



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 3

#### THE SUPREME COURT

##### *Practice and procedure*

#### **44 Specially qualified advisers**

- (1) If the Supreme Court thinks it expedient in any proceedings, it may hear and dispose of the proceedings wholly or partly with the assistance of one or more specially qualified advisers appointed by it.
- (2) Any remuneration payable to such an adviser is to be determined by the Court unless agreed between the adviser and the parties to the proceedings.
- (3) Any remuneration forms part of the costs of the proceedings.

#### **45 Making of rules**

- (1) The President of the Supreme Court may make rules (to be known as “Supreme Court Rules”) governing the practice and procedure to be followed in the Court.
- (2) The power to make Supreme Court Rules includes power to make different provision for different cases, including different provision—
  - (a) for different descriptions of proceedings, or
  - (b) for different jurisdiction of the Supreme Court.
- (3) The President must exercise the power to make Supreme Court Rules with a view to securing that—
  - (a) the Court is accessible, fair and efficient, and
  - (b) the rules are both simple and simply expressed.
- (4) Before making Supreme Court Rules the President must consult all of the following—

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*Changes to legislation:* Constitutional Reform Act 2005, Cross Heading: Practice and procedure is up to date with all changes known to be in force on or before 07 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

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- (a) the Lord Chancellor;
  - (b) the bodies listed in subsection (5);
  - (c) such other bodies that represent persons likely to be affected by the Rules as the President considers it appropriate to consult.
- (5) The bodies referred to in subsection (4)(b) are—
- The General Council of the Bar of England and Wales;
  - The Law Society of England and Wales;
  - The Faculty of Advocates of Scotland;
  - The Law Society of Scotland;
  - The General Council of the Bar of Northern Ireland;
  - The Law Society of Northern Ireland.

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

**C1** S. 45 modified (temp. from 27.2.2006) by [The Constitutional Reform Act 2005 \(Temporary Modifications\) Order 2006 \(S.I. 2006/227\)](#), **art. 2**

#### **46 Procedure after rules made**

- (1) Supreme Court Rules made by the President of the Supreme Court must be submitted by him to the Lord Chancellor.
- (2) Supreme Court Rules submitted to the Lord Chancellor—
  - (a) come into force on such day as the Lord Chancellor directs, and
  - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (3) A statutory instrument containing Supreme Court Rules is subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C2** S. 46 modified (temp. from 27.2.2006) by [The Constitutional Reform Act 2005 \(Temporary Modifications\) Order 2006 \(S.I. 2006/227\)](#), **art. 2**

#### **47 Photography etc**

- (1) In section 41 of the Criminal Justice Act 1925 (c. 86) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute—
  - “(a) the expression “court” means any court of justice (including the court of a coroner), apart from the Supreme Court;”.
- (2) In section 29 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 N.I.) (prohibition on taking photographs etc in court), for subsection (2)(a) substitute—
  - “(a) the expression “court” means any court of justice (including the court of a coroner), apart from the Supreme Court;”.

**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. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)