



Senior Courts Act 1981

1981 CHAPTER 54

PART III

PRACTICE AND PROCEDURE

RULES OF COURT

84 Power to make rules of court.

- (1) Rules of court may be made for the purpose of regulating and prescribing [^{F1}, except in relation to any criminal cause or matter,] the practice and procedure to be followed in the [^{F2}Crown Court ^{F3} . . .].
- (2) Without prejudice to the generality of subsection (1), the matters about which rules of court may be made under this section include all matters of practice and procedure in the Supreme Court which were regulated or prescribed by rules of court immediately before the commencement of this Act.
- (3) No provision of this or any other Act, or contained in any instrument made under any Act, which—
 - (a) authorises or requires the making of rules of court about any particular matter or for any particular purpose; or
 - (b) provides (in whatever words) that the power to make rules of court under this section is to include power to make rules about any particular matter or for any particular purpose,shall be taken as derogating from the generality of subsection (1).
- [^{F4}(4) Rules made under this section shall have effect subject to any special rules for the time being in force in relation to proceedings in the Supreme Court of any particular kind.]
- [^{F5}(5) Special rules may apply—
 - (a) any rules made under this section, ^{F6} . . .
 - (b) Civil Procedure Rules,to proceedings to which the special rules apply.

Status: Point in time view as at 01/09/2004. This version of this provision has been superseded.

Changes to legislation: Senior Courts Act 1981, Section 84 is up to date with all changes known to be in force on or before 25 January 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)

- [Criminal Procedure Rules, or
F7(c)
(d) Family Procedure Rules,]
- (5A) Rules made under this section may apply—
- (a) any special rules,^{F6} . . .
 - (b) Civil Procedure Rules,
- to proceedings to which rules made under this section apply.
- [Criminal Procedure Rules, or
F7(c)
(d) Family Procedure Rules,]
- (6) Where rules may be applied under subsection (5) or (5A), they may be applied—
- (a) to any extent,
 - (b) with or without modification, and
 - (c) as amended from time to time.]
- (7) No rule which may involve an increase of expenditure out of public funds may be made under this section except with the concurrence of the Treasury, but the validity of any rule made under this section shall not be called in question in any proceedings in any court either by the court or by any party to the proceedings on the ground only that it was a rule as to the making of which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred.
- (8) Rules of court under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and the^{M1}Statutory Instruments Act 1946 shall apply to a statutory instrument containing such rules in like manner as if the rules had been made by a Minister of the Crown.
- (9) In this section “special rules” means rules applying to proceedings of any particular kind in the Supreme Court, being rules made by an authority other than the [^{F8}Civil Procedure Rule Committee][^{F9}, the Family Procedure Rule Committee, the Criminal Procedure Rule Committee,] or the Crown Court Rule Committee under any provision of this or any other Act which (in whatever words) confers on that authority power to make rules in relation to proceedings of that kind in the Supreme Court.

Textual Amendments

- F1** Words in s. 84(1) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(2)(a)** (with art. 2(2))
- F2** Words in s. 84(1) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 1(4)(a)**; S.I. 1999/1009, **art. 3(b)**
- F3** Words in s. 84(1) omitted (1.9.2004) by virtue of The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(2)(b)** (with art. 2(2))
- F4** S. 84(4) omitted (26.4.1999) by virtue of 1997 c. 12, s. 10, **Sch. 2 para. 1(4)(b)**; S.I. 1999/1009, **art. 3(b)**
- F5** S. 84(5)(5A)(6) substituted (27.4.1997) for s. 84(5)(6) by 1997 c. 12, ss. 10, 11(2), **Sch. 2 para. 1(4)(c)**; S.I. 1997/841, **arts. 3(b), 4(b)**
- F6** Word in s. 84(5)(5A) omitted (1.9.2004) by virtue of The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(3)(a)** (with art. 2(2))
- F7** S. 84(5)(c)(d)(5A)(c)(d) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(3)(b)** (with art. 2(2))

Status: Point in time view as at 01/09/2004. This version of this provision has been superseded.

Changes to legislation: Senior Courts Act 1981, Section 84 is up to date with all changes known to be in force on or before 25 January 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)

F8 Words in s. 84 substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 1(4)(d)**; S.I. 1999/1009, **art. 3(b)**

F9 Words in s. 84(9) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(4)** (with art. 2(2))

Modifications etc. (not altering text)

C1 S. 84 extended by Multilateral Investment Guarantee Agency Act 1988 (c. 8, SIF 88), **s. 5**

C2 S. 84 extended (1. 10. 1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 20(5)(a), 101(1), **Sch. 12**, para. 6; S.I. 1992/333, art. 2(2), **Sch. 2**.

S. 84 extended (4.7.1996 but with effect as mentioned in s. 1 (3)(5)) by 1996 c. 25, **s. 19(1)** (with s. 78(1)); S.I. 1997/682.

Marginal Citations

M1 1946 c. 36.

Status:

Point in time view as at 01/09/2004. This version of this provision has been superseded.

Changes to legislation:

Senior Courts Act 1981, Section 84 is up to date with all changes known to be in force on or before 25 January 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.