



Administration of Justice Act 1969

1969 CHAPTER 58

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

20 Orders for interim payment.

- [^{F1}(1) The power to make rules of court under section 99 of the Judicature Act 1925, and the power to make county court rules under section 102 of the ^{M1}County Courts Act 1959, shall each include power by any such rules to make provision for enabling the court in which any proceedings are pending, in such circumstances as may be specified in the rules, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, either by payment into court or (if the order so provides) by paying it to another party to the proceedings.
- (2) Where any such rules make provision in accordance with subsection (1) of this section, the rules may include provision for enabling a party to any proceedings who, in pursuance of such an order, has made an interim payment to recover the whole or part of the amount of the payment in such circumstances, and from such other party to the proceedings, as may be determined in accordance with the rules.
- (3) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
- (4) Nothing in this section shall be construed as affecting the exercise of any power relating to costs, including any power to make rules of court or county court rules relating to costs.]
- (5) In its application to Northern Ireland, this section shall have effect as if for the reference to section 99 of the Judicature Act 1925 there were substituted a reference to [^{F2}section 55 of the ^{M2}Judicature (Northern Ireland) Act 1978], and as if any reference to county court rules were omitted.
- [^{F1}(6) In this section “interim payment”, in relation to a party to any proceedings, means a payment on account of any damages, debt or other sum (excluding any costs) which

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

that party may be held liable to pay to or for the benefit of another party to the proceedings if a final judgment or order of the court in the proceedings is given or made in favour of that other party; and any reference to a party to any proceedings includes a reference to any person who for the purposes of the proceedings acts as next friend or guardian of a party to the proceedings.]

Textual Amendments

- F1** S. 20(1)–(4)(6) repealed (E.W.) by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)
- F2** Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), [Sch. 5 Pt. II\(1\)](#), [Sch. 6 para. 13](#)

Marginal Citations

- M1** 1959 c. 22.
- M2** 1978 c. 23.

21 Powers of court exercisable before commencement of action.

- [^{F3}(1) On the application of any person in accordance with rules of court, the High Court shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters, that is to say—
- (a) the inspection, photographing, preservation, custody and detention of property which appears to the court to be property which may become the subject-matter of subsequent proceedings in the court, or as to which any question may arise in any such proceedings, and
 - (b) the taking of samples of any such property as is mentioned in the preceding paragraph and the carrying out of any experiment on or with any such property.
- (2) The power to make rules of court under section 99 of the Judicature Act 1925 shall include power to make rules of court as to the manner in which an application for such an order can be made, and as to the circumstances in which such an order can be made; and any such rules may include such incidental, supplementary and consequential provisions as the authority making the rules may consider necessary or expedient.
- (3) The preceding provisions of this section shall have effect in relation to county courts in England and Wales as they have effect in relation to the High Court, as if in those provisions references to rules of court and to section 99 of the Judicature Act 1925 included references to county court rules and to section 102 of the ^{M3}County Courts Act 1959.]
- (4) In the application of this section to Northern Ireland, “the High Court” means the High Court of Justice in Northern Ireland, the reference in subsection (2) to section 99 of the Judicature Act 1925 shall be construed as a reference to [^{F4}section 55 of the ^{M4}Judicature (Northern Ireland) Act 1978], and subsection (3) shall be omitted.
- [^{F3}(5) In this section “property” includes any land, chattel or other corporeal property of any description.]

Textual Amendments

- F3** S. 21(1)–(3)(5) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

F4 Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), Sch. 5 Pt. II(1), [Sch. 6 para. 13](#)

Modifications etc. (not altering text)

- C1** S. 21 amended by [Administration of Justice Act 1970 \(c. 31\)](#), s. [35\(2\)\(3\)](#) ([Administration of Justice Act 1970 \(c.31, SIF 37\)](#)), s. [35](#) repealed so far as it relates to the High Court and county courts in England and Wales) by [Supreme Courts Act 1981 \(c.54, SIF 37\)](#), s. 152(4), [Sch. 7](#)
- C2** S. 21 extended (*temp.* for a period of 12 months beginning with 22.3.1990: S.I. 1990/675; and for a further period of 12 months beginning with 22.3.1991: S.I. 1991/549, 779) by [Prevention of Terrorism \(Temporary Provisions\) Act 1989 \(c.4, SIF 39:2\)](#), s. 13(8), [Sch. 4 para. 29\(6\)](#)
S. 21 extended (*prosp.*) by 2000 c. 11, ss. 23, 128, [Sch. 4 para. 43\(6\)\(b\)](#)
- C3** S. 21 extended (13.12.2001) by S.I. 2001/3927, [art. 26](#)

Marginal Citations

- M3** 1959 c. 22.
M4 1978 c. 23.

22 ^{F5}

Textual Amendments

- F5** S. 22 repealed and superseded (E.W.) in relation to the High Court and county courts by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. [15\(4\)\(5\)](#)

23 ^{F6}

Textual Amendments

- F6** Ss. 23, 25, 26 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

24 **Appeal Tribunals under Patents Act 1949 and Registered Designs Act 1949.**

- (1) Section . . . ^{F7} 28 of the ^{M5}Registered Designs Act 1949(. . . ^{F7} which provides for an Appeal Tribunal) shall be amended in accordance with the following provisions of this section.
- (2) For subsection (2) . . . ^{F7} (which provides that the Appeal Tribunal shall be a judge of the High Court nominated by the Lord Chancellor) there shall be substituted the following subsections:—
- “(2) The Appeal Tribunal shall consist of one or more judges of the High Court nominated for the purpose by the Lord Chancellor.
- (2A) At any time when it consists of two or more judges, the jurisdiction of the Appeal Tribunal—
- (a) where in the case of any particular appeal the senior of those judges so directs, shall be exercised in relation to that appeal by both of the judges, or (if there are more than two) by two of them, sitting together, and

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

(b) in relation to any appeal in respect of which no such direction is given, may be exercised by any one of the judges; and, in the exercise of that jurisdiction, different appeals may be heard at the same time by different judges”.

(3) After subsection (8) . . . ^{F7} (which empowers the Appeal Tribunal to make rules) there shall be inserted the following subsection:—

“(8A) At any time when the Appeal Tribunal consists of two or more judges, the power to make rules under subsection (8) of this section shall be exercisable by the senior of those judges:

Provided that another of those judges may exercise that power if it appears to him that it is necessary for rules to be made and that the judge (or, if more than one, each of the judges) senior to him is for the time being prevented by illness, absence or otherwise from making them”.

(4) At the end . . . ^{F7} as subsection (10) . . . ^{F7}) the following provision:—

“For the purposes of this section the seniority of judges shall be reckoned by reference to the dates on which they were appointed judges of the High Court respectively”.

Textual Amendments
F7 Words repealed by [Patents Act 1977 \(c. 37\)](#), s. 132, [Sch. 6](#)

Modifications etc. (not altering text)
C4 The text of s. 24 does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations
M5 [1949 c.88](#).

25, 26. ^{F8}

Textual Amendments
F8 [Ss. 23, 25, 26](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

27 Records of grants of probate and grants of administration.

[^{F9}(1) The following section shall be substituted for section 156 of the Judicature Act 1925:

(1) Records shall be kept of all grants of probate and grants of administration which are made in the principal probate registry or in any of the district probate registries.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

(2) Any such records shall be in such form, and shall contain such particulars, as the President of the Probate Division may direct.”]

- (2) F10
- (3) F11
- (4) F12
- (5) F10

Textual Amendments

- F9** S. 27(1) repealed (E.W.) by Supreme Court Act 1981 (c. 54, SIF 37), s. 152(4), **Sch. 7**
- F10** S. 27(2)(5)–(7), 28, 35(2) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. I**
- F11** S. 27(3) repealed (N.I.) by S.I. 1979/1575, s. 1(2), **Sch. 3**
- F12** S. 27(4) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. I** and expressed to be repealed (N.I.) by S.I. 1979/1575, s. 1(2), **Sch. 3**

Modifications etc. (not altering text)

- C5** The text of ss. 27(1), 30, 35(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.

28 F13

Textual Amendments

- F13** S. 27(2)(5)–(7), 28, 35(2) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. I**

F14²⁹

Textual Amendments

- F14** S. 29 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 57(3)(f)(11), 125(6)(7), **Sch. 20** (with saving in Sch. 19 para. 13(1)); S.I. 1991/1364, **art. 2**, Sch.

30 Superannuation benefits in respect of certain judicial offices.

In ^{M6} the Superannuation Act 1965 the following section shall be inserted after section 39:—

—:

- (1) The Lord Chancellor may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

- (a) in two or more offices falling within paragraphs (a) to (i) of subsection (3) of this section, or
 - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
- (2) The Secretary of State may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
- (a) in two or more offices falling within paragraphs (j) and (k) of subsection (3) of this section, or
 - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
- (3) The offices referred to in subsections (1)(a) and (2)(a) of this section are the following, that is to say—
- (a) Recorder of London;
 - (b) Common Serjeant;
 - (c) additional judge of the Central Criminal Court;
 - (d) recorder of Liverpool;
 - (e) recorder of Manchester;
 - (f) assistant judge of the Mayor’s and City of London Court;
 - (g) presiding judge of the Court of Passage of the City of Liverpool;
 - (h) chairman or deputy chairman of a court of quarter sessions where under any enactment (whether passed before or after this Act) a person may qualify for a pension by virtue of service in that office;
 - (i) stipendiary magistrate in England or Wales, other than metropolitan stipendiary magistrate;
 - (j) stipendiary magistrate appointed under section 455 of the Burgh Police (Scotland) Act 1892;
 - (k) stipendiary magistrate appointed under section 24 of the Glasgow Corporation and Police Act 1895.
- (4) Subsections (2) to (5) of section 38 of this Act shall have effect in relation to rules made under this section as they have effect in relation to rules under that section, as if—
- (a) in subsection (2) of that section any reference to a public office were a reference to an office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds, and the reference to such supplemental and incidental provisions as are mentioned in that subsection were a reference to such supplemental and incidental provisions as appear to the Lord Chancellor or to the Secretary of State (as the case may be) to be expedient, and
 - (b) in subsections (3) and (4) of that section any reference to different public offices, or to ceasing to be employed in one public office and becoming employed in another, were a reference to different offices or (as the case may be) to ceasing to be employed in one office and becoming employed in another (“office” for this purpose being taken to mean any office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds).

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

- (5) Where any rules under this section make provision for any pension to be defrayed partly by one authority and partly by one or more other authorities, whether by way of contribution or otherwise, nothing in section 10(2) of the Criminal Justice Administration Act 1956 (which requires contributions to be paid by the city councils of Liverpool and Manchester in respect of the Crown Courts and recorders of those cities) shall be construed as preventing the rules from applying that provision to, or making any such provision specially in respect of, persons whose employment includes employment as recorder of Liverpool or recorder of Manchester.
- (6) In this section “judicial office remunerated out of central funds” means any of the following, that is to say—
- (a) any office listed in Schedule 1 to the Administration of Justice (Pensions) Act 1950, with the exception of the offices of stipendiary magistrate referred to in the last two entries in that Schedule, and
 - (b) any office in relation to which sections 2 to 8 of that Act have effect as if it were listed in that Schedule, with the exception of the offices of recorder of Liverpool and recorder of Manchester,
- and “pension” has the meaning assigned to it by section 38(6) of this Act.”

Modifications etc. (not altering text)

C6 The text of ss. 27(1), 30, 35(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

M6 1965 c.74.

31 **F15**

Textual Amendments

F15 S. 31 repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(2), [Sch. 4](#)

32 **F16**

Textual Amendments

F16 S. 32 repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. II](#)

33 **F17**

*Changes to legislation: There are currently no known outstanding effects for the
Administration of Justice Act 1969, Part IV. (See end of Document for details)*

Textual Amendments

F17 S. 33 repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), s. 42, [Sch. 6 Pt. I](#)

34 Interpretation, application to Crown, and provisions as to orders.

- (1) In this Act “enactment”, unless the context otherwise requires, includes an enactment of the Parliament of Northern Ireland, and “the ^{M7}Judicature Act 1925” means the Supreme Court of Judicature (Consolidation) Act 1925.
- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) [^{F18}Section 20 of this Act shall bind the Crown so far as (but no further than) any proceedings to which that section is applicable can be brought by or against the Crown in accordance with the ^{M8}Crown Proceedings Act 1947, [^{F19}and] section 22 of this Act shall bind the Crown so far as (but no further than) by virtue of section 24(3) of that Act section 3 of the ^{M9}Law Reform (Miscellaneous Provisions) Act 1934 applies to proceedings by or against the Crown.]
- (4) Any power conferred on the Lord Chancellor by this Act to make an order shall include power to revoke or vary the order by a subsequent order.
- (5) Any power of the Lord Chancellor to make an order under this Act shall be exercisable by statutory instrument.
- (6) In the application to Northern Ireland of so much of subsection (3) of this section as relates to section 20 of this Act, the reference to the ^{M10}Crown Proceedings Act 1947 is a reference to that Act as it applies in Northern Ireland in relation to the Crown in right of Her Majesty’s Government in the United Kingdom and in right of Her Majesty’s Government in Northern Ireland.

Textual Amendments

- F18** Words repealed (E.W.) in their application to section 20 as regards rules of court under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#) and in their application to section 20 as regards county court rules under section 102 of the County Courts Act 1959 by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(3), [Sch. 4](#)
- F19** Words repealed (E.W.) and superseded by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), s. [15\(5\)\(b\)\(ii\)](#)

Marginal Citations

- M7** 1925 c. 49.
M8 1947 c. 44.
M9 1934 c. 41.
M10 1947 c. 44.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV. (See end of Document for details)

35 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential upon the preceding provisions of this Act.
- (2) ^{F20}

Textual Amendments

F20 S. 27(2)(5)–(7), 28, 35(2) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. I**

Modifications etc. (not altering text)

C7 The text of ss. 27(1), 30, 35(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.

36 Short title, extent and commencement.

- (1) This Act may be cited as the Administration of Justice Act 1969.
- (2) This Act (except section 24, subsections (1) and (2) of section 27, sections 30, . . . ^{F21}, 34, 35 and this section and Schedules 1 and 2) shall not extend to Scotland.
- (3) This Act (except Part II and sections 20, 21, 24, 27, 30, . . . ^{F21}, . . . ^{F22} to 35 and this section and Schedules 1 and 2) shall not extend to Northern Ireland.
- (4) Section 24 of this Act shall extend to the Isle of Man.
- (5) ^{F23}
- (6) ^{F23}

Textual Amendments

F21 Figure repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 36(2), **Sch. 4**

F22 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

F23 S. 36(5)(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 1** Group 4

Changes to legislation:

There are currently no known outstanding effects for the Administration of Justice Act 1969, Part IV.