

SCHEDULES

SCHEDULE 6

Section 152(3).

TRANSITIONAL PROVISIONS AND SAVINGS

Continuance in office of Vice-Chancellor

- 1 On and after the date of commencement of this Act the person who immediately before that date is Vice-Chancellor by nomination under section 5 of the Administration of Justice Act 1970 shall be deemed to have been appointed as from that date to the office of Vice-Chancellor under section 10(1) and to have duly taken the oaths required by section 10(4).

Continuity of appointments of officers

- 2 (1) Any person holding an office immediately before the commencement of this Act in the case of which provision for appointment is made by Part IV shall continue to hold that office as if he had been appointed under that Part (whether or not he is qualified to be so appointed).
- (2) Any person holding the office of Assistant Master, Queen's Bench Division immediately before the commencement of this Act shall, notwithstanding the repeals made by this Act, continue to hold that office.

Tenure, etc. of certain officers

- 3 (1) In relation to any person who held the office of Assistant Master, Queen's Bench Division immediately before the commencement of this Act—
- (a) sections 92 to 94 ; and
 - (b) Part III of Schedule 1 to the House of Commons Disqualification Act 1975 and Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975,
- shall have effect as if that office were listed in column 1 of Part II of Schedule 2.
- (2) In relation to any person who held the office of assistant registrar of criminal appeals immediately before the commencement of this Act—
- (a) subsection (7) of section 92 shall not apply ; and
 - (b) subsections (1) to (6) of that section shall have effect as if that office were listed in column 1 of Part II of Schedule 2.
- 4 (1) If, in the case of any person holding the office of Lord Chancellor's Medical Visitor or Lord Chancellor's Legal Visitor immediately before the commencement of this Act, the Lord Chancellor so determines with respect to any enactment relating to that Visitor which is amended or repealed by this Act, the amendment or repeal by this Act of that enactment shall, to such extent as the Lord Chancellor may determine, not take effect in relation to that person at the commencement of this Act but instead take effect in relation to him at such later time as the Lord Chancellor may determine.

Status: This is the original version (as it was originally enacted).

- (2) If and so long as the office of Lord Chancellor's Medical Visitor or Lord Chancellor's Legal Visitor under section 108 of the Mental Health Act 1959 (as in force immediately before the commencement of this Act) continues to be held by any person after the commencement of this Act by virtue of a determination under subparagraph (1), section 144(5) of this Act shall not have effect as respects that office.

- 5 This Act, so far as it amends or repeals any provision of Schedule 1 to the Judicial Pensions Act 1981, shall not have effect in relation to any person who was within paragraph 1 of that Schedule immediately before the commencement of this Act and either was then holding office or had previously retired or died.

Scheme for establishment of district probate registries

- 6 The scheme for the establishment of district probate registries as set out in Schedule 2 to the 1925 Act and in force immediately before the commencement of this Act shall continue to have effect, but as if it were contained in an order under section 104 of this Act; and accordingly it may be amended or revoked by an order under that section.

Inland Revenue affidavits

- 7 In relation to deaths occurring before 13th March 1975 (the date on which the Finance Act 1975 was passed)—
- (a) section 109 shall not apply ; and
 - (b) section 110 shall have effect as if at the end of paragraph (b) there were added the words " and the Inland Revenue affidavit within the meaning of Part I of the Finance Act 1894 ".

Grants of representation made under provisions of 1925 Act not reproduced in this Act

- 8 Nothing in the repeals made by this Act shall affect—
- (a) any grant made before the commencement of this Act under any of the following provisions of the 1925 Act, namely section 162(1) and proviso (a) thereto and sections 164 and 165 ; or
 - (b) the continued operation of subsections (2) and (3) of section 164 of that Act in relation to any grant so made under that section.

Minor executors

- 9 Any appointment of a minor as executor which, immediately before the commencement of this Act, was by virtue of section 165(2) of the 1925 Act rendered ineffective for the purposes mentioned in that subsection shall continue to be ineffective for those purposes unless and until probate is granted to the person in question in accordance with probate rules.

Administration bonds given before 1st January 1972

- 10 Nothing in this Act shall affect the continued operation of section 167 of the 1925 Act, as in force before 1st January 1972 (the date on which the Administration of Estates Act 1971 came into force), in relation to the enforcement or assignment of any administration bond given under that section before that date.

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

Grants and resealings liable to revocation or cancellation at instance of court

- 11 Section 121 applies whether the grant in question was made or (as the case may be) resealed before or after the commencement of this Act

*Appeals from certain orders and decisions under
section 54(3) of Magistrates' Courts Act 1952*

- 12 In paragraph 3(d) of Schedule 1, the reference to an order or decision made under section 63(3) of the Magistrates' Courts Act 1980 includes a reference to an order or decision made under section 54(3) of the Magistrates' Courts Act 1952.

Interpretation

- 13 (1) In this Schedule "the 1925 Act" means the Supreme Court of Judicature (Consolidation) Act 1925.
- (2) Nothing in this Schedule shall be taken as prejudicing the operation of the provisions of the Interpretation Act 1978 as respects the effect of repeals.