



Supreme Court Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE COURT OF APPEAL

15 General jurisdiction of Court of Appeal

- (1) The Court of Appeal shall be a superior court of record.
- (2) Subject to the provisions of this Act, there shall be exercisable by the Court of Appeal—
 - (a) all such jurisdiction (whether civil or criminal) as is conferred on it by this or any other Act; and
 - (b) all such other jurisdiction (whether civil or criminal) as was exercisable by it immediately before the commencement of this Act.
- (3) For all purposes of or incidental to—
 - (a) the hearing and determination of any appeal to the civil division of the Court of Appeal; and
 - (b) the amendment, execution and enforcement of any judgment or order made on such an appeal,the Court of Appeal shall have all the authority and jurisdiction of the court or tribunal from which the appeal was brought.
- (4) It is hereby declared that any provision in this or any other Act which authorises or requires the taking of any steps for the execution or enforcement of a judgment or order of the High Court applies in relation to a judgment or order of the civil division of the Court of Appeal as it applies in relation to a judgment or order of the High Court.

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16 Appeals from High Court

- (1) Subject as otherwise provided by this or any other Act (and in particular to the provision in section 13 (2) (a) of the Administration of Justice Act 1969 excluding appeals to the Court of Appeal in cases where leave to appeal from the High Court directly to the House of Lords is granted under Part II of that Act), the Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of the High Court.
- (2) An appeal from a judgment or order of the High Court when acting as a prize court shall not be to the Court of Appeal, but shall be to Her Majesty in Council in accordance with the Prize Acts 1864 to 1944.

17 Applications for new trial

- (1) Where any cause or matter, or any issue in any cause or matter, has been tried in the High Court, any application for a new trial thereof, or to set aside a verdict, finding or judgment therein, shall be heard and determined by the Court of Appeal except where rules of court made in pursuance of subsection (2) provide otherwise.
- (2) As regards cases where the trial was by a judge alone and no error of the court at the trial is alleged, or any prescribed class of such cases, rules of court may provide that any such application as is mentioned in subsection (1) shall be heard and determined by the High Court.
- (3) Nothing in this section shall alter the practice in bankruptcy.

18 Restrictions on appeals to Court of Appeal

- (1) No appeal shall lie to the Court of Appeal—
 - (a) except as provided by the Administration of Justice Act 1960, from any judgment of the High Court in any criminal cause or matter ;
 - (b) from any order of the High Court or any other court or tribunal allowing an extension of time for appealing from a judgment or order;
 - (c) from any order, judgment or decision of the High Court or any other court or tribunal which, by virtue of any provision (however expressed) of this or any other Act, is final;
 - (d) from a decree absolute of divorce or nullity of marriage, by a party who, having had time and opportunity to appeal from the decree nisi on which that decree was founded, has not appealed from the decree nisi;
 - (e) without the leave of the divisional court in question or of the Court of Appeal, from the determination by a divisional court of any appeal to the High Court;
 - (f) without the leave of the court or tribunal in question, from any order of the High Court or any other court or tribunal made with the consent of the parties or relating only to costs which are by law left to the discretion of the court or tribunal;
 - (g) except as provided by the Arbitration Act 1979, from any decision of the High Court—
 - (i) on an appeal under section 1 of that Act on a question of law arising out of an arbitration award; or
 - (ii) under section 2 of that Act on a question of law arising in the course of a reference;

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- (h) without the leave of the court or tribunal in question or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by the High Court or any other court or tribunal, except in the following cases, namely—
 - (i) where the liberty of the subject or the custody, education or welfare of a minor is concerned;
 - (ii) where an applicant for access to a minor is refused all access to the minor ;
 - (iii) where an injunction or the appointment of a receiver is granted or refused ;
 - (iv) in the case of a decision determining the claim of any creditor, or the liability of any contributory or of any director or other officer, under the law relating to companies;
 - (v) in the case of a decree nisi in a matrimonial cause, or a judgment or order in an admiralty action determining liability;
 - (vi) in such other cases as may be prescribed.
- (2) For the purposes of subsection (1)(h)—
 - (a) an order refusing unconditional leave to defend an action shall not be treated as an interlocutory order; and
 - (b) " education " includes training and religious instruction.