



Administration of Justice Act 1977

1977 CHAPTER 38

PART I

GENERAL

1 Legal aid, advice and assistance

- (1) The enactments relating to legal aid, advice and assistance in England and Wales shall be amended in accordance with Part I of Schedule 1 to this Act.
- (2) The enactments relating to legal aid, advice and assistance in Scotland shall be amended in accordance with Part II of that Schedule.

2 Determination of expenses etc.

- (1) The amendments specified in Part I of Schedule 2 to this Act shall have effect for the purpose of enabling the rates of the sums whose payment is provided for by the enactments mentioned in that Part of that Schedule (which extend to England and Wales only) to be determined administratively.
- (2) The amendments specified in Part II of that Schedule shall have effect for the purpose of enabling the rates of the sums whose payment is provided for by the enactments mentioned in that Part of that Schedule (which extend to Scotland only) to be determined administratively.
- (3) The amendment specified in Part III of that Schedule shall have effect in the enactment mentioned in that Part of that Schedule (which extends to the whole of the United Kingdom) for the purpose of enabling the rates of the sums whose payment is provided for by it to be determined administratively.

3 Enforcement of maintenance orders

Schedule 3 to this Act shall have effect in relation to the enforcement in one part of the United Kingdom of maintenance orders made in another part.

4 Obligations, awards and judgments expressed in foreign currency

- (1) The provisions specified in subsection (2) below shall cease to have effect.
- (2) The provisions mentioned in subsection (1) above are—
 - (a) in the Bills of Exchange Act 1882—
 - (i) section 57(2) (measure of damages for bills dishonoured abroad), and
 - (ii) section 72(4) (rate of exchange), and
 - (b) the following provisions (which require the conversion to United Kingdom currency as at the date of registration of the judgments and awards to which they relate)—
 - (i) section 2(3) of the Foreign Judgments (Reciprocal Enforcement) Act 1933;
 - (ii) section 1(3) of the Arbitration (International Investment Disputes) Act 1966, and
 - (iii) Article 3(2) of the European Communities (Enforcement of Community Judgments) Order 1972.
- (3) The provisions specified in subsection (2)(a) above shall continue to have effect in relation to Bills drawn before the coming into force of this section.
- (4) The provisions specified in subsection (2)(b) above shall continue to have effect in relation to judgments and awards registered before the coming into force of this section.

5 Appeals etc. from courts-martial

- (1) The following section shall be inserted after section 33 of the Courts-Martial (Appeals) Act 1968—

“33A Appellant's expenses.

Without prejudice to section 31 above, where an appellant who is not in custody appears before the Appeal Court either on the hearing of his appeal or in any preliminary or incidental proceedings, the Appeal Court may direct the Secretary of State to pay him the expenses of his appearance.”.

- (2) In section 34(2) of that Act (reference of cases by Service authorities), for the words " other than those of sections 31 and 32 " there shall be substituted the words " other than that of section 32 ".
- (3) Section 35 of that Act (order for costs of defence on reference) (which is superseded by this section) shall cease to have effect.
- (4) In section 47(3) of that Act (costs on appeals to the House of Lords), for the words from the beginning to " accused ", in the first place where it occurs, there shall be substituted the words " On determining an appeal from the Appeal Court. ".

6 Temporary additional judges for Employment Appeal Tribunal

- (1) The following paragraph shall be inserted after paragraph 7 of Schedule 6 to the Employment Protection Act 1975 (Employment Appeal Tribunal):—

“7A (1) At any time when it appears to the Lord Chancellor that it is expedient to do so in order to facilitate in England and Wales the disposal of business in the Appeal Tribunal, he may appoint a qualified person to be a temporary additional judge of the Tribunal during such period or on such occasions as the Lord Chancellor thinks fit.

(2) In this paragraph " qualified person" means a person qualified for appointment as a puisne judge of the High Court under section 9 of the Supreme Court of Judicature (Consolidation) Act 1925 or any person who has held office as a judge of the Court of Appeal or of the High Court.”.

(2) The following paragraph shall be inserted after paragraph 8 of that Schedule:—

“8A A person appointed to be a temporary additional judge of the Appeal Tribunal shall have all the functions of a judge nominated under section 87(2)(a) above.”.

(3) The following paragraph shall be inserted after paragraph 23 of that Schedule:—

“23A A person appointed to be a temporary additional judge of the Appeal Tribunal shall be paid such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.”.

7 Extent of powers of receivers and managers in respect of companies

(1) A receiver appointed under the law of any part of the United Kingdom in respect of the whole or part of any property or undertaking of a company and in consequence of the company having created a charge which, as created, was a floating charge : may exercise his powers in any other part of the United Kingdom so far as their exercise is not inconsistent with the law applicable there.

(2) In subsection (1) above " receiver " includes a manager and a person who is appointed both receiver and manager.

8 Oaths and affirmations

(1) The following section shall be substituted for section 1 of the Oaths Act 1888:—

“1 When affirmation may be made instead of oath.

Any person who objects to being sworn shall be permitted to make his solemn affirmation instead of taking an oath in all places and for all purposes where an oath is or shall be required by law, which affirmation shall be of the same force and effect as if he had taken the oath.”.

(2) The Oaths Act 1961 shall extend to Northern Ireland.

(3) The provisions specified in Part III of Schedule 5 below shall cease to have effect.