



Administration of Justice Act 1982

1982 CHAPTER 53

PART IV

WILLS

Registration of wills

PROSPECTIVE

25 Regulations as to deposit and registration of wills etc.

- (1) Regulations may make provision—
 - (a) as to the conditions for the deposit of a will;
 - (b) as to the manner of and procedure for—
 - (i) the deposit and registration of a will; and
 - (ii) the withdrawal of a will which has been deposited; and
 - (iii) the cancellation of the registration of a will; and
 - (c) as to the manner in which the Principal Registry of the Family Division is to perform its functions as the national body under the Registration Convention.
- (2) Regulations under this section may contain such incidental or supplementary provisions as the authority making the regulations considers appropriate.
- (3) Any such regulations are to be made—
 - (a) for England and Wales, by the President of the Family Division of the High Court of Justice, with the concurrence of the Lord Chancellor;
 - (b) for Scotland, by the Secretary of State after consultation with the Lord President of the Court of Session; and
 - (c) for Northern Ireland, by the Northern Ireland [^{F1}Court of Judicature] Rules Committee, with the concurrence of the Lord Chancellor.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 25. (See end of Document for details)

- (4) Regulations made by virtue of subsection (1)(c) above shall be made by the Lord Chancellor [^{F2}after consulting the Lord Chief Justice of England and Wales].
- (5) Subject to subsection (6) below, regulations under this section shall be made by statutory instrument and shall be laid before Parliament after being made.
- (6) Regulations for Northern Ireland shall be statutory rules for the purposes of the ^{M1}Statutory Rules (Northern Ireland) Order 1979; and any such statutory rule shall be laid before [^{F3}the Northern Ireland Assembly after being made].
- [^{F4}(6A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6) in relation to the laying of a statutory rule as it applies in relation to the laying of a statutory document under an enactment.]
- (7) The ^{M2}Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations made in accordance with subsection (3)(a) ^{F5}. . . above as if the regulations had been made by a Minister of the Crown.
- (8) Any regulations made under section 172 of the ^{M3}Supreme Court of Judicature (Consolidation) Act 1925 or section 126 of the ^{M4}[^{F6}Senior Courts Act 1981] shall have effect for the purposes of this Part of this Act as they have effect for the purposes of the enactment under which they were made.
- [^{F7}(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (4).]

Textual Amendments

- F1** Words in s. 25(3)(c) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 27\(2\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F2** Words in s. 25(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 148\(1\), Sch. 4 para. 148\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 10, 11(q)
- F3** Words in s. 25(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(5\), Sch. 18 para. 32\(a\)](#) (with arts. 28-31)
- F4** S. 25(6A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(5\), Sch. 18 para. 32\(b\)](#) (with arts. 28-31)
- F5** Words in s. 25(7) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(5\), Sch. 18 para. 32\(c\)](#) (with arts. 28-31)
- F6** S. 25(8) for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148\(1\), Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)
- F7** S. 25(9) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 148\(1\), Sch. 4 para. 148\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 10, 11(q)

Modifications etc. (not altering text)

- C1** S. 25(3)(c): functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 15\(1\), Sch. 17 para. 9](#) (with arts. 28-31)

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 25. (See end of Document for details)

Marginal Citations

M1 S.I. 1979 No. 1573 (N.I. 12)

M2 1946 c. 36.

M3 1925 c. 49.

M4 1981 c. 54.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1982, Section 25.