



# Supreme Court Act 1981

## 1981 CHAPTER 54

### PART II

#### JURISDICTION

##### GENERAL PROVISIONS

###### *Law and equity*

#### **49 Concurrent administration of law and equity**

- (1) Subject to the provisions of this or any other Act, every court exercising jurisdiction in England or Wales in any civil cause or matter shall continue to administer law and equity on the basis that, wherever there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail.
- (2) Every such court shall give the same effect as hitherto—
  - (a) to all equitable estates, titles, rights, reliefs, defences and counterclaims, and to all equitable duties and liabilities; and
  - (b) subject thereto, to all legal claims and demands and all estates, titles, rights, duties, obligations and liabilities existing by the common law or by any custom or created by any statute,and, subject to the provisions of this or any other Act, shall so exercise its jurisdiction in every cause or matter before it as to secure that, as far as possible, all matters in dispute between the parties are completely and finally determined, and all multiplicity of legal proceedings with respect to any of those matters is avoided.
- (3) Nothing in this Act shall affect the power of the Court of Appeal or the High Court to stay any proceedings before it, where it thinks fit to do so, either of its own motion or on the application of any person, whether or not a party to the proceedings.

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**50 Power to award damages as well as, or in substitution for, injunction or specific performance**

Where the Court of Appeal or the High Court has jurisdiction to entertain an application for an injunction or specific performance, it may award damages in addition to, or in substitution for, an injunction or specific performance.

*Costs*

**51 Costs in civil division of Court of Appeal and High Court**

- (1) Subject to the provisions of this or any other Act and to rules of court, the costs of and incidental to all proceedings in the civil division of the Court of Appeal and in the High Court, including the administration of estates and trusts, shall be in the discretion of the court, and the court shall have full power to determine by whom and to what extent the costs are to be paid.
- (2) Nothing in subsection (1) shall alter the practice in any criminal cause or matter, or in bankruptcy.
- (3) Provision may be made by rules of court for regulating any matters relating to the costs of proceedings in the civil division of the Court of Appeal or in the High Court, including the administration of estates and trusts.

**52 Costs in Crown Court**

- (1) Crown Court Rules may authorise the Crown Court to award costs and may regulate any matters relating to costs of proceedings in that court, and in particular may make provision as to—
  - (a) any discretion to award costs ;
  - (b) the taxation of costs, or the fixing of a sum instead of directing a taxation, and as to the officer of the court or other person by whom costs are to be taxed ;
  - (c) a right of appeal from any decision on the taxation of costs, whether to a Taxing Master of the Supreme Court or to any other officer or authority ;
  - (d) a right of appeal to the High Court, subject to any conditions specified in the rules, from any decision on an appeal brought by virtue of paragraph (c);
  - (e) the enforcement of an order for costs; and
  - (f) the charges or expenses or other disbursements which are to be treated as costs for the purposes of the rules.
- (2) The costs to be dealt with by rules made in pursuance of this section may, where an appeal is brought to the Crown Court from the decision of a magistrates' court, or from the decision of any other court or tribunal, include costs in the proceedings in that court or tribunal.
- (3) Nothing in this section authorises the making of rules about the payment of costs out of central funds, whether under the Costs in Criminal Cases Act 1973 or otherwise, but rules made in pursuance of this section may make any such provision as is contained in section 4 of that Act (awards by Crown Court as between parties).
- (4) Rules made in pursuance of this section may amend or repeal all or any of the provisions of any enactment about costs between party and party in criminal or other

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proceedings in the Crown Court, being an enactment passed before, or contained in, the Costs in Criminal Cases Act 1973.

- (5) Rules made in pursuance of this section shall have effect subject to the provisions of section 41 of, and Schedule 9 to, the Administration of Justice Act 1970 (method of enforcing orders for costs).