



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART I

#### CONSTITUTION OF SUPREME COURT

##### *The High Court*

#### **4 The High Court.**

- (1) The High Court shall consist of—
  - (a) <sup>F1</sup> .....
  - (b) the Lord Chief Justice;
  - [<sup>F2</sup>(ba) the President of the Queen's Bench Division;
  - (c) the President of the Family Division;
  - (d) the Chancellor of the High Court;]
  - [<sup>F3</sup>(dd) the Senior Presiding Judge]
  - [<sup>F4</sup>(ddd) the vice-president of the Queen's Bench Division;] and
  - (e) not more than eighty puisne judges of that court.
- (2) The puisne judges of the High Court shall be styled "Justices of the High Court".
- (3) All the judges of the High Court shall, except where this Act expressly provides otherwise, have in all respects equal power, authority and jurisdiction.
- (4) Her Majesty may by Order in Council from time to time amend subsection (1) so as to increase or further increase the maximum number of puisne judges of the High Court.
- [<sup>F5</sup>(4A) It is for the Lord Chancellor to recommend to Her Majesty the making of an Order under subsection (4).]
- (5) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (4) unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

*Status: Point in time view as at 03/04/2006.*

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- (6) The High Court shall be taken to be duly constituted notwithstanding any vacancy in the office of <sup>F6</sup>. . . Lord Chief Justice, [<sup>F7</sup>President of the Queen's Bench Division, President of the Family Division, Chancellor of the High Court][<sup>F8</sup>or Senior Presiding Judge][<sup>F9</sup>and whether or not an appointment has been made to the office of vice-president of the Queen's Bench Division.].

#### Textual Amendments

- F1** S. 4(1)(a) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 117(2)(a), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(h), 30(b)
- F2** S. 4(1)(ba)-(d) substituted (1.10.2005) for s. 4(1)(c)(d) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 117(2)(b)**; S.I. 2005/2505, **art. 2(c)**
- F3** S. 4(1)(dd) inserted by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 72(6)(a)**
- F4** S. 4(1)(ddd) inserted (27.9.1999) by 1999 c. 22, **ss. 69(2)(a)**, 108(3)(b) (with Sch. 14 para. 7(2))
- F5** S. 4(4A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 117(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(h)
- F6** Words in s. 4(6) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 117(4)(a), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(h), 30(b)
- F7** Words in s. 4(6) substituted (1.10.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 117(4)(b)**; S.I. 2005/2505, **art. 2(c)**
- F8** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), **s. 72(6)(b)**
- F9** Words in s. 4(6) inserted (27.9.1999) by 1999 c. 22, **ss. 69(2)(b)**, 108(3)(b) (with Sch. 14 para. 7(2))

#### Modifications etc. (not altering text)

- C1** Ss. 2(1), 4(1), 12(1)-(6) modified (9.11.1998) by 1998 c. 42, **ss. 18(4)(a)**, 22(2) (with ss. 7(8), 22(5))  
S. 4(1) modified (27.9.1999) by 1999 c. 22, **s. 68(3)(c)**, 108(3)(b) (with Sch. 14 para. 7(2))
- C2** S. 4(1)(e) amended by S.I. 1987/2059, **art. 3** (maximum number of puisne judges prescribed by s. 4(1)(e) increased from 80 to 85)  
S. 4(1)(e) amended (11.5.1993) by S.I. 1993/1255, **art. 2**  
S. 4(1)(e) amended (25.11.1999) by S.I. 1999/3138, **art. 2**
- C3** S. 4(1)(e) amended (21.3.2003) by The Maximum Number of Judges Order 2003 (S.I. 2003/775), **art. 2**

## 5 Divisions of High Court.

- (1) There shall be three divisions of the High Court namely—
- (a) the Chancery Division, consisting of [<sup>F10</sup>the Chancellor of the High Court, who shall be president thereof,] and such of the puisne judges as are for the time being attached thereto in accordance with this section;
  - (b) the Queen's Bench Division, consisting of the Lord Chief Justice, [<sup>F11</sup>the President of the Queen's Bench Division], [<sup>F12</sup>the vice-president of the Queen's Bench Division] and such of the puisne judges as are for the time being so attached thereto; and
  - (c) the Family Division, consisting of the President of the Family Division and such of the puisne judges as are for the time being so attached thereto.
- (2) The puisne judges of the High Court shall be attached to the various Divisions by direction [<sup>F13</sup>given by the Lord Chief Justice after consulting the Lord Chancellor]; and any such judge may with his consent be transferred from one Division to another by direction [<sup>F13</sup>given by the Lord Chief Justice after consulting the Lord Chancellor],

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but shall be so transferred only with the concurrence of the senior judge of the Division from which it is proposed to transfer him.

- (3) Any judge attached to any Division may act as an additional judge of any other Division at the request of the <sup>[F14]</sup>Lord Chief Justice made<sup>[F15]</sup> with the concurrence of both of the following—
- (a) the senior judge of the Division to which the judge is attached;
  - (b) the senior judge of the Division of which the judge is to act as an additional judge.]
- (4) Nothing in this section shall be taken to prevent a judge of any Division (whether nominated under section 6(2) or not) from sitting, whenever required, in a divisional court of another Division or for any judge of another Division.
- (5) Without prejudice to the provisions of this Act relating to the distribution of business in the High Court, all jurisdiction vested in the High Court under this Act shall belong to all the Divisions alike.
- <sup>[F16]</sup>(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).]

#### Textual Amendments

- F10** Words in s. 5(1)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 118(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(i)
- F11** Words in s. 5(1)(b) substituted (1.10.2005) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 118(3)**; S.I. 2005/2505, **art. 2(c)**
- F12** Words in s. 5(1)(b) inserted (27.9.1999) by 1999 c. 22, **ss. 69(3)**, 108(3)(b) (with Sch. 14 para. 7(2))
- F13** Words in s. 5(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 118(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(i)
- F14** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(2), **Sch. 17 para. 12**
- F15** Words in s. 5(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 118(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(i)
- F16** S. 5(6) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 118(6)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(i)

## 6 The Patents, Admiralty and Commercial Courts.

- (1) There shall be—
- (a) as part of the Chancery Division, a Patents Court; and
  - (b) as parts of the Queen’s Bench Division, an Admiralty Court and a Commercial Court.
- (2) The judges of the Patents Court, of the Admiralty Court and of the Commercial Court shall be such of the puisne judges of the High Court as the <sup>[F17]</sup>Lord Chief Justice may, after consulting the Lord Chancellor,] from time to time nominate to be judges of the Patents Court, Admiralty Judges and Commercial Judges respectively.
- <sup>[F18]</sup>(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).]

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#### Textual Amendments

- F17** Words in s. 6(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 119\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(j)
- F18** S. 6(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 119\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(j)

## 7 Power to alter Divisions or transfer certain courts to different Divisions.

- (1) Her Majesty may from time to time, on a recommendation of [<sup>F19</sup>the Lord Chancellor and] the judges mentioned in subsection (2), by Order in Council direct that—
- (a) any increase or reduction in the number of Divisions of the High Court; or
  - (b) the transfer of any of the courts mentioned in section 6(1) to a different Division,
- be carried into effect in pursuance of the recommendation.
- (2) Those judges are <sup>F20</sup>. . . the Lord Chief Justice, the Master of the Rolls, [<sup>F21</sup>the President of the Queen's Bench Division, the President of the Family Division and the Chancellor of the High Court]
- (3) An Order in Council under this section may include such incidental, supplementary or consequential provisions as appear to Her Majesty necessary or expedient, including amendments of provisions referring to particular Divisions contained in this Act or any other statutory provision.
- (4) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F19** Words in s. 7(1) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 120\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(k)
- F20** Words in s. 7(2) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, Sch. 4 para. 120(3)(a), [Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 11(k), 30(b)
- F21** Words in s. 7(2) substituted (1.10.2005) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, [Sch. 4 para. 120\(3\)\(b\)](#); S.I. 2005/2505, [art. 2\(c\)](#)

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