



Administration of Justice Act 1970

1970 CHAPTER 31

PART I

COURTS AND JUDGES

High Court

1 Redistribution of business among divisions of the High Court

- (1) The Probate, Divorce and Admiralty Division of the High Court shall be re-named the Family Division; and the principal probate registry shall be re-named the principal registry of the Family Division.
- (2) There shall be assigned to the Family Division all causes and matters involving the exercise of the High Court's jurisdiction in proceedings specified in Schedule 1 to this Act.
- (3) Causes and matters involving the exercise of the High Court's Admiralty jurisdiction, or its jurisdiction as a prize court, shall be assigned to the Queen's Bench Division.
- (4) As respects the exercise of the High Court's probate jurisdiction—
 - (a) non-contentious or common form probate business shall continue to be assigned to the Family Division ; and
 - (b) all other probate business shall be assigned to the Chancery Division.
- (5) In section 5 of the Supreme Court of Judicature (Consolidation) Act 1925 (which enables Her Majesty, on the recommendation of the judges, by Order in Council to alter the number of divisions of the High Court or of puisne judges to be attached to any division) for the reference to a report or recommendation of the council of judges there shall be substituted a reference to a recommendation of the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor.
- (6) In accordance with the foregoing subsections—

Status: This is the original version (as it was originally enacted).

- (a) the enactments specified in Schedule 2 to this Act (that is to say, the said Act of 1925 and other enactments relative to the High Court, its jurisdiction, judges, divisions and business) shall be amended as shown in that Schedule; and
 - (b) references in any other enactment or document to the Probate, Divorce and Admiralty Division, the President of that division, the principal probate registry, the principal (or senior) probate registrar and a probate registrar shall, so far as may be necessary to preserve the effect of the enactment or document, be construed respectively as references to the Family Division and to the President, principal registry, principal registrar and a registrar of that division.
- (7) This section is not to be taken as affecting any of the following provisions of the said Act of 1925—
- (a) section 55 (which provides for the distribution of business in the High Court to be regulated by rules);
 - (b) section 57 (which enables the Lord Chancellor to assign or re-assign the jurisdiction of the court among divisions and judges);
 - (c) section 58 (which provides for the assignment of causes and matters);
 - (d) section 59 (which enables an action to be transferred at any stage from one division to another).
- (8) Notwithstanding anything in section 114(3) of the said Act of 1925 (appointment of officers attached to a division), the right of filling any vacancy in the office of the Admiralty registrar or assistant Admiralty registrar shall be vested in the Lord Chancellor; and any other officer of the Supreme Court who is to be employed in the Admiralty registry shall be appointed by the Lord Chancellor.