

**Status:** This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Courts and Legal Services Act 1990, SCHEDULE 17 is up to date with all changes known to be in force on or before 27 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 17

Section 125(2).

#### MINOR AMENDMENTS

##### *The Naval Agency and Distribution Act 1864 (c. 24)*

1 F1 .....

#### Textual Amendments

**F1** Sch. 17 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

##### *The Land Registration Act 1925 (c. 21)*

2 F2 .....

#### Textual Amendments

**F2** Sch. 17 para. 2 repealed (13.10.2003) by 2002 c. 9, ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); S.I. 2003/1725, art. 2

##### *The Administration of Justice Act 1956 (c. 46)*

3 F3 .....

#### Textual Amendments

**F3** Sch. 17 para. 3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

##### *The Powers of Attorney Act 1971 (c. 27)*

4 F4 .....

#### Textual Amendments

**F4** Sch. 17 para. 4 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(viii)(rr) (with art. 9)

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*The Attachment of Earnings Act 1971 (c. 32)*

PROSPECTIVE

5 In section 6 of the Attachment of Earnings Act 1971 (effect of attachment of earnings order), the following subsections shall be added at the end—

“(9) The Lord Chancellor may by order make such provision as he considers expedient (including transitional provision) with a view to providing for the payment of amounts deducted under attachment of earnings orders to be made to such officers as may be designated by the order rather than to collecting officers of the court.

(10) Any such order may make such amendments in this Act, in relation to functions exercised by or in relation to collecting officers of the court as he considers expedient in consequence of the provision made by virtue of subsection (9) above.

(11) The power to make such an order shall be exercisable by statutory instrument.

(12) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

6 In section 23 of that Act (powers of judge in relation to failure by debtor to comply with order etc.) the following subsection shall be inserted at the end—

“(11) A district judge, assistant district judge or deputy district judge shall have the same powers under this section as a judge of a county court.”

**Commencement Information**

**II** Sch. 17 para. 6 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

*The Juries Act 1974 (c. 23)*

7 <sup>F5</sup> .....

**Textual Amendments**

**F5** Sch. 17 para. 7 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(1)(2)(iv) (subject to art. 2(3)-(6))

*The Solicitors Act 1974 (c. 47)*

8 <sup>F6</sup> .....

**Textual Amendments**

**F6** Sch. 17 para. 8 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(viii)(rr) (with art. 9)

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9 F7 .....

**Textual Amendments**

**F7** Sch. 17 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

10 F8 .....

**Textual Amendments**

**F8** Sch. 17 para. 10 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, Sch. 23 (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(i)(viii)(rr) (with art. 9)

*The Magistrates' Courts Act 1980 (c. 43)*

F9 11 .....

**Textual Amendments**

**F9** Sch. 17 para. 11 repealed (8.1.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(8) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/3280, art. 2(c)

*The [F10]Senior Courts Act 1981] (c. 54)*

**Textual Amendments**

**F10** Sch. 17 para. 12 cross-heading: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(d)

12 In section 5(3) of the [F11]Senior Courts Act 1981] (judges to sit in other divisions of the High Court at the request of the Lord Chancellor) for the words "Lord Chancellor" to the end there shall be substituted " Lord Chief Justice made with the concurrence of the President of the Family Division or the Vice-Chancellor, or both, as appropriate" .

**Textual Amendments**

**F11** Sch. 17 para. 12: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(d)

13 In section 36(4) of that Act (witness not to be punished for failing to appear if he is not offered payment of his reasonable expenses of attending), for the words from "the expenses", to the end, there shall be substituted "—

- (a) the expenses of coming and attending to give evidence and of returning from giving evidence; and

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- (b) any other reasonable expenses which he has asked to be defrayed in connection with his evidence,

was tendered to him at the time when the writ was served upon him. ”

**Commencement Information**

**I2** Sch. 17 para. 13 wholly in force at 1. 4.1991 see s. 124(3) and S.I. 1991/608, art. 2, Sch.

*The County Courts Act 1984 (c. 28)*

14 **F12** .....

**Textual Amendments**

**F12** Sch. 17 para. 14 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110, Sch. 10; S.I. 2005/910, art. 3(aa)(bb)

15 In section 77 of that Act (appeals: general provisions) after subsection (1) the following subsection shall be inserted—

“(1A) Without prejudice to the generality of the power to make county court rules under section 75, such rules may make provision for any appeal from the exercise by a district judge, assistant district judge or deputy district judge of any power given to him by virtue of any enactment to be to a judge of a county court.”

16 In section 103 of that Act (execution out of the jurisdiction of the court), the following subsection shall be added at the end—

“(6) County court rules may make provision for the suspension of any judgment or order, on terms, in connection with any warrant issued with respect to any instalment payable under the judgment or order.”

17 In section 138 of that Act (forfeiture for non-payment of rent), in subsections (2), (3), (5), (7), (8) and (9) (which relate to relief from forfeiture on payment into court of rent and costs), after the words “into court”, in each place where they occur, there shall be inserted “ or to the lessor” ”.

**Commencement Information**

**I3** Sch. 17 para. 17 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, Sch.

18 **F13** .....

**Textual Amendments**

**F13** Sch. 17 para. 18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 1 Group. 4}

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PROSPECTIVE

*The Legal Aid Act 1988 (c. 34)*

F14 19 .....

**Textual Amendments**

**F14** Sch. 17 para. 19 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c)(ii), **Sch. para. 7** (with arts. 3-5)

*The Law of Property (Miscellaneous Provisions) Act 1989 (c. 34)*

20 F15 .....

**Textual Amendments**

**F15** Sch. 17 para. 20 repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 210, 211, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(viii)(rr)** (with art. 9)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)