



Administration of Justice Act 1925

1925 CHAPTER 28

Miscellaneous

22 Registration of deeds of arrangement

- (1) The office for the registration of deeds of arrangement under the Deeds of Arrangement Act, 1914 (in this section referred to as " the Act of 1914 ".), shall be transferred to the Board of Trade, and the registrar for the purposes of the Act of 1914 shall be appointed by the Board of Trade, and references in that Act to the registrar of bills of sale or to the registrar for the purposes of that Act shall be construed as references to the registrar so appointed.
- (2) Subsection (1) of section five of the Act of 1914 (which provides that a copy of every deed to be registered shall be presented to the registrar) shall have effect as if it provided that there shall be presented to the registrar such number of copies of the deed and of every schedule or inventory annexed thereto or referred to therein as he may deem to be necessary for the purpose of carrying out the requirements of the Act of 1914 as amended by this section.
- (3) Paragraph (c) of section six of the Act of 1914 (which provides that a short statement of the nature and effect of the deed shall be entered in the register) shall cease to have effect.
- (4) Subsection (2) of section twenty-six of the Act of 1914 (which provides that section twenty-six of the Supreme Court of Judicature Act, 1875, as amended by any subsequent enactment, shall apply to fees under the Act of 1914), shall apply only to fees to be taken in the Supreme Court in respect of matters arising under the Act of 1914 as amended by this section, and all other fees whatsoever to be taken under the Act of 1914 shall be prescribed by order made by the Lord Chancellor with the concurrence of the Treasury and not otherwise, and all such other fees shall be paid into such account as the Treasury may direct.
- (5) Subject to the provisions of subsection (4) of this section, rules for carrying into effect the provisions of the Act of 1914, as amended by this section, other than the provisions of section seven thereof, may be made by the Lord Chancellor with the concurrence of the President of the Board of Trade, and, subject as aforesaid, the

expression "prescribed" in the Act of 1914 shall mean prescribed by rules made under this subsection.

- (6) This section shall be construed as one with the Act of 1914.

23 Local registration of bills of sale under Bills of Sale Acts, 1878 and 1882

- (1) Section eleven of the Bills of Sale Act (1878) Amendment Act, 1882 (which makes provision for the local registration of the contents of bills of sale), shall have effect as if it required the registrar of bills of sale to transmit to county court registrars copies of the bills instead of abstracts of the contents of the bills, and references in that section to the abstract transmitted and the abstract registered shall be construed accordingly.
- (2) Section ten of the Bills of Sale Act, 1878, shall have effect as though it required the presentation to the registrar on the registration of a bill of sale, in addition to the copy of the bill of sale mentioned in paragraph (2) of that section, of such number of copies of the bill and every schedule and inventory annexed thereto as the registrar may deem to be necessary for the purpose of carrying out the requirements of the said section eleven as amended by this section.

24 Administration bonds

- (1) Every person to whom a grant of administration is made shall give a bond (in this section referred to as "an administration bond") to the senior registrar of the Probate Division by the name of "the principal probate registrar," and, subject to the provisions of this section, if the principal probate registrar, or, where the grant was made in a district registry, the district probate registrar, so requires, with one or more sureties conditioned for duly collecting, getting in, and administering the real and personal estate of the deceased.
- (2) The principal, probate registrar for the time being shall have power to enforce any administration bond or to assign it in accordance with the provisions of this section to some other person.
- (3) An administration bond shall be in such form as may be directed by rules and orders made under section thirty of the Court of Probate Act, 1857.
- (4) Where it appears to the satisfaction of the court or a judge that the condition of an administration bond has been broken, the court or judge may, on an application in that behalf, order that the bond shall be assigned to such person as may be specified in the order, and the person to whom the bond is assigned in pursuance of the order shall be entitled to sue thereon in his own name as if it had been originally given to him instead of to the principal probate registrar, and to recover, thereon as trustee for all persons interested the full amount recoverable in respect of the breach of the condition thereof,
- (5) Without prejudice to any proceedings instituted before the date of the commencement of this Act, any administration bond given before that date under any enactment repealed by this Act, or which is to be enforceable as if it had been given under any such enactment, may be enforced or assigned as if it had been given to the principal probate registrar under this section.
- (6) Nothing in this section shall require the Solicitor for the affairs of His Majesty's Treasury, when applying for or obtaining administration for the use or benefit of His Majesty, to give an administration bond.

- (7) Rules and orders may be made under section thirty of the Court of Probate Act, 1857, for providing that sureties to administration bonds shall not be required when the grant is made to a trust corporation within the meaning of the Law of Property Act, 1922, or to two or more individuals, or in any other proper case.
- (8) The provisions of this section shall apply to any bond to be given by a receiver of real estate under section twenty-one of the Court of Probate Act, 1858, as they apply to an administration bond.

25 Enrolment and engrossment of instruments

- (1) Any instrument which is required or authorised under or in pursuance of the provisions of any enactment to be enrolled or engrossed or enrolled and engrossed in any manner in the Supreme Court shall be deemed to have been duly enrolled, engrossed, or enrolled and engrossed in accordance with those provisions if it is written on such material and has been filed or otherwise preserved in such manner as the Master of the Rolls may by order direct.
- (2) The power of the Master of the Rolls to prescribe the fees to be paid on the enrolment and filing of deeds under section twenty of the Administration of Justice Act, 1920, shall be exercised by him subject to the concurrence of the Treasury.

26 Provision for facilitating production of documents filed in or in custody of central office

- (1) Rules may be made under this section for providing that, in any case where a document filed in or in the custody of any department of the central office of the Supreme Court is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than at the Royal Courts of Justice, it shall not be necessary for an officer of the department, whether served with a subpoena in that behalf or not, to attend for the purpose of producing the document, and that the document may be produced to the court or tribunal by sending it by registered post, together with a certificate in the form prescribed by the rules to the effect that the document has been filed in, or is in the custody of, the department, to such judge or officer of the court as may be so prescribed, and any such certificate shall be prima facie evidence of the facts stated therein.
- (2) Rules made under this section may contain provisions for securing the safe custody and return to the proper department of the central office of any document sent to a court or tribunal in pursuance of the rules, and such other provisions as appear to the rule-making authority necessary or expedient for carrying this section into effect.
- (3) Rules for the purposes of this section may be made by the Lord Chancellor, the Lord Chief Justice and the Senior Master of the Supreme Court (King's Bench Division), and all such rules shall be laid before Parliament.

27 Repeal of certain obsolete enactments relating to administration of justice

Whereas the enactments set out in the Fourth Schedule to this Act have to the extent specified in the third column of that Schedule by lapse of time or otherwise become unnecessary or obsolete, and it is desirable that they should, with a view to the consolidation of the enactments relating to the Supreme Court, be forthwith repealed:

Now, therefore, the enactments aforesaid shall be repealed to the extent specified as aforesaid.

28 Power to revoke and vary orders

Any order made under this Act by the Lord Chancellor, the Lord Chief Justice or the President may at any time be revoked, varied or amended by a subsequent order made under this Act by the Lord Chancellor, the Lord Chief Justice or the President, as the case may be.

29 Short title, interpretation, extent, repeal and commencement

- (1) This Act may be cited as the Administration of Justice Act, 1925.
- (2) In this Act unless the context otherwise requires—
 - The expression " Division " means Division of the High Court:
 - The expression " Probate Division " means Probate, Divorce and Admiralty Division :
 - The expression " Lord Chief Justice " means Lord Chief Justice of England:
 - The expression " President " means President of the Probate Division:
 - The expression " solicitor " means solicitor of the Supreme Court.
- (3) This Act shall not extend to Scotland or Northern Ireland.
- (4) The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) This Act shall, save as therein otherwise expressly provided, come into operation on the first day of October, nineteen hundred and twenty-five.