



Senior Courts Act 1981

1981 CHAPTER 54

PART III

PRACTICE AND PROCEDURE

THE HIGH COURT

Distribution of business

61 Distribution of business among Divisions.

- (1) Subject to any provision made by or under this or any other Act (and in particular to any rules of court made in pursuance of subsection (2) and any order under subsection (3)), business in the High Court of any description mentioned in Schedule 1, as for the time being in force, shall be distributed among the Divisions in accordance with that Schedule.
- (2) Rules of court may provide for the distribution of business in the High Court among the Divisions; but any rules made in pursuance of this subsection shall have effect subject to any orders for the time being in force under subsection (3).
- (3) Subject to subsection (5), the [^{F1}Lord Chief Justice may, with the concurrence of the Lord Chancellor,] by order—
 - (a) direct that any business in the High Court which is not for the time being assigned by or under this or any other Act to any Division be assigned to such Division as may be specified in the order;
 - (b) if at any time it [^{F2}appears to the Lord Chief Justice and the Lord Chancellor] desirable to do so with a view to the more convenient administration of justice, direct that any business for the time being assigned by or under this or any other Act to any Division be assigned to such other Division as may be specified in the order; and
 - (c) amend Schedule 1 so far as may be necessary in consequence of provision made by order under paragraph (a) or (b).

Changes to legislation: Senior Courts Act 1981, Cross Heading: Distribution of business is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The powers conferred by subsection (2) and subsection (3) include power to assign business of any description to two or more Divisions concurrently.
- (5) No order under subsection (3)(b) relating to any business shall be made without the concurrence of the senior judge of—
- (a) the Division or each of the Divisions to which the business is for the time being assigned; and
 - (b) the Division or each of the Divisions to which the business is to be assigned by the order.
- (6) Subject to rules of court, the fact that a cause or matter commenced in the High Court falls within a class of business assigned by or under this Act to a particular Division does not make it obligatory for it to be allocated or transferred to that Division.
- (7) Without prejudice to subsections (1) to (5) and section 63, rules of court may provide for the distribution of the business (other than business required to be heard by a divisional court) in any Division of the High Court among the judges of that Division.
- (8) Any order under subsection (3) shall be made by statutory instrument, which shall be laid before Parliament after being made.
- [^{F3}(9) 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 (3).]

Textual Amendments

- F1** Words in s. 61(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 129(2)(a)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(p)
- F2** Words in s. 61(3)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 129(2)(b)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(p)
- F3** S. 61(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 129(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(p)

62 Business of Patents, Admiralty and Commercial Courts.

- (1) The Patents Court shall take such proceedings relating to patents as are within the jurisdiction conferred on it by the ^{M1}Patents Act 1977, and such other proceedings relating to patents or other matters as may be prescribed.
- (2) The Admiralty Court shall take Admiralty business, that is to say causes and matters assigned to the Queen’s Bench Division and involving the exercise of the High Court’s Admiralty jurisdiction or its jurisdiction as a prize court.
- (3) The Commercial Court shall take such causes and matters as may in accordance with rules of court be entered in the commercial list.

Marginal Citations

- M1** 1977 c. 37.

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63 Business assigned to specially nominated judges.

- (1) Any business assigned, in accordance with this or any other Act or rules of court, to one or more specially nominated judges of the High Court may—
 - (a) during vacation; or
 - (b) during the illness or absence of that judge or any of those judges; or
 - (c) for any other reasonable cause,be dealt with by any judge of the High Court named for that purpose [^{F4}by the Lord Chief Justice after consulting the Lord Chancellor].
- (2) If at any time it appears to the [^{F5}Lord Chief Justice, after consulting the Lord Chancellor, to be] desirable to do so with a view to the more convenient administration of justice, he may by order direct that business of any description which is for the time being assigned, in accordance with this or any other Act or rules of court, to one or more specially nominated judges of the High Court shall cease to be so assigned and may be dealt with by any one or more judges of the High Court.
- (3) An order under subsection (2) shall not be made in respect of any business without the concurrence of the senior judge of the Division to which the business is for the time being assigned.
- [^{F6}(4) 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 (1) or (2).]

Textual Amendments

- F4** Words in s. 63(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 130\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(p)
- F5** Words in s. 63(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 130\(3\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(p)
- F6** S. 63(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 130\(4\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(p)

64 Choice of Division by plaintiff.

- (1) Without prejudice to the power of transfer under section 65, the person by whom any cause or matter is commenced in the High Court shall in the prescribed manner allocate it to whichever Division he thinks fit.
- (2) Where a cause or matter is commenced in the High Court, all subsequent interlocutory or other steps or proceedings in the High Court in that cause or matter shall be taken in the Division to which the cause or matter is for the time being allocated (whether under subsection (1) or in consequence of its transfer under section 65).

65 Power of transfer.

- (1) Any cause or matter may at any time and at any stage thereof, and either with or without application from any of the parties, be transferred, by such authority and in such manner as rules of court may direct, from one Division or judge of the High Court to another Division or judge thereof.

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- (2) The transfer of a cause or matter under subsection (1) to a different Division or judge of the High Court shall not affect the validity of any steps or proceedings taken or order made in that cause or matter before the transfer.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)