
Changes to legislation: Constitutional Reform Act 2005, SCHEDULE 10 is up to date with all changes known to be in force on or before 21 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

SCHEDULES

SCHEDULE 10

Section 57

PROCEEDINGS UNDER JURISDICTION TRANSFERRED TO SUPREME COURT

Interpretation

- 1 (1) In this Schedule “transferred jurisdiction” means any jurisdiction of—
- (a) the House of Lords, or
 - (b) the Judicial Committee of the Privy Council,
- that is transferred to the Supreme Court by virtue of this Act.
- (2) In relation to transferred jurisdiction—
- “original court” means (as appropriate)—
 - (a) the House of Lords, or
 - (b) the Judicial Committee of the Privy Council;
- “transfer day” means the day when the jurisdiction is transferred to the Supreme Court.
- 2 In this Schedule “transferred proceedings” means proceedings which were begun before the transfer day in the original court under transferred jurisdiction.

Proceedings

- 3 (1) As from the transfer day, transferred proceedings may be continued in the Supreme Court as if they had been begun in that court.
- (2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).
- 4 (1) Anything done in accordance with the rules of the original court in relation to transferred proceedings is, after the transfer day, to be treated as if it had been done in accordance with any Supreme Court Rules applicable to corresponding proceedings in the Supreme Court.
- (2) This paragraph is subject to Supreme Court Rules (whether made before or after the transfer date).
- 5 (1) Any act, judgment or order of the original court in the transferred proceedings is to have the same effect after the transfer day as if it had been an act, judgment or order of the Supreme Court in corresponding proceedings in that Court.
- (2) Accordingly, after the transfer day, further proceedings may be taken in the Supreme Court in respect of such an act, judgment or order.

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Fees

- 6 (1) This paragraph applies to any fee due under the rules of the original court in relation to transferred proceedings which was unpaid on the transfer day.
- (2) As from the transfer day, the fee is payable as if it were due under the corresponding Supreme Court Rules.

Funds

- 7 (1) This paragraph applies to the investments and money which constitute the funds in court of—
- (a) the House of Lords, or
 - (b) the Judicial Committee of the Privy Council,
- that are held in relation to transferred proceedings.
- (2) On the transfer day the investments and money are, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer as funds in the Supreme Court.
- (3) In dealing with any investments and money vested in him by virtue of this paragraph, the accounting officer must comply with any directions which the Lord Chancellor may give with a view to securing the transition of the administration of the funds in court referred to in sub-paragraph (1).
- 8 (1) The transfer of any investments and money under paragraph 7 does not affect the right of any person in or to any thing so transferred.
- (2) Any such right may be enforced from the transfer day as if it had always been a right in respect of funds in the Supreme Court.
- 9 (1) This paragraph applies to a liability of the House of Lords or the Judicial Committee of the Privy Council if the following conditions are met—
- (a) the liability is in respect of sums which at one time formed part of funds in court held in relation to proceedings under transferred jurisdiction but which ceased to do so before the transfer day;
 - (b) the liability is outstanding immediately before the transfer day.
- (2) On the transfer day the liability is, by virtue of this paragraph and without any transfer or assignment, vested in the accounting officer.
- (3) Any amounts required to meet any such liability are to be paid out of the Consolidated Fund to the accounting officer.
- 10 In paragraphs 7 and 9 “accounting officer” means the person who, in the view of the President of the Supreme Court, carries out duties in relation to that court that correspond as nearly as possible to the duties carried out in relation to the Senior Courts of England and Wales by the Accountant-General of those courts.

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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\(10\)\(b\)](#)