



# Administration of Justice Act 1965

## 1965 CHAPTER 2

An Act to enable common investment funds to be established for the investment of moneys in certain courts in England, Wales and Northern Ireland and certain other moneys; to make fresh provision for dealing with funds in the Supreme Court of Judicature in England and to amend the law concerning dealing with funds in county courts in England and Wales or in the Mayor's and City of London Court; to amend the law concerning giving security by way of making a deposit with the Accountant General of the Supreme Court of Judicature in England; to make miscellaneous amendments of the law relating to that court and to inferior courts in England and Wales; to amend section 8 of the Prosecution of Offences Act 1879; to enable benefits under section 10 of the Courts of Justice Concentration (Site) Act 1865 to be commuted into capital sums; to amend the War Pensions (Administrative Provisions) Act 1919; to enlarge the legislative power of the Parliament of Northern Ireland and amend the Criminal Appeal (Northern Ireland) Act 1930; to repeal certain obsolete, spent, unnecessary or superseded enactments; and for purposes connected with the matters aforesaid. [23rd March 1965]

### Commencement Information

**II** Act not in force at Royal Assent, see [s. 36\(2\)\(3\)](#); Act wholly in force at 1.10.1965

## PART I

### FUNDS IN COURT IN ENGLAND AND WALES

#### *Common Investment Funds for Investment of Money in Court and Statutory Deposits*

#### [<sup>F1</sup>1] **Schemes for establishment of common investment funds.**

- (1) Schemes establishing common investment funds for the purpose of the investment therein of moneys in the Supreme Court, moneys in county courts, moneys in the

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Mayor's and City of London Court and statutory deposits may be made by the Lord Chancellor.

- (2) Such a scheme (hereafter in this Act referred to as a "common investment scheme") shall provide for the fund thereby established to be under the management and control of the Public Trustee and for the investment by him in accordance with the provisions of this section of sums of money transferred to the fund in pursuance of rules made under the following provisions of this Act with respect to funds in the Supreme Court, rules made under section 168 of the <sup>M1</sup>County Courts Act 1959 with respect to funds in county courts, rules made under section 169 of that Act with respect to funds in the Mayor's and City of London Court or statutory deposit regulations.
  - (3) A common investment scheme shall make provision for treating the fund thereby established as being divided into shares, and a sum invested therein as being represented by a number of shares determined by reference to that sum and the value of the fund at the time when the investment was made.
  - (4) A common investment scheme shall make provision for the allotment of the shares into which the fund thereby established is divided to, and their holding by, the Accountant General [<sup>F2</sup>and the Public Trustee], but no other person.
- [ Where provision is made by a common investment scheme for the Public Trustee to
- <sup>F3</sup>(4A) hold shares in a common investment fund, he shall have the same power to invest trust money in shares in the fund as if they were investments specified in Part I of Schedule 1 to the Trustee Investments Act 1961.]
- (5) Moneys comprised in the fund established by a common investment scheme may be invested by the Public Trustee in any way in which he thinks fit, whether or not authorised by the general law in relation to trust funds.
  - (6) A common investment scheme may, without prejudice to the foregoing provisions of this section, make provision for, and for all matters connected with, the establishment, investment, management and winding up of the fund thereby established and may in particular include provisions—
    - (a) for regulating the allotment to, and the realisation by, the Accountant General of shares in the fund, and for the payment by the Accountant General for shares therein allotted to him, and by the Public Trustee for shares realised by the Accountant General;
    - (b) for regulating the distribution of income and its payment to the Accountant General, and for enabling income to be withheld from distribution with a view to avoiding fluctuations in the amounts distributed;
    - (c) for determining, without regard to any rule of law applicable to trust funds, whether any cash or property received by the Public Trustee in respect of property comprised in the fund shall be treated as income or as capital and, where necessary, for its apportionment between income and capital;
    - (d) for enabling moneys to be borrowed temporarily for the purpose of the management or improvement of any property comprised in the fund or otherwise for the purpose of meeting payments to be made out of the fund;
    - (e) for any incidental or supplementary matters for which it appears to the Lord Chancellor requisite or expedient to make provision for the purposes of the scheme.
  - (7) The Public Trustee shall not be required or entitled to take account of any trusts or equities affecting any share in a fund established by a common investment scheme.

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- (8) There shall be charged on the Consolidated Fund any increase attributable to this section in the sums payable out of that Fund under section 7 of the <sup>M2</sup>Public Trustee Act 1906.
- (9) The power conferred by subsection (1) of this section to make a common investment scheme shall include power exercisable in the like manner to vary or revoke such a scheme.]

#### Textual Amendments

- F1** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I
- F2** Words inserted (*prosp.*) (*temp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 73(8)(a)(i), 76
- F3** S. 1(4A) inserted (*prosp.*) (*temp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 73(8)(a)(ii), 76

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

- C1** Ss. 1, 2, 12, 13 applied with modifications by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 83

#### Marginal Citations

- M1** 1959 c. 22.  
**M2** 1906 c. 55.

### [<sup>F42</sup> Consequential modifications of Public Trustee Act 1906.

- (1) The <sup>M3</sup>Public Trustee Act 1906 shall have effect subject to the following modifications:
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- (a) in section 8(5) of that Act (which provides for the payment out of moneys provided by Parliament of the expenses of carrying that Act into effect) the reference to that Act shall be construed as including a reference to common investment schemes;
- (b) in section 9(1) of that Act (which provides for the charge of fees in respect of the duties of the Public Trustee) the reference to those duties shall be construed as referring as well to his duties under schemes made under the foregoing section as to his duties under that Act;
- (c) in section 9(3) of that Act (which provides for the payment of fees into the Exchequer so far as they are not applied as an appropriation in aid of moneys provided by Parliament for expenses under that Act) and in section 9(4) thereof (which requires fees to be so arranged as to produce an annual amount sufficient to discharge the expenses incidental to the working of that Act) the references to that Act shall be construed as including references to common investment schemes.
- (2) The following provisions of the <sup>M4</sup>Public Trustee Act 1906, that is to say,—
- (a) so much of section 11(2) of that Act as requires the Public Trustee to take into consideration the wishes of the creator of the trust and of the other trustees and of the beneficiaries; and
- (b) section 13 of that Act (investigation and auditing of accounts of trust);

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shall not have effect in relation to the trusts constituted by a common investment scheme.]

[<sup>F5</sup>(3) The Public Trustee Act 1906, as modified by subsections (1) and (2), shall, for the purpose of the exercise by the Public Trustee of his functions under section 1 be deemed to extend to Northern Ireland]

#### Textual Amendments

**F4** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**

**F5** S. 2(3) added (N.I.) with saving by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), ss. 83(1)(3), 122(1), **Sch. 6 para. 13**

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

**C2** Ss. 1, 2, 12, 13 applied with modifications by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), **s. 83**

#### Marginal Citations

**M3** 1906 c. 55.

**M4** 1906 c. 55.

### *Funds in the Supreme Court*

#### [<sup>F6</sup>3 **Accountant General to maintain bank account.**

The Accountant General shall maintain an account at the Bank of England or at such other bank as may be designated by the Lord Chancellor with the concurrence of the Treasury and shall pay all sums received by him into that account and all sums payable by him out of it.]

#### Textual Amendments

**F6** S. 3 substituted by Administration of Justice Act 1977 (c. 38), **s. 11(1)**

#### [<sup>F7</sup>4 **Mode of effecting payment of money and transfer of securities, &c., into Supreme Court.**

(1) The payment of money into the Supreme Court shall, except in a case in which it is made in connection with a cause or matter [<sup>F8</sup>(as respectively defined by section 225 of the <sup>M5</sup>Supreme Court of Judicature (Consolidation) Act 1925) proceeding in a district registry established by virtue of section 84 of that Act][<sup>F8</sup>(within the meaning of the Supreme Court Act 1981) proceeding in a district registry of the High Court], be effected by paying it into the [<sup>F9</sup>Accountant General's account under section 3 above] and, in the said excepted case, shall be effected in such manner as may be prescribed in relation to that registry by rules made by the Lord Chancellor with the concurrence of the Treasury.

(2) The transfer into the Supreme Court of securities (other than such as are transferable by delivery) shall be effected by transferring them to the Accountant General.

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- (3) The deposit in the Supreme Court of effects, and the transfer into that court of securities transferable by delivery, shall be effected by delivering them to the Bank of England [<sup>F10</sup>or such other bank as may have been designated under section 3 above] to hold them in custody to the Accountant General's order.]

#### Textual Amendments

- F7** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I
- F8** Words commencing “(within the meaning” substituted (E.W.) for words commencing “(as respectively” by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(1), Sch. 5
- F9** Words substituted by Administration of Justice Act 1977 (c. 38), s. 11(2)(a)
- F10** Words inserted by Administration of Justice Act 1977 c. 38), s. 11(2)(b)

#### Marginal Citations

- M5** 1925 c. 49.

#### [<sup>F115</sup> **Transmission of money, &c., from Accountant General to successor.**

Money and securities held by the Accountant General shall vest in his successor in office without any assignment or transfer.]

#### Textual Amendments

- F11** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I

#### [<sup>F126</sup> **Mode in which money in Supreme Court may be dealt with.**

- (1) Save in a case in which it is provided by an order of the court that it shall not be placed or invested as mentioned in the following provisions of this subsection, and subject to any provision to the contrary made by rules made under the next following section, a sum of money in the Supreme Court (not being a sum the subject of an order under section 174 of the <sup>M6</sup>County Courts Act 1959 or a sum under the control of the mental health authority)—
- (a) may, if the court so orders, be dealt with in such of the following ways as may be specified in the order, namely:—
- (i) it may be placed, in accordance with rules so made, to a deposit account or a short-term investment account (that is to say, to an account of one or other of two kinds such that, in the case of an account of either kind, there will, under rules so made, but subject to any exceptions thereby prescribed, fall to accrue on moneys placed thereto interest derived from the transfer to, and investment by, the Commissioners of the moneys placed to all the accounts of those kinds);
- (ii) it may be placed to a long-term investment account for transfer, under rules so made, to such one of the funds established by common investment schemes as may be so specified;

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- (iii) it may be invested by the Accountant General in such of the securities designated for the purposes of this paragraph by [<sup>F13</sup>rules made under section 99 of the <sup>M7</sup>Supreme Court of Judicature (Consolidation) Act 1925][<sup>F13</sup>rules of court] as may be so specified;
- (b) shall, if no order is made with respect to it under the foregoing paragraph, be dealt with as follows:—
  - (i) except in a case in which it was paid in under section 63(1) of the <sup>M8</sup>Trustee Act 1925, it shall be placed, in accordance with rules made under the next following section, to a deposit account;
  - (ii) in the said excepted case, it shall be invested by the Accountant General in such manner as may be prescribed by rules so made.
- (2) Save in a case in which it is provided by an order of the mental health authority that it shall not be placed or invested as mentioned in the following provisions of this subsection, and subject to any provision to the contrary made by rules made under the next following section, a sum of money in the Supreme Court that is under the control of the mental health authority—
  - (a) may, if that authority so orders, be dealt with in such of the following ways as may be specified in the order, namely:—
    - (i) it may be placed to a deposit account or a short-term investment account;
    - (ii) it may be placed to a long-term investment account for transfer, under rules so made, to such one of the funds established by common investment schemes as may be so specified;
    - (iii) it may be invested by the Accountant General in any such security as may be so specified;
  - (b) shall, if no order is made with respect to it under the foregoing paragraph, be placed, in accordance with rules so made, to a deposit account.]

#### Textual Amendments

**F12** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), ss. 75(1), 76, [Sch. 9 Pt. I](#)

**F13** Words “rules of court” substituted (E.W) for words from “rules” to “1925” by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5](#)

#### Marginal Citations

**M6** 1959 c. 22.

**M7** 1925 c. 49.

**M8** 1925 c. 19.

### [<sup>F14</sup>6A] **Transfer of funds in court to Official Custodian for Charities and Church Commissioners.**

- (1) Any funds for the time being vested in the Accountant General and held by him in trust for any charity or in trust for any ecclesiastical corporation in the Church of England may, if the Accountant General on an application made in that behalf to him by the Charity Commissioners or the Church Commissioners thinks fit so to direct, be transferred to the Official Custodian for Charities or the Church Commissioners, as the case may be.

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- (2) Any funds transferred by virtue of a direction given under subsection (1) above shall be vested in and held by the Official Custodian for Charities or the Church Commissioners respectively in trust for the charity or ecclesiastical corporation upon the trusts upon which the funds were held before the transfer.
- (3) No fees shall be payable under the <sup>M9</sup>Supreme Court of Judicature (Consolidation) Act 1925 or any rule or order made under it in respect of a transfer of funds under this section.
- (4) In this section “ecclesiastical corporation” means a capitular body within the meaning of the Cathedrals Measure 1963 or the incumbent of a benefice.]

#### Textual Amendments

**F14** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I

#### Marginal Citations

**M9** 1925 c. 49.

### [<sup>F157</sup> Rules as to funds in Supreme Court.

- (1) The Lord Chancellor, with the concurrence of the Treasury, may make rules regulating, subject to the provisions of section 4 of this Act, the deposit, payment, delivery and transfer in, into and out of the Supreme Court of money, securities and effects which belong to suitors or are otherwise capable of being deposited in, or paid or transferred into, the Supreme Court or are under the custody of the Supreme Court, and regulating the evidence of such deposit, payment, delivery or transfer and, subject to the provisions of section 6 of this Act, the manner in which money, securities and effects in court are to be dealt with, and in particular—
  - (a) providing (subject to any exceptions prescribed by the rules) for the accruer of interest on moneys placed to deposit accounts and short-term investment accounts and prescribing the rate at which interest on moneys placed to deposit accounts and the rate at which interest on moneys placed to short-term investment accounts is to accrue;
  - (b) requiring the Accountant General—
    - (i) to transfer to the Commissioners all money paid into the Supreme Court which is not required by him for meeting current demands, except money placed to a long-term investment account or ordered to be invested in securities other than of a kind designated by virtue of paragraph (d) below;
    - (ii) to transfer money placed to a long-term investment account to that one of the funds established by common investment schemes specified in the order pursuant to which it was so placed;
  - (c) prescribing for the purposes of section 6(1)(b)(ii) of this Act the manner of investment of money by the Accountant General and regulating the investment, pursuant to an order under subsection (1) or (2) of that section, of money in securities;
  - (d) establishing in relation to securities of a kind designated by the Accountant General (in a case in which the establishment thereof appears to the Lord

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Chancellor expedient in the interests of economical administration) a system under which—

- (i) the making of investments of moneys in securities of that kind which, in pursuance of orders of the court or the mental health authority, would, apart from the operation of the system, fall to be made by the Accountant General in an accounting year; and
- (ii) the effecting of realisations of securities of that kind which, in pursuance of such orders, would, apart from the operation of the system, fall to be effected by him in that year;

are postponed so as to enable them to be contemporaneously made and effected together by means of a single transaction completed as soon as may be after the conclusion of that year, but the investments and realisations are, despite the postponement, required to be treated for all purposes as having been severally made and effected at the times at which they would, apart from the operation of the system, have fallen to be made and effected;

- (e) regulating the crediting of interest accruing on moneys placed to deposit accounts and on moneys placed to short-term investment accounts and the crediting of dividends accruing on shares in funds established by common investment schemes which have been allotted in consideration of the transfer of money in compliance with such provision of the rules as has effect by virtue of paragraph (b)(ii) above and of interest or dividends accruing on securities in which money has been invested by the Accountant General pursuant to an order of the court or the mental health authority or to section 6(1)(b)(ii) of this Act and on other securities in court;
- (f) providing—
  - (i) that, in such cases as may be prescribed by the rules, no sum of money (whatever its amount) shall be placed to a deposit account or a short-or long-term investment account or be invested in securities;
  - (ii) that, in no case, shall a sum of money of an amount less than such as may be so prescribed be placed to, or remain in, a deposit account, be placed to a short-or long-term investment account or be invested in securities;
- (g) prescribing the time at which money which falls to be placed to a deposit account or short-term investment account is to be so placed and the times at which interest on money so placed is to begin and cease to accrue and the mode of computing any such interest;
- (h) providing that, in such circumstances as may be prescribed by the rules, interest and dividends such as are mentioned in paragraph (e) above shall be placed to deposit accounts or short-or long-term investment accounts;
- (i) providing for dealing with accounts which, subject to such, if any, exceptions as may be prescribed by the rules, have not been dealt with for such period (not being less than fifteen years) as may be so prescribed;
- (j) prescribing the manner in which money is to be furnished to the Accountant General by the Commissioners and the Public Trustee respectively for the purpose of enabling him to comply with orders of the court or the mental health authority as to the payment of money out of court;
- (k) providing for the discharge of the functions of the Accountant General under the rules by deputy;
- (l) providing for such matters as are incidental to, or consequential on, the foregoing provisions of this subsection or are necessary for giving effect to those provisions.



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(2) Rules made under the foregoing subsection may contain such provision as appears to the Lord Chancellor to be requisite or expedient for the purposes of the transition to the provisions of this Part of this Act and the rules from the law embodied in, and in rules under, the provisions of Part VI of the<sup>M10</sup>Supreme Court of Judicature (Consolidation) Act 1925 repealed by this Act.

(3) .....<sup>F16</sup>]

**Textual Amendments**

**F15** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**

**F16** S. 7(3) repealed by Statute Law (Repeals) Act 1981 (c. 19), s. 1(1), **Sch. 1 Pt. I**

**Marginal Citations**

**M10** 1925 c. 49.

[<sup>F178</sup> **Provision of money for making good default of Accountant General with respect to funds in Supreme Court.**

If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant General has been guilty of any default with respect to any money, securities or effects in the Supreme Court, such sum as may be certified by the Lord Chancellor to be necessary for making good the default shall be paid out of moneys provided by Parliament or, if and so far as it is not so paid, shall be charged on and issued out of the Consolidated Fund.]

**Textual Amendments**

**F17** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**

*Amendments of Part X of County Courts Act 1959*

**9 Amendment of section 168 of County Courts Act 1959, and consequential amendment of section 172 thereof.**

[<sup>F18</sup>(1) For paragraphs (a) to (h) of section 168 of the County Courts Act 1959 (which empowers the Lord Chancellor, with the concurrence of the Treasury, to make rules as to funds in county courts) there shall be substituted the following paragraphs:—

“(a) regulating the placing of money in court (with such exceptions as may be prescribed)—

(i) to a deposit account or a short-term investment account (that is to say, to an account of one or other of two kinds such that, in the case of an account of either kind, there will, under the rules, but subject to any prescribed exceptions, fall to accrue on moneys placed thereto interest derived from the transfer to, and investment by, the Commissioners of the moneys placed to all the accounts of those kinds); or

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(ii) to a long-term investment account for transfer, under the rules, to one of the funds established by schemes made under section 1 of the Administration of Justice Act 1965;

and providing, in the case of money placed to a long-term investment account, for the designation of the fund to which it is to be transferred;

(b) providing (subject to any prescribed exceptions) for the accruer of interest on moneys placed to deposit accounts and short-term investment accounts and prescribing the rate at which interest on moneys placed to deposit accounts and the rate at which interest on moneys placed to short-term investment accounts is to accrue;

(c) requiring registrars to transfer from time to time to the Accountant General all money in court that has been placed to long-term investment accounts and all other money in court which is not required by them for meeting current demands, and requiring the Accountant General—

(i) to transfer to the Commissioners all money transferred to him under the rules which is not required by him for meeting current demands, other than money placed to long-term investment accounts;

(ii) to transfer money placed to a long-term investment account to that one of the funds mentioned in paragraph (a) above which has, in pursuance of such provision of the rules as has effect by virtue of that paragraph, been designated in relation to that money;

(d) regulating the crediting of interest accruing on moneys placed to deposit accounts and on moneys placed to short-term investment accounts and the crediting of dividends accruing on shares in funds established by schemes made under section 1 of the Administration of Justice Act 1965 which have been allotted in consideration of the transfer of money in compliance with such provision of the rules as has effect by virtue of paragraph (c)(ii) above and of interest or dividends accruing on securities in court;

(e) prescribing the time at which money in court which falls to be placed to a deposit account or a short-term investment account is to be so placed and the times at which interest on money so placed is to begin and cease to accrue and the mode of computing any such interest;

(f) providing that, in such circumstances as may be prescribed, interest and dividends such as are mentioned in paragraph (d) above shall be placed to deposit accounts or short- or long-term investment accounts;

(g) requiring the annual publication of lists of accounts which have not been dealt with for such period as may be prescribed (not being less than fifteen years in the case of deposit accounts and of short- and long-term investment accounts or five years in the case of other accounts), and requiring the closing of any account included in any such list if the money standing to the credit of it (if it is other than a long-term investment account) or the money represented by shares in an investment fund allotted in consideration of the transfer to the fund of money placed to the account (if it is a long-term investment account) is not claimed within such period after the publication of the list as may be prescribed and, if it is a long-term investment account, the realisation of the shares allotted as aforesaid;

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and, in paragraph (i) of that section, after the words “the Commissioners” there shall be inserted the words “and the Public Trustee respectively”). ”

- (2) For section 172 of the said Act of 1959 (which, while requiring the application, in redemption of debt, of moneys standing to the credit of an account closed in pursuance of rules made under section 168 of that Act, provides for the payment to a person who subsequently proves that he would have been entitled to, or to part of, the money standing to the credit of the account had it not been closed, of the money to which he would have been entitled, together, if the court so directs, with interest thereon) there shall be substituted the following section:—

(1) Where an account other than a long-term investment account is closed in pursuance of the County Court Funds Rules, the money which, immediately before it is closed, stands to its credit shall be paid to the Commissioners and applied by them in redemption of debt; and where a long-term investment account is closed in pursuance of the County Court Fund Rules, the proceeds of the realisation, on its closure, of shares in an investment fund allotted in consideration of the transfer to the fund of money placed to the account shall be so paid and applied.

(2) Where, in the case of an account that has been closed in pursuance of the County Court Funds Rules (other than a long-term investment account) a person proves to the satisfaction of the court by which the account was kept that he is entitled to, or to part of, the money that, immediately before the account was closed, stood to its credit, the court shall make an order for the payment to him of the money to which he is entitled together (if the court so directs) with all or any part of any interest which would have accrued on the money had the account not been closed; and where, in the case of a long-term investment account that has been closed as aforesaid, a person proves to the satisfaction of the court by which the account was kept that he is entitled to, or to part of, the money representing the proceeds of the realisation, upon its closure, of shares in an investment fund allotted in consideration of the transfer to the fund of money placed to the account, the court shall make an order for the payment to him of the money to which he is entitled together (if the court so directs) with all or any part of the interest which would have accrued on the money had it been placed to a short-term investment account on the date on which the said long-term investment account was closed.”]

- (3) The amount required to comply with an order of a court under the last foregoing subsection shall be paid out of the Consolidation Fund to the Accountant General.

#### Textual Amendments

- F18** Ss. 9(1)(2) repealed (*prosp.*) by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), ss. 75(1), 76, [Sch. 9 Pt. I](#)

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

- C3** The text of S. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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[<sup>F19</sup>10 **Provision of money for making good default of Accountant General with respect to funds in county courts.**

If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant General has been guilty of any default with respect to any money or securities in a county court in England or Wales, such sum as the Lord Chancellor certifies to be necessary for making good the default shall be paid out of moneys provided by Parliament or, if and so far as it is not so paid, shall be charged on and issued out of the Consolidated Fund.]

**Textual Amendments**

**F19** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**

11 <sup>F20</sup> .....

**Textual Amendments**

**F20** S. 11 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. II** and expressed to be repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), **Sch. 9 Pt. I**

*Investment of Money transferred under Funds Rules to, and ultimate Liability of Consolidated Fund for Payments under such Rules by, the National Debt Commissioners*

[<sup>F21</sup>12 **Investment of money transferred under funds rules to National Debt Commissioners.**

- (1) The Commissioners may invest, in such manner as may be prescribed by regulations made by the Treasury, money transferred to them in pursuance of rules made under section 7 of this Act or section 168 of the <sup>M11</sup>County Courts Act 1959, and the interest or dividends accruing on investments made under this subsection.
- (2) If in any accounting year the aggregate of the sums of money received by the Commissioners by way of interest and dividends on investments made by them under the foregoing subsection, after deduction of any sum required by the Treasury to be set aside to provide for depreciation in the value of investments so made, exceeds the aggregate of the sums due to be paid or credited in respect of that year by way of interest on moneys placed in the Supreme Court and in the county courts to deposit and short-term investment accounts, the excess shall be paid into the Exchequer; and if, in any accounting year, the aggregate of the sums of money received as aforesaid, after deduction of any sum required by the Treasury to be set aside as aforesaid, is less than the aggregate of the sums due as aforesaid, the deficiency shall be made good out of the Consolidated Fund.
- (3) If, at any time, the Treasury are satisfied that the investments held by the Commissioners in consequence of the exercise of the power conferred by subsection (1) of this section exceed in value what is reasonably required for the purposes of rules made under section 7 of this Act and rules made under section 168 of the <sup>M12</sup>County Courts Act 1959, they may direct the Commissioners so to reduce those

*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 1965. (See end of Document for details)*

investments that their value is diminished by such amount (being an amount equal to the excess) as may be specified in the direction; and the reduction shall, according as the Commissioners may determine, be effected—

- (a) by the cancellation of investments consisting of securities the principal of which, and the interest on which, are charged on the Consolidated Fund; or
- (b) by the realisation of investments not so consisting;

or partly in the one way and partly in the other.

- (4) Any sums received by the Commissioners upon the realisation of investments in pursuance of the last foregoing subsection shall be paid into the Exchequer . . . <sup>F22]</sup>

#### Textual Amendments

**F21** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**

**F22** Words repealed by National Loans Act 1968 (c. 13), **Sch. 6 Pt. I**

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

**C4** Ss. 1, 2, 12, 13 applied with modifications by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 83

#### Marginal Citations

**M11** 1959 c. 22.

**M12** 1959 c. 22.

### [<sup>F23</sup>13 Ultimate liability of Consolidated Fund for payments under funds rules by National Debt Commissioners.

If at any time the Commissioners are unable to pay to the Accountant General a sum due from them to him under rules made under section 7 of this Act or section 168 of the <sup>M13</sup>County Courts Act 1959 the Treasury shall provide them with it out of the Consolidated Fund.]

#### Textual Amendments

**F23** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**

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

**C5** Ss. 1, 2, 12, 13 applied with modifications by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 83

#### Marginal Citations

**M13** 1959 c. 22.

*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 1965. (See end of Document for details)*

*[<sup>F24</sup> Special Provisions with respect to Statutory Deposits, &c.]*

**Textual Amendments**

**F24** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I

**14** <sup>F25</sup>**Special provisions with respect to statutory deposits, &c.**

- (1) Section 4(1) of this Act shall apply to the deposit of money with the Accountant General under or by virtue of—
  - (a) section 12 of the <sup>M14</sup>Tramways Act 1870;
  - (b) section 11 of the <sup>M15</sup>Light Railways Act 1896;
  - (c) section 7 of the <sup>M16</sup>Industrial Assurance Act 1923;
  - (d) ..... <sup>F26</sup>
  - (e) ..... <sup>F27</sup>
  - (f) ..... <sup>F26</sup>
  - (g) section 202 or 204 of the <sup>M17</sup>Road Traffic Act 1960 [<sup>F28</sup>or sections 144 or 146 of the <sup>M18</sup>Road Traffic Act 1972;] as it applies to the payment of money into the Supreme Court; and section 4(2) and (3) of this Act shall apply to the deposit with the Accountant General of securities in lieu of money in exercise of a right to make such a deposit conferred by section 12 of the <sup>M19</sup>Tramways Act 1870 or by regulations made under any of the enactments mentioned in subsection (5) below as they apply to the transfer of securities into the Supreme Court.
  
- (2) Sections 6 to 8 of this Act shall not apply to money deposited with the Accountant General under or by virtue of any of the enactments mentioned in paragraphs (a) to (g) of the foregoing subsection or under—
  - (a) section 35 or 37 of the <sup>M20</sup>Road Traffic Act 1930; or
  - (b) section 4 of the <sup>M21</sup>Prevention of Fraud (Investments) Act 1939;
 or to securities which are in the hands of the Accountant General in consequence of a person’s having availed himself of such a right as aforesaid.
  
- (3) Statutory deposit regulations may apply for the purposes thereof any of the provisions (with or without modification) of rules for the time being in force under section 7 of this Act.
  
- (4) If the Lord Chancellor certifies, whether on a representation made to him by any person or not, that the Accountant General has been guilty of any default with respect to a statutory deposit made with him or with respect to any such securities as are mentioned in subsection (2) above, such sum as the Lord Chancellor certifies to be necessary for making good the default shall be paid out of moneys provided by Parliament or, if and so far as it is not so paid, shall be charged on and issued out of the Consolidated Fund.
  
- (5) The enactments referred to in subsection (1) above with reference to this subsection are—
  - (a) ..... <sup>F29</sup>
  - (b) section 4 of the <sup>M22</sup>Prevention of Fraud (Investments) Act 1939;
  - (c) ..... <sup>F29</sup>
  - (e) ..... <sup>F27</sup>

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*Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1965. (See end of Document for details)*

- (f) section 20 of the <sup>M23</sup>Insurance Companies Act 1958; and  
(g) section 210 of the <sup>M24</sup>Road Traffic Act 1960 [<sup>F28</sup>or section 152 of the <sup>M25</sup>Road Traffic Act 1972.]

#### Textual Amendments

- F25** Ss. 1-16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, **Sch. 9 Pt. I**  
**F26** S. 14(1)(d)(f) repealed by Companies Act 1967 (c. 81), **Sch. 8 Pt. IX**  
**F27** S. 14(1)(e)(5)(e) repealed by Financial Services Act 1986 (c. 60, SIF 69), s. 212(3), **Sch. 17 Pt. I**  
**F28** Words added by Road Traffic Act 1972 (c. 20), **Sch. 7**  
**F29** S. 14(5)(a)(c)(d) repealed by Companies Act 1967 (c. 81), **Sch. 8 Pt. IX**

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

- C6** S. 14 extended by S.I. 1977/1553 reg. 6(4)

#### Marginal Citations

- M14** 1870 c. 78.  
**M15** 1896c. 48.  
**M16** 1923 c. 8.  
**M17** 1960 c. 16.  
**M18** 1972 c. 20.  
**M19** 1870 c. 78.  
**M20** 1930 c. 43.  
**M21** 1939 c. 16.  
**M22** 1939 c. 16.  
**M23** 1958 c. 72.  
**M24** 1960 c. 16.  
**M25** 1972 c. 20.

### Supplementary Provisions

#### [<sup>F30</sup>15 Accounts.

- (1) [<sup>F31</sup>The Accountant General] and the Public Trustee shall, in respect of the period beginning with the commencement of this Act and ending with the last day of February next following, and in respect of each accounting year beginning after that commencement, each prepare, in such form as the Treasury may direct, such accounts of his transactions under common investment schemes, rules made under section 7 of this Act, rules made under section 168 of the <sup>M26</sup>County Courts Act 1959, rules made under section 169 of that Act and statutory deposit regulations as the Treasury may direct, and shall send them to the Comptroller and Auditor General not later than the end of October following; and the National Debt Commissioners shall, in respect of the period beginning with the commencement of this Act and ending with the last day of February next following, and in respect of each accounting period beginning after that commencement, prepare in such form as the Treasury may direct, such accounts of their transactions under rules made under the said section 7 and rules made under the said section 168 and of their transactions under section 12 of this Act as the Treasury may direct, and shall send them to the Comptroller and Auditor General not later than the end of October following.



*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 1965. (See end of Document for details)*

- (2) The Comptroller and Auditor General shall examine, certify and report on accounts sent to him under the foregoing subsection and lay copies of them and of his report thereon before each House of Parliament.
- (3) .....<sup>F32</sup>
- (4) In section 14(1) of the<sup>M27</sup>Public Trustee Act 1906 (which specifies purposes for which rules are to be made), the reference to accounts to be kept shall be construed as not including accounts of transactions of which accounts are required by subsection (1) above to be kept by the Public Trustee.]

#### Textual Amendments

- F30** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I
- F31** S. 15(1): The reference to the Accountant General repealed (N.I.) with saving by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), ss. 83(4)(a), 122(1), Sch. 6 para. 13
- F32** S. 15(3) repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), Sch. 7 and repealed (N.I.) with saving by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 83(4)(b), Sch. 6 para. 13

#### Marginal Citations

- M26** 1959 c. 22.
- M27** 1906 c. 55.

### [<sup>F33</sup>16 Parliamentary control of powers to make schemes, rules and regulations.

Any power conferred by this Part of this Act to make a scheme, or rules or regulations, shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F33** Ss. 1–8, 10, 12–16 repealed (*prosp.*) by Administration of Justice Act 1982 (c. 53, SIF 37), ss. 75(1), 76, Sch. 9 Pt. I

### 17 Amendments of Acts to secure conformity with Part I of this Act.

- <sup>X1</sup>(1) The enactments specified in column 1 of Schedule 1 to this Act shall have effect subject to the amendments respectively specified in relation thereto in column 2 of that Schedule (being amendments necessary for bringing those enactments into conformity with this Part of this Act).
- (2) Without prejudice to section 23 of the<sup>M28</sup>Interpretation Act 1889 or any corresponding enactment of the Parliament of Northern Ireland, any reference in an Act passed or other instrument made before the commencement of this Act which is, or includes, a reference to a provision of the<sup>M29</sup>Lands Clauses Consolidation Act 1845 that is amended by this Act shall, unless the contrary intention appears, be construed as referring, or as including a reference, to that provision as so amended.



*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 1965. (See end of Document for details)*

**Editorial Information**

**X1** The text of S. 17(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M28** 1889 c. 63.

**M29** 1845 c. 18.

<sup>F34</sup> **18** .....

**Textual Amendments**

**F34** Ss. 18, 20(2) repealed by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 75(1), **Sch. 9 Pt. I**

**PART II**

MISCELLANEOUS AMENDMENTS OF LAW RELATING TO ENGLAND AND WALES

<sup>F35</sup> **19** .....

**Textual Amendments**

**F35** S. 19 repealed by [Law Reform \(Miscellaneous Provisions\) Act 1971 \(c. 43\)](#), s. 5(1)

**20 Increase of amount determining county court jurisdiction to make administration orders, restriction on presentation of bankruptcy petitions and minor amendments about such orders.**

<sup>F36</sup>(1) .....

<sup>F37</sup>(2) .....

<sup>F38</sup>(3) Before an administration order is made by a court, the registrar of the court shall, in accordance with rules made under [<sup>F39</sup>section 102] of the <sup>M30</sup>County Courts Act 1959, send to every person whose name the debtor has notified to the appropriate county court as being a creditor of his notice that that person's name has been so notified; and so long as the order is in force, a creditor whose name is included in the schedule to the order shall not, without the leave of that court, be entitled to present, or join in, a bankruptcy petition against the debtor unless—]

- (a) his name was so notified; and
- (b) the debt by virtue of which he presents, or joins in, the petition exceeds [<sup>F40</sup>£1,500]; and
- (c) the notice given to the creditor by the registrar in accordance with this subsection was received by the creditor within twenty-eight days immediately preceding the day on which the petition is presented.

*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 1965. (See end of Document for details)*

- [<sup>F41</sup>(4) In section 150 of the <sup>M31</sup>County Courts Act 1959 (which, when an administration order is made, bars a creditor from remedies in respect of a debt which has been notified to a county court or is scheduled to the order, and requires a stay of proceedings in a county court or other inferior court in respect of such a debt)—
  - (a) the requirement to stay proceedings shall not operate as a requirement that a county court in which proceedings in bankruptcy against the debtor are pending shall stay those proceedings; and
  - (b) the reference to notification to a county court shall be construed as a reference to notification to the appropriate county court.
- (5) In section 149(a) of the <sup>M32</sup>County Courts Act 1959, the requirement that notice of an administration order shall be sent to every creditor notified by the debtor shall be construed as a requirement that notice shall be sent to every person whose name a debtor has notified to the appropriate county court as being a creditor of his.
- (6) In this section any reference to notification to the appropriate county court shall, in relation to an administration order, be construed as a reference to the giving, before the making of the order, of notice, in accordance with rules made under the said [<sup>F39</sup>section 102], to the court which, at the time when the notification is given, has the power to make the order.
- (7) The power conferred by subsection (2) above to make an Order in Council shall include power to vary the Order; <sup>F42</sup>. . .]

**Textual Amendments**

**F36** S. 20(1) repealed by [Administration of Justice Act 1982 \(c. 53, SIF37\)](#), s.75(1), [Sch. 9 Pt. I](#)

**F37** Ss. 18, 20(2) repealed by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 75(1), [Sch. 9 Pt. I](#)

**F38** S.20(3) repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

**F39** Words substituted by [Insolvency Act 1976 \(c. 60\)](#), [s. 12\(2\)](#)

**F40** S. 20(3)(b): sum substituted by [S.I. 1984/1199](#), [reg. 2\(e\)](#)

**F41** Ss. 20(4)–(7), 23 repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

**F42** Words repealed by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. 75(1), [Sch. 9 Pt. I](#)

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**Marginal Citations**

**M30** 1959 c. 22.

**M31** 1959 c. 22.

**M32** 1959 c. 22.

<sup>F43</sup>21 .....

**Textual Amendments**

**F43** S. 21 repealed by [Insolvency Act 1976 \(c. 60\)](#), s. 13(1), [Sch. 3](#)

<sup>F44</sup>22 .....

*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 1965. (See end of Document for details)*

**Textual Amendments**

**F44** Ss. 22, 24, 26 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

[<sup>F45</sup>**23** **Power of county court to extend period for giving possession of land in proceedings for enforcement of right of re-entry or forfeiture.**

- (1) Where a lessor is proceeding by action in a county court in England or Wales to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, and the court by order made in pursuance of section 191(1)(b) of the <sup>M33</sup>County Courts Act 1959 orders possession of the land to be given to the lessor at the expiration of a period fixed by the court unless within that period the lessee pays into court all the rent in arrear and the costs of the action, the court may extend that period at any time before possession of the land is recovered in pursuance of the order.
- (2) Where, under the foregoing subsection, a court extends a period at a time when that period has expired and a warrant has been issued for the possession of the land, the court shall suspend the warrant for the period of the extension and, if, before the expiration of the last-mentioned period, the lessee pays into court all the rent in arrear and the costs of the action, shall cancel the warrant.
- (3) The extension under subsection (1) above of a period fixed by a court shall not be treated as relief from which the lessee, if he fails within that period to pay into court all the rent in arrear and the costs of the action, is barred by virtue of section 191(1)(c) of the <sup>M34</sup>County Courts Act 1959.
- (4) Where, under subsection (1) above, a court extends a period, any reference in the said section 191(1)(c) (which, as well as barring a lessor from relief as mentioned in the last foregoing subsection, provides that if, within the period specified in the order, the lessee pays into court the rent in arrear and costs he shall continue to hold the land) to the period specified in the order shall be construed as reference to that period as so extended.]

**Textual Amendments**

**F45** Ss. 20(4)–(7), 23 repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)

**Marginal Citations**

**M33** 1959 c. 22.

**M34** 1959 c. 22.

[<sup>F46</sup>**24** .....

**Textual Amendments**

**F46** Ss. 22, 24, 26 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

[<sup>F47</sup>**25** .....

*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 1965. (See end of Document for details)*

**Textual Amendments**

**F47** S. 25 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71\)](#), s. 36 (2), Sch. 4

**F48** **26** .....

**Textual Amendments**

**F48** Ss. 22, 24, 26 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**

**F49** **27** .....

**Textual Amendments**

**F49** S. 27 repealed (E.W.) by [Prosecution of Offences Act 1979 \(c. 31\)](#), s. 11(2), **Sch. 2 Pt. II**

**F50** **28** .....

**Textual Amendments**

**F50** S. 28 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. XVI**

### PART III

#### QUALIFICATION OF EX-SERVICE MEMBERS OF APPEAL TRIBUNALS UNDER WAR PENSIONS (ADMINISTRATIVE PROVISIONS) ACT 1919

**X2** **29** **Amendment of War Pensions (Administrative Provisions) Act 1919.**

For sub-paragraph (ii) of paragraph 2 of the Schedule to the <sup>M35</sup>War Pensions (Administrative Provisions) Act 1919 (by virtue whereof one of the members of an appeal tribunal established under section 8 of that Act must be a disabled officer who retired or was demobilised from the forces during the 1914-18 war while suffering impairment or a disabled man who was similarly discharged or demobilised) there shall be substituted the following sub-paragraph:—

“(ii) a person who has served in Her Majesty’s Forces”.

**Editorial Information**

**X2** The text of S. 29 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*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 1965. (See end of Document for details)*

**Marginal Citations**

**M35** 1919 c. 53.

**PART IV**

**F51** **30** .....

**Textual Amendments**

**F51** S. 30 repealed (with saving) by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 122(1)(2), Sch. 6 para. 13, **Sch. 7 Pt. I**

**F52** **31** .....

**Textual Amendments**

**F52** S. 31 repealed by Northern Ireland Constitution Act 1973 (c. 36), s. 42, **Sch. 6 Pt. I**

**F53** **32,** .....  
**33.**

**Textual Amendments**

**F53** Ss. 32, 33 repealed by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), s. 122(1), Sch. 6 para. 13, **Sch. 7 Pt. I**

**PART V**

SUPPLEMENTAL

**34** †**Cesser of obsolete, &c., enactments.**

(1) ..... **F54**

(2) Any reference in the said Schedule 2 to a provision of the <sup>M36</sup>Lands Clauses Consolidation Act 1845 shall be taken to refer as well to that provision as incorporated in any Act or other instrument as to it as originally enacted; and, so far as regards that Act, this section shall not extend to Northern Ireland.

**Textual Amendments**

**F54** Ss. 34(1), 36(4) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

*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 1965. (See end of Document for details)*

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

- C7** Unreliable marginal note.  
**C8** The “said Schedule 2” means Sch. 2 to this Act

#### **Marginal Citations**

- M36** 1845 c. 18.

### **35 Construction of references to enactments.**

References in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as references to that enactment as amended by or under any subsequent enactment, including this Act.

### **36 <sup>X3</sup>Short title, commencement and repeal.**

- (1) This Act may be cited as the Administration of Justice Act 1965.
- (2) This Act shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint.
- (3) Different days may be appointed by order under this section for different purposes of this Act; and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such order, be construed as a reference to the day on which that provision comes into operation.

<sup>F55</sup>(4) . . . . .

#### **Editorial Information**

- X3** Unreliable marginal note.

#### **Subordinate Legislation Made**

- P1** Power of appointment conferred by s. 36 fully exercised.

#### **Textual Amendments**

- F55** Ss. 34(1), 36(4) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt.XI**

*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 1965. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 17 & 18.

#### AMENDMENTS OF ENACTMENTS FOR SECURING CONFORMITY WITH PART I OF THIS ACT

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

- C9** The text of Sch. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

<i>Enactment</i>	<i>Amendment</i>
...	...
F56	F56
...	...
F57	F57
The Chelsea and Kilmainham Hospitals Act 1826 (7 Geo. 4. c. 16).	<p>In section 44, for the words “into the Bank of England” there shall be substituted the words “into the Supreme Court”.</p> <p>In section 46, for the words from “into the Bank of England” to “Middlesex” there shall be substituted the words “into the Supreme Court”, and for the words from “and in the meantime” (where first occurring) to “bank annuities” (where last occurring) there shall be substituted the words “and if, before the said money is so applied, it is dealt with under section 6 of the Administration of Justice Act 1965, the annual proceeds thereof”.</p> <p>In section 47, for the words from “into the bank” to “aforesaid” there shall be substituted the words “into the Supreme Court”.</p> <p>In section 49, for the words from “into the Bank” to “Chancery” there shall be substituted the words “into the Supreme Court”, and for the words “bank annuities” (wherever occurring) there shall be substituted the words “securities”.</p> <p>In section 50, for the words “said Court of Chancery” there shall be substituted the words “Supreme Court”.</p>

*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 1965. (See end of Document for details)*

<p>The Clergy Residence Act 1826 (7 Geo. 4. c. 66).</p>	<p>In section 51, for the words “the Bank of England” there shall be substituted the words “the Supreme Court”.</p>
<p>[<sup>F58</sup>The Court Funds Act 1829 (10 Geo. 4. c. 13)]</p>	<p>In section 3, for the words from “into the Bank of England” to “or lands” where next occurring, there shall be substituted the words “into the Supreme Court”, for the words “the said Court of Chancery of England or Ireland” there shall be substituted the words “the court”, and for the words from “and in the meantime” to “Ireland, and” there shall be substituted the words “and if, before it is so applied or laid out, it is dealt with under section 6 of the Administration of Justice Act 1965”.</p>
<p>The Ecclesiastical Houses of Residence Act 1842 (5 &amp; 6 Vict. c. 26).</p>	<p>[<sup>F58</sup>After the word “Exchequer” (where first occurring) there shall be inserted the words “or to the Supreme Court”, . . . <sup>F59</sup>]</p>
<p>The Defence Act 1842 (5 &amp; 6 Vict. c. 94).</p>	<p>In section 12, for the words from “into the Bank of England” to “enfranchised” (where next occurring) there shall be substituted the words “into the Supreme Court”, for the words from “and in the meantime” (where first occurring) to “aforesaid” there shall be substituted the words “and if, before it is so applied or so laid out and invested, it is dealt with under section 6 of the Administration of Justice Act 1965”, . . .  <sup>F59</sup></p> <p>Section 26 shall, in its application to Her Majesty’s High Court of Justice in England and Her Majesty’s High Court of Justice in Northern Ireland, have effect with omission of the words “or for placing out such part thereof as shall be principal in the public funds, or upon government or real securities”.</p> <p>Section 30 shall, as regards money paid into the Supreme Court, have effect with the substitution, for the words “any bank annuities”, of the words “any investments”, for the words “any such bank annuities”, of the words “any such investments or money” and, for the words “the bank annuities to be purchased with such money, and also the capital of such bank annuities”, of the words “the money or the investments to be purchased therewith, and also the investments themselves”.</p>



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The Lands Clauses Consolidation Act 1845  
(8 & 9 Vict. c. 18).

Section 69 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, or for damage to, lands in England or Wales, have effect with the substitution, for the words from “be paid into the Bank” to “the said courts” of the words “be paid into the Supreme Court”.

Section 70 shall, in the case of money paid into the Supreme Court, have effect with the substitution, for the words from “and until the money” to “annual proceeds thereof paid”, of the words “and if, before it is so applied, it is dealt with under section 6 of the Administration of Justice Act 1965, the annual proceeds thereof shall be paid”.

Section 71 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, or for damage to, lands in England or Wales, have effect with the substitution, for the words “be paid into the Bank”, of the words “be paid into the Supreme Court” and, for the words “money paid into the Bank”, of the words “money paid into the Supreme Court”.

Section 73 shall, in the case of money payable in respect of the taking, using or interfering with lands in England or Wales, have effect with the substitution, for the words “be paid into the Bank”, of the words “be paid into the Supreme Court” and, for the words “so paid into the Bank”, of the words “paid into the Supreme Court”.

In section 74, after the word “into” there shall be inserted the words “the Supreme Court or”.

In section 75, before the word “deposit” (where it first occurs) there shall be inserted the words “payment into court or”, before the word “deposit” (where it secondly occurs) there shall be inserted the words “payment or”, and before the word “deposited” there shall be inserted the words “paid or”.

Section 76 shall, in the case of, or of an interest in, lands in England or Wales that have, or has, been purchased or taken, have effect with the substitution, for the words from “to deposit the purchase money” onwards, of the words “to pay into the Supreme Court the purchase money or

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**Changes to legislation:** *There are currently no known outstanding effects for the Administration of Justice Act 1965. (See end of Document for details)*

compensation payable in respect of such lands".

In section 77, for the words "such deposit" (wherever they occur) there shall be substituted the words "such payment or deposit", and for the word "deposited" there shall be substituted the words "paid or deposited".

Section 78 shall, in the case of purchase money or compensation payable in respect of, or of an interest in, lands in England or Wales, have effect as if, after the word "so" (in both places where it occurs), there were inserted the words "paid or", and as if, for the words from "order such money" to "thereof" (where it last occurs), there were substituted the words "order distribution of the money according to the respective estates, titles or interests of the parties making claim to such money or lands, or any part thereof, and if, before the money is distributed, it is dealt with under section 6 of the Administration of Justice Act 1965 payment likewise of the dividends thereof".

In section 79, for the words "the money so deposited, and to the dividends or interest of the annuities or securities purchased therewith" there shall be substituted the words "the money so paid or deposited, and to the interest or dividends of it or of the securities purchased therewith".

In section 80, after the word "monies" (where it first occurs) there shall be inserted the words "paid into the Supreme Court or", after the word "so" there shall be inserted the words "paid or"; . . .

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and for the words from "and interest" to "or of the" there shall be substituted the words "of the monies, and for the payment out of court of the principal thereof or of any".

Section 84 shall, in the case of lands in England or Wales, have effect with the substitution, for the words "deposited in the Bank", of the words "paid into the Supreme Court".

Section 85 shall, in the case of lands in England or Wales have effect as if, for the words "to deposit in the Bank", the words "for deposit in the Bank", the words

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“deposited in the Bank” and the words “such deposit”, there were respectively substituted the words “to pay into the Supreme Court”, the words “for payment into the Supreme Court”, the words “paid into the Supreme Court” and the words “such payment”.

The Act shall, in its application to England and Wales, have effect with the substitution for sections 86, 87 and 88 of the following section:—

“86 Money paid under section 85 of this Act into the Supreme Court shall remain there by way of security to the parties whose lands shall so have been entered upon for the performance of the condition of the bond to be given by the promoters of the undertaking, as hereinbefore mentioned, and, if dealt with under section 6 of the Administration of Justice Act 1965 shall be accumulated; and upon the condition of such bond being fully performed the High Court may, on the application of the promoters, order it, or the proceeds of the securities in which it has been invested, together with the accumulation thereof, to be paid to the promoters of the undertaking, or if such condition shall not be fully performed it shall be lawful for the said Court to order the same to be applied, in such manner as it shall think fit, for the benefit of the parties for whose security the same shall have been paid.”

Section 99 shall, in the case of lands in England or Wales, have effect with the substitution, for the words “and upon payment or deposit in the Bank of the compensation so determined”, of the words “and upon payment of the compensation so determined either to the persons entitled thereto or into the Supreme Court”.

Section 100 shall, in the case of lands in England or Wales, have effect with the substitution, for the words “on deposit thereof in the Bank”, of the words “on payment thereof into the Supreme Court”, with the substitution, for the words “deposited as aforesaid”, of the words “paid into the Supreme Court as aforesaid”Q,

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and with the substitution, for the words from "by payment" onwards, of the words "by payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into the Supreme Court".

Section 107 shall, in the case of lands in England or Wales over which commonable or other rights subsist, have effect with the substitution, for the words "deposit in the Bank in the manner provided in the like case", of the words "payment into the Supreme Court" with the omission of the words "or deposited", and with the substitution, for the words "so deposited", of the words "so paid into the Supreme Court".

Section 109 shall, in the case of lands in England or Wales subject to a mortgage, have effect with the substitution, for the words "to deposit in the bank, in the manner provided by this Act in like cases", of the words "to pay into the Supreme Court".

Section 111 shall, in the case of lands in England or Wales subject to a mortgage, have effect with the substitution, for the words from "to deposit" to "every such payment or deposit", of the words "to pay into the Supreme Court the amount of such value or compensation; and the making of payment to the mortgagee or into the Supreme Court", and, for the words "by such payment or deposit", of the words "by payment to the mortgagee or into the Supreme Court".

Section 113 shall, in the case of lands in England or Wales subject to a mortgage, have effect with the substitution, for the words from "to pay the amount" to "such payment or deposit", of the words "to pay into the Supreme Court the amount of such value or compensation; and the making of payment to the mortgagee or into the Supreme Court".

Section 117 shall, in the case of lands in England or Wales charged with payments or incumbrances not otherwise provided for in the Act, have effect with the substitution, for the words from "to deposit" to "like cases", of the words "to pay into the Supreme Court the amount of the compensation".

The Inclosure Act 1845 (8 & 9 Vict. c. 118).

In section 138, for the words from "be paid" to "ex parte the commissioners" there shall

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be substituted the words “be paid into the Supreme Court”.

Section 139 shall be omitted.

In section 140, for the words from “be paid” to “his account as aforesaid” there shall be substituted the words “be paid into the Supreme Court”, and for the words from “and the money so paid to such trustees” to the end there shall be substituted the words “and the money so paid to such trustees shall be by them applied in like manner as is hereinbefore directed with respect to money paid into the Supreme Court, but without obtaining or being required to obtain any order of the court touching the application thereof, and the dividends and produce arising from the money before it is so applied shall from time to time be paid to the parties aforesaid”.

The Tithe Act 1846 (9 & 10 Vict. c. 73).

In section 9, for the words “be paid into the Bank of England” to “until the same be applied” there shall be substituted the words “be paid into the Supreme Court in order that it may be applied”, for the words from “and until the money” to “and the dividends thereof paid” there shall be substituted the words “and if, before it is so applied, it is dealt with under section 6 of the Administration of Justice Act 1965, the dividends thereof shall be paid”, and for the words “to be paid for redemption into the Bank of England in the name and with the privity of the said accountant general” there shall be substituted the words “to be paid into the Supreme Court”.

The Queen’s Remembrancer Act 1859 (22 & 23 Vict. c. 21).

In section 8, for the words from “be paid into the Bank of England” to “his name as aforesaid” there shall be substituted the words “be paid into the Supreme Court; and upon the filing there of a certificate of the Accountant General of the Supreme Court of the payment”.

The Tithe Act 1860 (23 & 24 Vict. c. 93).

In section 37, for the words “into the Bank of England in the name of the Accountant General” there shall be substituted the words “into the Supreme Court”.

The Defence Act 1860 (23 & 24 Vict. c. 112).

In sections 21 and 22, for the words “into the Bank of England or Ireland” there shall be substituted the words “into the Supreme Court or into the Bank of Ireland”.

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The Tramways Act 1870 (33 & 34 Vict. c. 78).

The Consolidated Fund (Permanent Charges Redemption) Act 1873 (36 & 37 Vict. c. 57).

Life Assurance Companies (Payment into Court) Act 1896 (59 & 60 Vict. c. 8) .

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In section 23, for the words from “Bank of England” to “Court of Chancery” (where first occurring) there shall be substituted the words “Supreme Court”.

Section 12 shall, except in the case of a tramway that will be wholly situate in Scotland, have effect with the substitution, for the references to the payment of a prescribed sum of money into, and the deposit of a security of the prescribed nature in, the prescribed bank, of references respectively to the deposit of such a sum of money with the Accountant General [<sup>F61</sup>of the Supreme Court] and the deposit of a security of such a nature with him, and shall, in the said excepted case, have effect as if the first-mentioned references included references respectively to the deposit of such a sum of money with him and the deposit of a security of such a nature with him.

In section 64(2), the reference to the investment of money paid by way of deposit shall, in the case of money deposited with the Accountant General [<sup>F61</sup>of the Supreme Court], be construed as referring to the laying out thereof at interest, the investment thereof by the Accountant General in securities or the transfer thereof to one of the funds established by common investment schemes [<sup>F62</sup>under section 42 of the Administration of Justice Act 1982] .

Section 3 shall, in its application to England and Wales, have effect with the substitution, for the words from “paid into the Court of Chancery” to “1872”, of the words “paid into the Supreme Court” and with the substitution, for the words “the said Court”, of the words “the High Court”.

In section 4, for the words “paid to the Court of Chancery” there shall be substituted the words “paid into court”.

The Act shall, in its application to England and Wales, have effect with the substitution, for references to the High Court, of references to the Supreme Court.

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The Light Railways Act 1896 (59 & 60 Vict. c. 48).	For section 11(k) there shall be substituted the following:— “(k) in the case of a new company, requiring the company to make a deposit with the Accountant General of the Supreme Court, and providing for the time of making and the application of the deposit and for its being laid out at interest, invested by the Accountant General in securities or transferred to one of the funds established by schemes made under section 1 of the Administration of Justice Act 1965.”
The Deeds of Arrangement Act, 1914 (4 & 5 Geo. 5. c. 47)	In section 16, for the words “paid into court” there shall be substituted the words “paid into the Supreme Court or, if a county court has jurisdiction in the matter, into that court”.
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The Settled Land Act 1925 (15 & 16 Geo. 5. c. 18).	After subsection (1) of section 117, there shall be inserted the following subsection:— “(1A) Any reference in this Act to money, securities or proceeds of sale being paid or transferred into court shall be construed as referring to the money, securities or proceeds being paid or transferred into the Supreme Court or any other court that has jurisdiction, and any reference in this Act to the court, in a context referring to the investment or application of money, securities or proceeds of sale paid or transferred into court, shall be construed, in the case of money, securities or proceeds paid or transferred into the Supreme Court, as referring to the High Court, and, in the case of money, securities or proceeds paid or transferred into another court, as referring to that other court.”

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The Trustee Act 1925 (15 & 16 Geo. 5. c. 19).

Paragraph (8) of section 68 and, in paragraph (13) of that section, the words from “and so far as relates” to “Supreme Court” shall be omitted, and at the end of that section there shall be inserted the following subsection:—

- “(2) Any reference in this Act to paying money or securities into court shall be construed as referring to paying the money or transferring or depositing the securities into or in the Supreme Court or into or in any other court that has jurisdiction, and any reference in this Act to payment of money or securities into court shall be construed—
  - (a) with reference to an order of the High Court, as referring to payment of the money or transfer or deposit of the securities into or in the Supreme Court; and
  - (b) with reference to an order of any other court, as referring to payment of the money or transfer or deposit of the securities into or in that court.”

The Law of Property Act 1925 (15 & 16 Geo. 5. c. 20).

After subsection (1) of section 205 there shall be inserted the following subsection:—

- “(1A) Any reference in this Act to money being paid into court shall be construed as referring to the money being paid into the Supreme Court or any other court that has jurisdiction, and any reference in this Act to the court, in a context referring to the investment or application of money paid into court, shall be construed, in the case of money paid into the Supreme Court, as referring to the High Court, and in the case of money paid into another court, as referring to that other court.”

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The Insurance Companies Act 1958 (6 & 7 Eliz. 2. c. 72).

For section 19(1) there shall be substituted the following:—

“(1) The interest or dividends accruing due on a sum deposited with the Accountant General of the Supreme Court by any company under section 2 of the Assurance Companies Act 1909 or paragraph 1 of Schedule 2 to this Act, on securities in which a sum so deposited is for the time being invested or on securities so deposited shall be paid to the company.”

For section 20(1) there shall be substituted the following:—

“(1) Regulations may be made with respect to applications for warrants, to the payment of deposits, the laying out thereof at interest or the investment thereof by the Accountant General in securities or the transfer thereof to one of the funds established by schemes made under section 1 of the Administration of Justice Act 1965, and other dealing therewith, to the deposit of securities in lieu of money, to the payment of interest or dividends from time to time accruing due on deposits or any securities in which they are for the time being invested, or on any securities deposited in lieu of money, and to the withdrawal and transfer of deposits.”

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**Textual Amendments**

- F56** Entry relating to Crown Debts Act 1801 repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 54, **Sch. 14**
- F57** Entry repealed by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 8**.
- F58** Entry relating to Court Funds Act 1829 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**
- F59** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, **Sch. Pt. XI**
- F60** Entry repealed by [Post Office Act 1969 \(c. 48\)](#), **Sch. 8 Pt. I**
- F61** Words inserted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), **ss. 46(2)(d)(i)**
- F62** Words added by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), **ss. 46(2)(d)(ii)**
- F63** Entry repealed by [Companies Act 1967 \(c. 81\)](#), **Sch. 8 Pt. IX**
- F64** Entry repealed by [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\)](#), **Sch. 1**
- F65** Entry relating to War Damage Act 1943 repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), s. 1(1), **Sch. 1 Pt. XI**
- F66** Entry relating to the Exchange Control Act 1947 repealed by [Finance Act 1987 \(c. 16, SIF 99:6\)](#), s. 72(7), **Sch. 16 Pt. XI**
- F67** Entry relating to Prevention of Fraud (Investments) Act 1958 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), **Sch. 17 Pt. I**
- F68** Entry relating to Mental Health Act 1959 repealed (E.W.) by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148(3), **Sch. 6**

**F69** SCHEDULES 2 AND 3

**Textual Amendments**

- F69** [Schs. 2, 3](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. XI**.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1965.