



Administration of Justice Act 1969

1969 CHAPTER 58

PART II

[^{F1}APPEAL FROM HIGH COURT TO SUPREME COURT]

Textual Amendments

F1 Pt. 2 heading substituted (1.10.2009) by virtue of Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 20(2); S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

C1 Pt. II applied by Taxes Management Act 1970 (c. 9), s. 56(8)

12 Grant of certificate by trial judge.

(1) Where on the application of any of the parties to any proceedings to which this section applies the judge is satisfied—

- (a) that the relevant conditions are fulfilled in relation to his decision in those proceedings [^{F2}or that the conditions in subsection (3A) (“the alternative conditions”) are satisfied in relation to those proceedings], and
- (b) that a sufficient case for an appeal to the [^{F3}Supreme Court] under this Part of this Act has been made out to justify an application for leave to bring such an appeal, ^{F4}...

^{F4}(c)

the judge, subject to the following provisions of this Part of this Act, may grant a certificate to that effect.

(2) This section applies to any civil proceedings in the High Court which are either—

- (a) proceedings before a single judge of the High Court [^{F5}(including a person acting as such a judge under section 3 of the ^{M1}Judicature Act 1925)], or
- (b)
- (c) proceedings before a Divisional Court.

*Changes to legislation: There are currently no known outstanding effects for the
Administration of Justice Act 1969, Part II. (See end of Document for details)*

- (3) Subject to any Order in Council made under the following provisions of this section, for the purposes of this section the relevant conditions, in relation to a decision of the judge in any proceedings, are that a point of law of general public importance is involved in that decision and that that point of law either—
- (a) relates wholly or mainly to the construction of an enactment or of a statutory instrument, and has been fully argued in the proceedings and fully considered in the judgment of the judge in the proceedings, or
 - (b) is one in respect of which the judge is bound by a decision of the Court of Appeal or of the [^{F3}Supreme Court] in previous proceedings, and was fully considered in the judgments given by the Court of Appeal or the [^{F3}Supreme Court] (as the case may be) in those previous proceedings.
- [^{F7}(3A) The alternative conditions, in relation to a decision of the judge in any proceedings, are that a point of law of general public importance is involved in the decision and that—
- (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
 - (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the judge, a hearing by the Supreme Court is justified, or
 - (c) the judge is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.]
- (4) Any application for a certificate under this section shall be made to the judge immediately after he gives judgment in the proceedings:
- Provided that the judge may in any particular case entertain any such application made at any later time before the end of the period of fourteen days beginning with the date on which that judgment is given or such other period as may be prescribed by rules of court.
- (5) No appeal shall lie against the grant or refusal of a certificate under this section.
- (6) Her Majesty may by Order in Council amend subsection (3) of this section by altering, deleting, or substituting one or more new paragraphs for, either or both of paragraphs (a) and (b) of that subsection, or by adding one or more further paragraphs.
- (7) Any Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this Part of this Act “civil proceedings” means any proceedings other than proceedings in a criminal cause or matter, and “the judge”, in relation to any proceedings to which this section applies, means the judge . . . ^{F8} referred to in paragraph (a) . . . ^{F8} of subsection (2) of this section, or the Divisional Court referred to in paragraph (c) of that subsection, as the case may be.

Textual Amendments

- F2** Words in s. 12(1)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 63\(2\)\(a\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 52 (with Sch. 2 para. 2)
- F3** Words in s. 12 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 20\(3\)](#); S.I. 2009/1604, art. 2(d)
- F4** S. 12(1)(c) and word omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 63\(2\)\(b\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 52 (with Sch. 2 para. 2)

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- F5** Words repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), **Sch. 7**
- F6** S. 12(2)(b) repealed (E.W) by [Courts Act 1971 \(c.23\)](#), **Sch. 11 Pt.IV** and (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1)(2), Sch. 6 para. 13, **Sch. 7 Pt. I**
- F7** S. 12(3A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 63(3)**, 95(1); S.I. 2015/778, art. 3, **Sch. 1 para. 52** (with **Sch. 2 para. 2**)
- F8** Words repealed (E.W) by [Courts Act 1971 \(c.23\)](#), **Sch. 11 Pt.IV** and (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1)(2), Sch. 6 para. 13, **Sch. 7 Pt. I**

Marginal Citations

- M1** 1925 c. 49.

13 Leave to appeal to [^{F9}Supreme Court].

- (1) Where in any proceedings the judge grants a certificate under section 12 of this Act, then, at any time within one month from the date on which that certificate is granted or such extended time as in any particular case the [^{F9}Supreme Court] may allow, any of the parties to the proceedings may make an application to the [^{F9}Supreme Court] under this section.
- (2) Subject to the following provisions of this section, if on such an application it appears to the [^{F10}Supreme Court] to be expedient to do so, the [^{F10}Supreme Court] may grant leave for an appeal to be brought directly to the [^{F10}Supreme Court]; and where leave is granted under this section—
 - (a) no appeal from the decision of the judge to which the certificate relates shall lie to the Court of Appeal, but
 - (b) an appeal shall lie from that decision to the [^{F10}Supreme Court].
- (3) Applications under this section shall be determined without a hearing.
- (4) ^{F11}
- (5) Without prejudice to subsection (2) of this section, no appeal shall lie to the Court of Appeal from a decision of the judge in respect of which a certificate is granted under section 12 of this Act until—
 - (a) the time within which an application can be made under this section has expired, and
 - (b) where such an application is made, that application has been determined in accordance with the preceding provisions of this section.

Textual Amendments

- F9** Words in s. 13 sidenote and s. 13(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148(1), **Sch. 9 para. 20(4)(a)**; S.I. 2009/1604, **art. 2(d)**
- F10** Words in s. 13(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148(1), **Sch. 9 para. 20(4)(b)**; S.I. 2009/1604, **art. 2(d)**
- F11** S. 13(4) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 146, 148(1), Sch. 9 para. 20(4)(c), {Sch. 18 Pt. 5}; S.I. 2009/1604, **art. 2(d)(f)**

14 Appeal where leave granted.

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Textual Amendments

F12 S. 14 repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 146, 148(1), Sch. 9 para. 20(5), {Sch. 18 Pt. 5}; S.I. 2009/1604, [art. 2\(d\)\(f\)](#)

15 Cases excluded from s. 12.

- (1) No certificate shall be granted under section 12 of this Act in respect of a decision of the judge in any proceedings where by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would lie from that decision to the Court of Appeal, with or without the leave of the judge or of the Court of Appeal.
- (2) No certificate shall be granted under section 12 of this Act in respect of a decision of the judge where—
 - [^{F13}(a) the decision is in proceedings other than proceedings under the ^{M2} Matrimonial Causes Act 1965, and]
 - (b) by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would (with or without the leave of the Court of Appeal or of the [^{F14}Supreme Court]) lie from any decision of the Court of Appeal on an appeal from the decision of the judge.
- (3) Where by virtue of any enactment, apart from the provisions of this Part of this Act, no appeal would lie to the Court of Appeal from the decision of the judge except with the leave of the judge or of the Court of Appeal, no certificate shall be granted under section 12 of this Act in respect of that decision unless it appears to the judge that apart from the provisions of this Part of this Act it would be a proper case for granting such leave.
- (4) No certificate shall be granted under section 12 of this Act where the decision of the judge, or any order made by him in pursuance of that decision, is made in the exercise of jurisdiction to punish for contempt of court.

Textual Amendments

F13 S. 15(2)(a) repealed (E.W.) by [Administration of Justice Act 1977 \(c. 38\)](#), [Sch. 5 Pt. IV](#)

F14 Words in s. 15(2)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148(1), [Sch. 9 para. 20\(6\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

Modifications etc. (not altering text)

C2 S. 15(2) excluded by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 6(2)

S. 15(2) excluded (1.3.2002) by S.I. 2001/3929, arts. 1(b), 3, [Sch. 1 para. 4\(2\)](#)

Marginal Citations

M2 1965 c.72.

16 Application of Part II to Northern Ireland.

- (1) In the application of this Part of this Act to Northern Ireland—
 - “the Court of Appeal” means Her Majesty’s Court of Appeal in Northern Ireland;
 - “the High Court” means the High Court of Justice in Northern Ireland;

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“statutory instrument” includes an instrument made under an enactment of the Parliament of Northern Ireland;

for the references in section 12(2) to [F15]section 3 of the Judicature Act 1925 there shall be substituted a reference to sections 6 and 7 of the M3Judicature (Northern Ireland) Act 1978]; and

for the reference in section 15(2)(a) to the M4Matrimonial Causes Act 1965 there shall be substituted a reference to the M5Matrimonial Causes Act (Northern Ireland) 1939 or any enactment re-enacting that Act (whether with or without modifications).

[F16(1A) In the application of this Part of this Act to Northern Ireland, section 12 has effect as if—

- (a) in subsection (1)(a) there were omitted “or that the conditions in subsection (3A) (“the alternative conditions”) are satisfied in relation to those proceedings”;
- (b) after subsection (1)(b) there were inserted
 - (c) that all the parties to the proceedings consent to the grant of a certificate under this section,”;
- (c) subsection (3A) were omitted.]

(2) F17

Textual Amendments

- F15** Words substituted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1), Sch. 5 Pt. II(1), **Sch. 6 para. 13**
- F16** S. 16(1A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 63(4)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 52 (with Sch. 2 para. 2)
- F17** S. 16(2) repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), s. 123(2), **Sch. 7**

Marginal Citations

- M3** 1978 c. 23.
- M4** 1965 c. 72.
- M5** 1939 c. 13 (N.I.).

Changes to legislation:

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