STATUTORY INSTRUMENTS

1970 No. 672 (C.14)

SUPREME COURT OF JUDICATURE, ENGLAND
COUNTY COURTS

The Administration of Justice Act 1969 (Commencement No. 2) Order 1970

Made - - - - 30*th April* 1970

The Lord Chancellor, in exercise of the powers conferred on him by section 36(5) and (6) of the Administration of Justice Act 1969(a), hereby makes the following Order:—

1.—(1) This Order may be cited as the Administration of Justice Act 1969 (Commencement No. 2) Order 1970.

(2) In this Order—

"the 1959 Act" means the County Courts Act 1959(b) as amended(c)

"the 1969 Act" means the Administration of Justice Act 1969; and

"the appointed day" means 26th May 1970.

(3) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The provisions of the 1969 Act which were not brought into operation by the Administration of Justice Act 1969 (Commencement No. 1) Order 1969(e) shall come into operation on the appointed day.

3. This Order shall have effect subject to the transitional provisions set out in the Schedule.

Dated 30th April 1970.

Gardiner, C.

SCHEDULE

TRANSITIONAL PROVISIONS

Transfer of proceedings from county court

1. The amendments made by the 1969 Act in section 44 of the 1959 Act shall apply to proceedings begun before, as well as on or after, the appointed day, and in relation to proceedings begun before that day a county court judge may, if he sees fit, refuse to make an order under section 66 of the 1959 Act, if the proceedings are within the jurisdiction of the court as extended by the 1969 Act; but nothing in this Order shall be taken to affect any order made before the appointed day.

(a) 1969 c. 58.
(b) 1959 c. 22.
(c) The relevant amending instrument is S.I. 1965/2141 (1965 III, p. 6290).
(d) 1889 c. 63.
(e) S.I. 1969/1607 (1969 III, p. 5089).

Transfer of proceedings to county court

2. The amendments made by the 1969 Act in sections 45, 68 and 146 of the 1959 Act shall apply to proceedings begun before, as well as on or after, the appointed day, and in relation to proceedings begun before the appointed day the High Court or a judge thereof shall have the same powers under section 54 as he would have if the proceedings had been begun after that day.

Costs of proceedings in High Court

3. The amendments made by the 1969 Act in sections 47 and 60 of the 1959 Act shall not apply to proceedings begun before the appointed day.

Miscellaneous

4. In relation to proceedings begun before the appointed day nothing in the provisions of the 1969 Act brought into force by this Order shall affect the operation of section 19 of the City of London (Courts) Act 1964**(a)**.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into operation on 26th May 1970 sections 1 to 5, 9(1) and 10 of the Administration of Justice Act 1969, together with the relevant consequential amendments and repeals. These are the only provisions of the Act not already in force and they increase the jurisdiction of the county court; amend section 47 of the County Courts Act 1959 (which relates to the costs of actions brought in the High Court which could have been brought in a county court); and enable increased jurisdiction to be conferred on county court registrars. The Order also makes the necessary transitional provisions.

(a) 1964 c. iv.

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