



Application of Enactments Ordinance 1954 (FLK No.13 of 1954)

Application of Colony Laws Ordinance 1955 (DS No.1 of 1955)

Administration of Justice (Miscellaneous Provisions) Act 1938

UK Legis LINK as originally enacted [Administration of Justice \(Miscellaneous Provisions\) Act 1938 c.63](#)

English commencement 1 January 1939

English status Repealed and replaced

AEO Schedule No. 47

Date applied in SGSSI: 1 November 1954

Extent of application: Sections 7, 8, 9, 10(1).

In Section 10 (1) the words "'The Governor in Council may make Rules of Court" shall be substituted for the words "Rules of Court shall be made" to "Supreme Court of Judicature (Consolidation) Act 1925

Administration of Justice (Miscellaneous Provisions) Act 1938

Chapter 38

An Act to amend the law with respect to quarter sessions with respect to proceedings heretofore usually dealt with on the Crown side of the King's Bench Division of the High Court; to enable effect to be given to international conventions affecting English Courts; to extend the

Jurisdiction of County Courts and to amend the Supreme Court of Judicature Act, 1925, and the County Courts Act 1934; to amend the law relating to appeals from the Mayor's and City of London Court; and for purposes connected with the matters aforesaid

[29 July 1938]

Be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same as follows:-

7 Orders of mandamus, prohibition and certiorari to be substituted for prerogative writs of mandamus, prohibition and certiorari

- (1) The prerogative writs of mandamus, prohibition and certiorari shall no longer be issued by the High Court.
- (2) In any case where the High Court would, but for the provisions of the last foregoing subsection, have had jurisdiction to order the issue of a writ of mandamus requiring any act to be done, or a writ of prohibition prohibiting any proceedings or matter, or a writ of certiorari removing any proceedings or matter into the High Court or any divisions thereof for any purpose, the Court may make an order requiring the act to be done, or prohibiting or removing the proceedings or matter, as the case may be.
- (3) The said orders shall be called retrospectively an order of mandamus, an order of prohibition and an order of certiorari.
- (4) No return shall be made to any such order and no pleadings in prohibition shall be allowed, but the order shall be final, subject to any right of appeal therefrom.
- (5) In any enactment references to any writ of mandamus, prohibition or certiorari shall be construed as references to the corresponding order and reference to the issue or award of any such writ shall be construed as references to the making of the corresponding order.

8 Power to make orders of mandamus in certain other cases

The power of the High Court under any enactment to require justices of the peace or a judge or officer of a county court to do any act relating to the duties of their respective offices, or to require any court of summary jurisdiction or court of quarter sessions to state a case for the opinion of the Court, in any case where immediately before the commencement of this Act the Court had by virtue of any enactment jurisdiction to make a rule absolute or to make an order, as the case may be, for any of those purposes, shall be exercisable by order of mandamus.

9 Abolition of information in the nature of quo warranto

- (1) Informations in the nature of quo warranto are hereby abolished.
- (2) In any case where any person acts in an office in which he is not entitled to act and an information in the nature of quo warranto would, but for the provisions of the last foregoing subsection, have lain against him, the High Court may grant an injunction restraining him from so acting and may (if the case so requires) declare the office to be vacant.
- (3) No proceedings for an injunction under this section shall be taken by a person who would not immediately before the commencement of this Act have been entitled to apply for an information in the nature of quo warranto.

10 Rules [of Court]

- (1) [The Governor in Council may make Rules of Court]-
 - (a) prescribing the procedure in cases where an order of mandamus, prohibition or certiorari is sought, or proceedings are taken for an injunction under the last foregoing section;
 - (b) requiring, except in such cases as may be specified in the rules, that leave shall be obtained before an application is made for any such order or before any such proceedings are commenced;
 - (c) requiring that, where leave is so obtained, no relief shall be granted and no ground relied upon, except with the leave of the court, other than the relief and grounds specified when the application for leave was made.
- (2) [not applied]

Notes:

1. Please see www.legislation.gov.uk website for the original Act and subsequent amendments and then consider it in the light of extent of application noted above and the Principal Adaptive Provisions.
2. The foundations of 'modern' administrative law for South Georgia and the South Sandwich Islands.

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1. Nothing on this website should be taken as being a representation of what the Commissioner or Government of South Georgia and the South Sandwich Islands considers to be the laws of South Georgia and the South Sandwich Islands.
2. The Government cannot guarantee that links to any other website, including www.legislation.gov.uk will remain current, active or accurate.

3. The only official publication of the laws of South Georgia and the South Sandwich Islands is made in the *Gazette*.

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