

SCHEDULES

SCHEDULE 8

AMENDMENTS OF OTHER ACTS

PART II

MISCELLANEOUS AMENDMENTS

Habeas Corpus Act 1679

- 4 (1) In section 2 of the Habeas Corpus Act 1679 for the words from " in the Court of Kings Bench " to " case shall require " substitute " in the Crown Court ".
- (2) In section 8 of the said Act for " judge of assize " substitute " judge of the Crown Court ".

Vagrancy Act 1824

- 5 The Vagrancy Act 1824 shall be amended as follows:—
- (a) in section 5, as amended by the Criminal Justice Act 1967, for " quarter sessions " substitute " the Crown Court ",
 - (b) in section 10 for the words from " quarter sessions" to " assembled " substitute " the Crown Court, it shall be lawful for the Crown Court ", and
 - (c) in section 14 for the words following " appeal to " to the end of the section substitute " the Crown Court ".

Law Terms Act 1830

- 6 In section 32 of the Law Terms Act 1830 (taking of certain oaths) for the words from " judge during the assizes " to " formerly taken" substitute " judge of the High Court or Court of Appeal, Circuit judge or Recorder ".

Parliamentary Documents Deposit Act 1837

- 7 For any reference in the Parliamentary Documents Deposit Act 1837 to the clerk of the peace there shall be substituted a reference to any officer of a local or other authority.

Slave Trade Act 1843

- 8 In section 4 of the Slave Trade Act 1843 (evidence taken abroad) for any reference to the High Court (whether in terms a reference to the Court of Queen's Bench or otherwise) there shall be substituted a reference to the Crown Court.

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Indictable Offences Act 1848

- 9 In sections 12, 13 and 14 of the Indictable Offences Act 1848 (backing of warrants) for any reference to justices of oyer and terminer or gaol delivery, except so far as it is a reference to such a justice in Northern Ireland, there shall be substituted a reference to the Crown Court.

Petty Sessions (Ireland) Act 1851

- 10 In section 30 of the Petty Sessions (Ireland) Act 1851 for the reference to justices of oyer and terminer and general gaol delivery in England there shall be substituted a reference to the Crown Court.

Juries Act 1870

- 11 In the Schedule to the Juries Act 1870 (persons exempt from serving on juries) before the word " Coroners" insert, on a line by itself, the words " Justices of the peace ".

Explosives Act 1875

- 12 In section 66(1) of the Explosives Act 1875 for " county court judge " substitute " Circuit judge ".

Prosecution of Offences Act 1879

- 13 In section 2 of the Prosecution of Offences Act 1879 as amended by the Criminal Justice Act 1967 for " at assizes or quarter sessions " substitute " before the Crown Court ".

Central Criminal Court (Prisons) Act 1881

- 14 In section 2(5) of the Central Criminal Court (Prisons) Act 1881 for the words " at the Central Criminal Court" substitute the words " before the Crown Court sitting at the Central Criminal Court or elsewhere in Greater London. "

Coroners Act 1887

- 15 (1) In section 5 of the Coroners Act 1887—
(a) in subsection (2) for the words from " at the next" to " is to be " substitute " before the Crown Court ",
(b) in subsection (3) for the words following "proper officer" substitute " of the Crown Court ".
- (2) In section 25 of the said Act for the words from " the clerk of the peace " to " borough " substitute " the clerk of that authority ".
- (3) In section 40(3) of the said Act for the words from "by one of the justices " to " circuit" substitute " by the Lord Chancellor ".

Witnesses (Public Inquiries) Protection Act 1892

- 16 In section 3 of the Witnesses (Public Inquiries) Protection Act 1892 for the words from "quarter sessions" to the end substitute " Crown Court ".

Indictments Act 1915

- 17 (1) In section 2 of the Indictments Act 1915 references to the rule committee shall be construed as references to the Crown Court rule committee, but this amendment shall not invalidate any rules previously made.
- (2) A statutory instrument containing rules under section 2 of the said Act of 1915 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Judicature Act 1925

- 18 (1) Section 17 of the Judicature Act 1925 (cases relating to rates and taxes) shall apply to a person acting as judge, or one of the judges, in the Crown Court as it applies to a judge of the High Court.
- (2) Any Order in Council under section 53 of the Judicature Act 1925 (vacations) may make different provision for different parts of the country.
- (3) In section 84(1) of the Judicature Act 1925 (power by Order in Council to direct location of district registries) for the words from the beginning to " Order in Council" substitute " The Lord Chancellor may by order contained in a statutory instrument " . The amendment made by this sub-paragraph shall not invalidate any Order in Council made under the said section 84(1), and any such Order in Council may be varied or revoked by an order made by the Lord Chancellor under the said section 84(1) as amended.
- (4) In section 99(2) of the Judicature Act 1925 (rules of court which may increase expenditure out of public funds) references to the Supreme Court shall not include the Crown Court.
- (5) In section 118(1) for the words from the beginning to "every such officer " substitute " Each of the officers specified in Schedule 3 to this Act " .
- (6) In section 210(1) of the Judicature Act 1925 (council of judges to consider operation of Act) for the words " Supreme Court" where they first occur substitute " Court of Appeal and of the High Court " .

Criminal Justice Act 1925

- 19 In section 33(3) of the Criminal Justice Act 1925 (arraignment of corporation) for the words from the beginning to " case may be " substitute " On arraignment of a corporation, the corporation may " .

Coroners (Amendment) Act 1926

- 20 (1) The provisions of this Act about committal for trial by a magistrates' court, and the provisions of section 7(2) and section 13 of this Act, shall, subject to the provisions of this paragraph, apply with any necessary modifications to the proceedings mentioned in section 25(2) of the Coroners (Amendment) Act 1926.
- (2) Rules under the said section 25(2) may apply—
- (a) the provisions of this Act mentioned in sub-paragraph (1) above, and any other enactment relating to committal by magistrates' courts for trial in the Crown Court, and

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(b) the provisions of the Criminal Procedure (Attendance of Witnesses) Act 1965 relating to witness orders,
 with such modifications as may be necessary for giving effect to provisions of the said section 25.

(3) Sub-paragraph (1) above shall have effect subject to any rules so made.

Petroleum (Consolidation) Act 1928

21 In section 14(a) of the Petroleum (Consolidation) Act 1928 for " county court judge " substitute " Circuit judge ".

Children and Young Persons Act 1933

22 In section 55(5) of the Children and Young Persons Act 1933—
 (a) in paragraph (a) for " a court of quarter sessions " substitute " the Crown Court ",
 (b) in paragraph (b) for the words preceding " as if the parent" substitute " if made by the Crown Court, to the Criminal Division of the Court of Appeal in accordance with Part I of the Criminal Appeal Act 1968 ".

Local Government Act 1933

23 In section 242(1) of the Local Government Act 1933 (examination of local authority costs for legal business by clerk of the peace) for the words from the beginning to " deputy" substitute " On an application made by the council of a county district to the appropriate officer of the Crown Court, the officer ".

Criminal Justice Act 1948

24 In the Criminal Justice Act 1948—
 (a) in all places where there occurs a reference to a court of assize or quarter sessions (sections 6(3)(b) and (4), 8(4)(6)(8), 11(4), 14(1), 17(1)) there shall be substituted a reference to the Crown Court, and
 (b) in all places where there occurs a reference to a court of quarter sessions (sections 14(5), 20(5)(a), 37(3)(6)) there shall be substituted a reference to the Crown Court.

25 In section 8 of that Act, for paragraphs (a) to (c) of subsection (2) there shall be substituted the following paragraph—

“(a) if the probation order or order for conditional discharge was made by the Crown Court, that court.”

26 (1) In section 14 of that Act, in the proviso to subsection (1), after the word "fine" there shall be inserted the words " or any amount due under a recognisance ".

(2) At the end of the said section 14 add:—

“(6) The powers conferred by this section shall not be taken as restricted by any enactment about committal by a magistrates' court to the Crown Court which authorises the Crown Court to deal with an offender in any way in which the magistrates' court might have dealt with him:

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Provided that any term fixed under subsection (1)(c) above as respects a fine imposed by the Crown Court in pursuance of such an enactment, that is to say a fine which the magistrates' court could have imposed, shall not exceed the period applicable to that fine (if imposed by the magistrates' court) under Schedule 3 to the Magistrates' Courts Act 1952 or section 285 of the Customs and Excise Act 1952”.

27 For section 29 of that Act there shall be substituted the following section—

“29 Committal for sentence in respect of indictable offence tried summarily.

Where an offender is committed by a magistrates' court for sentence under section 29 of the Magistrates' Courts Act 1952 or section 62 of the Criminal Justice Act 1967, the Crown Court shall enquire into the circumstances of the case and shall have power to deal with the offender in any manner in which it could deal with him if he had just been convicted of the offence on indictment by the court.”

28 (1) In section 37 of that Act, for paragraph (b) of subsection (1) there shall be substituted the following paragraph—

“(b) the High Court may release on bail a person—

(i) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or

(ii) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application.”

(2) At the end of subsection (3) of that section there shall be added the words " or by a police officer not below the rank of inspector or the governor of a prison or the keeper of a place of detention ".

Legal Aid and Advice Act 1949

29 (1) For paragraph 1(c) of Part I of Schedule 1 to the Legal Aid and Advice Act 1949 (proceedings for which legal aid may be given) substitute—

“(c) the Court of Appeal and the High Court.”

(2) In paragraph 3 of the said Part I for " a court of quarter Sessions " substitute " the Crown Court ".

(3) In paragraph 1(1) and paragraph 2(1) of Schedule 3 to the said Act (remuneration of persons giving legal aid) for the words " the Supreme Court " substitute " the Court of Appeal or the High Court ".

Representation of the People Act 1949

30 (1) For section 115(3) of the Representation of the People Act 1949 substitute the following subsection:—

“(3) A barrister shall not be qualified to constitute an election court for the trial of an election petition relating to any local government area in which he resides, or which is included in a circuit on which he practises as a barrister.”

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- (2) In section 123(1) of the said Act for the words " at assizes " substitute " in the High Court " .
- (3) In section 135(2) of the said Act for the words "under the Levy of Fines Act 1822 or " substitute " as if forfeited by the Crown Court, or, in Northern Ireland under " .

National Parks and Access to the Countryside Act 1949

- 31 (1) Section 31(8) of the National Parks and Access to the Countryside Act 1949 has effect subject to the power of stating a case conferred on the Crown Court by this Act.
- (2) In section 37(2)(b) of the said Act for the words from " at quarter sessions" to " are referred" substitute " in the Crown Court " .

Administration of Justice (Pensions) Act 1950

- 32 In Schedule 1 to the Administration of Justice (Pensions) Act 1950 references to judge of the Supreme Court shall not include references to any person as being a judge of the Crown Court.

Prison Act 1952

- 33 In section 47(5) of the Prison Act 1952 as amended by the Criminal Justice Act 1961 for the words " at assizes or quarter sessions " substitute " before the Crown Court " and for " quarter sessions " substitute " the Crown Court " .

Magistrates' Courts Act 1952

- 34 (1) The words " the Crown Court" shall be substituted for " quarter sessions " or " a court of quarter sessions " in the following provisions of the Magistrates' Courts Act 1952, that is sections 19(4), 25(5), 28(1), 29, 86, 89 and 122(1)(c), and paragraph 7 of Schedule 2.
- (2) In section 1 of the said Act (issue of summons or warrant of arrest at beginning of proceedings) at the end of subsection (2)(d) add “, or
 - (e) if the offence was committed outside England and Wales and, where it is an offence exclusively punishable on summary conviction, if a magistrates' court for the county or borough would have jurisdiction to try the offence if the offender were before them”.
- (3) In sections 72A and 72B of the said Act for " a court of assize or quarter sessions " substitute " the Crown Court " .
- (4) In section 85 of the said Act (abandonment of appeal)—
 - (a) subsection (1) (which is superseded by the provisions of this Act authorising the making of Crown Court rules) shall cease to have effect;
 - (b) after subsection (2) insert:—
 - “(2A) In this section " appeal " means an appeal from a magistrates' court to the Crown Court, and the reference to a notice to abandon an appeal is a reference to a notice shown to the satisfaction of the magistrates' court to have been given in accordance with Crown Court rules.”

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- (5) In section 122(1) of the said Act for the words " clerks of assize and clerks of the peace" substitute " officers of the Crown Court ".

County Courts Act 1959

- 35 (1) In section 31(4) of the County Courts Act 1959 (misbehaviour by officer in county court) for the words " incapable of being employed under this Act in any office of profit or emolument" substitute, as respects any offence on or after the appointed day, the words " incapable of being employed in any office appointments to which are made by the Lord Chancellor ".
- (2) In section 34(1) of the said Act for the words " The judge " at the beginning substitute " Subject to any directions given by or on behalf of the Lord Chancellor as to the place or time of sitting, the judge ".
- (3) In section 201 of the said Act, in the definition beginning "judge" for the words "appointed for a district under this Act" substitute " assigned to a district under section 20(1) of the Courts Act 1971 ".

Highways Act 1959

- 36 (1) In section 60(2) of the Highways Act 1959 for the words from the beginning to " clerk of the peace " substitute " The complainant for an order under the last foregoing section shall give notice in writing of the application to the appropriate officer of the Crown Court ".
- (2) At the end of section 108(7) of the said Act for the words " clerk of the peace " substitute " clerk of the appropriate authority ".
- (3) In section 108(8) of the said Act for the words from " to the clerk of the peace " to the end of the subsection substitute " to the clerk of the appropriate authority, together with any written consents produced to the magistrates' court under subsection (7) of this section ".

Obscene Publications Act 1959

- 37 In section 3(5) of the Obscene Publications Act 1959 (time of coming into force of forfeiture order) for the words from " fourteen days " to " order is made" substitute " the period within which notice of appeal to the Crown Court may be given against the order ".

Mental Health Act 1959

- 38 In the Mental Health Act 1959—
- (a) in all places where the words " a court of assize or quarter sessions " occur (sections 60(1), 65(1), 73(2)(a)(c), 77(1)), substitute " the Crown Court ",
- (b) in all places where the words " quarter sessions" occur (sections 67(1)(3) (5), 68, 70, 73(2)(b), 76(4)) substitute " the Crown Court ".

Caravan Sites and Control of Development Act 1960

- 39 In section 9(2) of the Caravan Sites and Control of Development Act 1960 (time of coming into force of order revoking a licence) for the words from " on such date "

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to the words " case stated or otherwise" substitute " on such date as the court may specify in the order, being a date not earlier than the expiration of any period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction ".

Administration of Justice Act 1960

- 40 (1) In section 13(2) of the Administration of Justice Act 1960 (appeal in cases of contempt of court) after paragraph (b) insert—
- “(bb) from an order or decision of the Crown Court to the Court of Appeal.”
- (2) In section 13(5)(a) of the said Act after " High Court " insert " the Crown Court ".
- (3) In section 16 of the said Act (power of High Court to vary sentence on certiorari proceedings) for references to quarter sessions substitute references to the Crown Court.

Criminal Justice Act 1961

- 41 In section 4(2)(a) of the Criminal Justice Act 1961 for the words " a court of assize or of quarter sessions " substitute " the Crown Court ".
- This amendment shall cease to have effect when the relevant repeal by the Children and Young Persons Act 1969 takes effect.

Licensing Act 1964

- 42 (1) In section 28(3)(b) of the Licensing Act 1964 after the words " justices of the peace " insert " or the Crown Court ".
- (2) So far as section 193(1) of the said Act (disqualification of justices) relates to justices sitting in, or otherwise discharging the business of, the Crown Court, for the reference in that subsection to their acting in any area having a separate commission of the peace substitute a reference to their dealing (in the Crown Court) with proceedings which are related to that area in any way.
- (3) For the purposes of the said Act that part of the county borough of Stockport which, at the passing of the Criminal Justice Administration Act 1956, formed part of Cheshire shall instead belong to Lancashire, and to the hundred of Salford in the same way as the remainder of the borough.

Administration of Justice Act 1964

- 43 (1) For section 13(5) of the Administration of Justice Act 1964 (committee of magistrates in London) substitute—
- “(5) There shall be a chairman, a vice-chairman and deputy chairman of the committee of magistrates, and
- (a) the chief metropolitan stipendiary magistrate shall be the chairman,
- (b) a metropolitan stipendiary magistrate chosen from among the members of the committee by the chief metropolitan stipendiary magistrate shall be vice-chairman, and

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- (c) a person chosen from amongst themselves by the lay justices who are members of the committee shall be the deputy chairman”.
- (2) In section 22(2) of the said Act for paragraphs (a) and (b) substitute
 - “(a) such number of Circuit judges, appointed by the Crown Court, as may be prescribed by the order”.
- (3) In section 28(1) of the said Act (prerogative proceedings: indemnities) for the words " a court of quarter sessions " substitute " the Crown Court " .
- (4) Subsection (2)(a) of the said section 28 shall not apply to proceedings relating to the jurisdiction of the Crown Court.

Judges' Remuneration Act 1965

44 In the Judges' Remuneration Act 1965 after section 1 insert

“1A Allowances payable to judges.

There shall be paid out of money provided by Parliament to any judge of the High Court or of the Court of Appeal, in addition to his salary, such allowances as the Lord Chancellor may with the approval of the Minister for the Civil Service determine”.

Criminal Procedure (Attendance of Witnesses) Act 1965

- 45 (1) In section 1(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965 for the words from " the court of assize " to the end of the subsection substitute the words " the Crown Court " .
- (2) In section 2 of the said Act—
- (a) in subsection (1) for the words " a court of assize or quarter sessions" and the words " that court" substitute " the Crown Court " ,
 - (b) in subsection (2) for the words "the court out of which the summons was issued " substitute " the Crown Court " .
- (3) For the purposes of section 13 of this Act a warrant issued under section 4 of the said Act (warrant of arrest to secure attendance of witness) shall be treated as a warrant issued by the Crown Court.
- (4) In section 4(2) of the said Act for the words " a court of assize or quarter sessions " substitute " the Crown Court " .
- (5) In Schedule 1 to the said Act, in paragraph 1 and paragraph 2 before the words " rules of court" insert " Crown Court rules or " .

Criminal Appeal Act 1966

46 In section 1(3) of the Criminal Appeal Act 1966 the words " of the Queen's Bench Division" and paragraph (a) shall be omitted.

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Matrimonial Causes Act 1967

- 47 In section 7(1) of the Matrimonial Causes Act 1967 for the words " county court judges " substitute " Circuit judges " in the two places where those words occur.

Criminal Justice Act 1967

- 48 In the Criminal Justice Act 1967—
- (a) in all places where there occurs a "reference to a court of assize or quarter sessions (sections 40(6), 41(1)(2)(a), 47(3)(4)(6)(7)(9), 48(1)(2), 54(1)(2), 56(1)(3)(5)(8)(11), 62(10), 73(4)(5)(8), 74(3), 76(4) and in Schedule 6 paragraphs 2, 14, 16, 21(c)) there shall be substituted a reference to the Crown Court, and
 - (b) in all places where there occurs a reference to a court of quarter sessions (sections 20, 22(3), 56(4)(b), 62(6)(7), 73(3)(3B), 74(6), 76(5), and in Schedule 6 paragraph 1) there shall be substituted a reference to the Crown Court.
- 49 In section 9(5) of that Act, for paragraphs (a) and (b) there shall be substituted the words " by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone ".
- 50 In section 16(2) of that Act (exemption from jury service of persons concerned with criminal cases) after paragraph (c) insert:—
- “(cc) officers of the Crown Court, and persons appointed or employed to assist them, being officers or other persons whose work is wholly or mainly concerned with the day-to-day administration of the Crown Court”.
- 51 In section 42 of that Act, in subsection (2), for paragraphs (a) to (d) there shall be substituted the following paragraph:—
- “(a) if the suspended sentence was passed by the' Crown Court, that court.”
- 52 For subsection (11) of section 44 of that Act there shall be substituted the following subsection:—
- “(11) Notwithstanding the definition of "fine" in the Magistrates' Courts Act 1952, references in the last foregoing subsection to a fine do not include any other sum adjudged to be paid on conviction, whether as a pecuniary penalty, forfeiture, compensation or otherwise.”
- 53 (1) In subsection (1) of section 47 of that Act, for the words from the beginning to " forfeited " there shall be substituted the words " If the Crown Court imposes a fine on any person or forfeits his recognisance, the Court " and for the words " courts of assize and quarter sessions " there shall be substituted the words " the Crown Court ".
- (2) After the said subsection (1) insert:—
- “(1A) Subsection (1) above does not apply where the power conferred by the said section 14(1) is excluded by subsection (5) of that section (fine imposed on appeal from a magistrates' court)”.
- (3) In subsection (2) of that section for the words " any such court" there shall be substituted the words " the Crown Court ".
- (4) Subsection (5) of that section shall be omitted.

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- (5) In subsection (8) of that section for the words from " a court of assize" to the end of paragraph (d) there shall be substituted the words " the Crown Court without the consent of that court ".
- 54 (1) In section 54 of that Act, subsection (4) shall be omitted.
- (2) In subsection (5) of that section, for the words from the beginning to " and which" there shall be substituted the words " Where a probationer appears or is brought before the Crown Court and the court " and after the words " probation order ", in the first place where they occur, there shall be inserted the words " the Crown Court ".
- 55 (1) In subsection (8) of section 56 of that Act, for the words " the court to which he is committed " there shall be substituted the words " the Crown Court ".
- (2) In subsection (9) of that section for the words "the clerk of the court to which he is committed " there shall be substituted the words " the proper officer of the Crown Court ".
- (3) In subsection (10) of that section for the words "the court to which he is committed " there shall be substituted the words " the Crown Court ".
- 56 In section 74(3) of that Act for the words " before a court of quarter sessions before which " there shall be substituted the words " in the Crown Court, being proceedings at which ".

Criminal Appeal Act 1968

- 57 (1) In the Criminal Appeal Act 1968—
- (a) for the words " a court of assize or quarter sessions" wherever they occur (sections 10(1), (2), 11(2)) substitute the words " the Crown Court ".
- (b) for the words " at assizes or quarter sessions" wherever they occur (sections 10(2), (3), 24(2)(b), 39(3)) substitute the words " before the Crown Court ".
- (2) For section 46(2) of the said Act substitute—
- “(2) Rules made by virtue of this section shall be made by the Crown Court rule committee.”
- This sub-paragraph shall not invalidate any rules previously made.
- (3) In section 51(1) of the said Act for the definition of the judge of the court of trial substitute—
- “" the judge of court of trial " means, where the Crown Court comprises justices of the peace, the judge presiding.”

Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968

- 58 In section 1(4) of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 after the words "the High Court" add the words " the Crown Court ".

Children and Young Persons Act 1969

- 59 (1) In section 3(7) of the Children and Young Persons Act 1969 for the words " quarter sessions" substitute " the Crown Court ".

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- (2) In the subsection (3B) in paragraph 1(3) and in paragraph 4(3) of Schedule 1 to the said Act for the words " a court of quarter sessions " substitute " the Crown Court ".

Administration of Justice Act 1970

- 60 (1) In section 4(2) of the Administration of Justice Act 1970 for the words " at assizes " substitute " in the Crown Court ".
- (2) In section 43(1)(b) of the said Act for the words " assizes or quarter sessions " substitute " the Crown Court ".
- (3) In paragraphs 1 to 15 of Schedule 9 to the said Act for the words " quarter sessions " and the words " a court of assize or quarter sessions " wherever they occur substitute " the Crown Court ".
- (4) For paragraphs 16 to 20 of the said Schedule 9 substitute the following paragraph—
- “16 Any order for the payment of costs made by the Crown Court, other than an order falling within Part I above, or an order for costs to be paid out of money provided by Parliament”.