Act 1928 (corresponding provision for transfer of funds in the Supreme Court).

Court Records

- 5 All records of the Palatine Court shall on and after the relevant date be deemed to be records of the Supreme Court and shall be dealt with accordingly under the Public Records Act 1958.

PART II

MAYOR'S AND CITY OF LONDON COURT

Interpretation

6 In this Part of this Schedule—

- " the City Court " means the Mayor's and City of London Court;
- " the county court " means the county court for the City of London established by virtue of section 42(2) of this Act;
- " the relevant date " means the date on which the City Court is abolished.

Pending proceedings

- 7 (1) Any proceedings which had been begun in the City Court before the relevant date may be continued on and after that date in the county court, whether or not the proceedings could have been begun in a county court.
- (2) Where, by virtue of sub-paragraph (1) above, proceedings which would not otherwise be within the jurisdiction of a county court are continued in the county court.—
- (a) the county court shall have the like jurisdiction in respect of the proceedings as if it were the City Court and as if section 42(1) of this Act had not been enacted; and
 - (b) notwithstanding the repeals effected by this Act, section 19(2) of the City of London (Courts) Act 1964 (procedure for non-county court cases) shall apply to the proceedings with the modification that for any reference in the enactment or rules referred to in that section to the City Court there shall be substituted a reference to the county court, and section 15 of the Administration of Justice (Miscellaneous Provisions) Act 1938 (appeals from the City Court) shall apply accordingly.
- (3) Notwithstanding anything in this Act, the provisions of any enactment or rule of law applicable immediately before the relevant date to any act, judgment or order of the City Court shall continue to apply thereto on and after the relevant date, but anything required on or after the relevant date to be done by or to the City Court or any officer thereof, under or by virtue of any such enactment or rule of law, shall be treated as validly done if done by or to the county court. '

Outstanding fees

- 8 All fees and similar payments which, having become due in the City Court, had not been paid before the relevant date shall become due on and after the relevant date to the Common Council of the City of London and shall be recoverable as if they were due to the Common Council under an order of the High Court.

Funds in court

- 9 (1) On the relevant date all investments and money which immediately before that date constituted the funds in court in the City Court shall, by virtue of this Act and without any transfer- or assignment, be vested, subject to sub-paragraph (2) below, in the registrar of the county court as funds in that court.

- (2) So much of the investments and money referred to in sub-paragraph (1) above as, immediately before the relevant date, was held in the joint names of the Chamberlain of the City of London and the registrar of the City Court shall, instead of being vested solely in the registrar of the county court in accordance with that sub-paragraph, be vested, by virtue of this Act and without any transfer or assignment, jointly in the registrar of the county court and the Accountant-General of the Supreme Court.

PART III

OTHER LOCAL COURTS

Interpretation

- 10 In this Part of this Schedule—
- " the local courts " means the courts abolished by section 43(1) of this Act and "local court" means any one of those courts ;
- " the relevant date " in relation to a local court means the date on which it is abolished ; and
- " the county court ", in relation to a local court, means the county court for the district in which the local court is situated.

Pending proceedings

- 11 (1) Subject to any provision made (whether before or after the relevant date) by county court rules:—
- (a) any proceedings which had been begun in a local court before the relevant date may be continued on and after that date in the county court, whether or not the proceedings could have been begun in that or any other county court; and
- (b) anything done in accordance with the rules applicable to proceedings in the local court shall be treated as having been done in accordance with the rules applicable to corresponding proceedings in the county court.
- (2) Any act, judgment or order of a local court in any proceedings shall have the like effect, and further proceedings may be taken in respect of it, as if it were an act, judgment or order of the county court.
- (3) Where, by virtue of sub-paragraph (1) above, any proceedings are continued in a county court which could not have been begun in that or any other county court, the court shall have jurisdiction to deal with the proceedings in the like manner as the local court would have had if it had not been abolished.

Fees

- 12 (1) All fees and similar payments which, having become due in a local court, had not been paid before the relevant date shall on and after that date become due to the appropriate local authority, and all sums which immediately before that date stood to the credit of, or were awaiting payment into, any account maintained by a local court for the receipt of fees and similar payments shall on that date vest in the appropriate local authority.

- (2) All money due to the appropriate local authority by virtue of sub-paragraph (1) above shall be recoverable as if it were due to the authority under an order of the High Court.
- (3) For the purposes of this paragraph " the appropriate local authority" means—
- (a) in relation to the Tolzey Court or the Pie Poudre Court of the City and County of Bristol, the council of the county borough of Bristol;
 - (b) in relation to the Liverpool Court of Passage, the council of the county borough of Liverpool;
 - (c) in relation to the Norwich Guildhall Court, the council of the county borough of Norwich ; and
 - (d) in relation to the Court of Record for the Hundred of Salford, the council of the county borough of Manchester.

Funds in court

- 13 On the relevant date all investments and money which immediately before that date constituted the funds in court in a local court shall, by virtue of this Act and without any transfer or assignment, be vested in the registrar of the county court as funds in that court.

Court records

- 14 All records of the local courts shall on and after the relevant date be deemed to be records of county courts and may be dealt with accordingly under the Public Records Act 1958.