



# Supreme Court Act 1981

## 1981 CHAPTER 54

### PART I

#### CONSTITUTION OF SUPREME COURT

##### *The Court of Appeal*

## 2 The Court of Appeal

- (1) The Court of Appeal shall consist of ex-officio judges and not more than eighteen ordinary judges.
- (2) The following shall be ex-officio judges of the Court of Appeal—
  - (a) the Lord Chancellor ;
  - (b) any person who has been Lord Chancellor ;
  - (c) any Lord of Appeal in Ordinary who at the date of his appointment was, or was qualified for appointment as, an ordinary judge of the Court of Appeal or held an office within paragraphs (d) to (g);
  - (d) the Lord Chief Justice;
  - (e) the Master of the Rolls ;
  - (f) the President of the Family Division ; and
  - (g) the Vice-Chancellor;but a person within paragraph (b) or (c) shall not be required to sit and act as a judge of the Court of Appeal unless at the Lord Chancellor's request he consents to do so.
- (3) The ordinary judges of the Court of Appeal (including the vice-president, if any, of either division) shall be styled "Lords Justices of Appeal".
- (4) Her Majesty may by Order in Council from time to time amend subsection (1) so as to increase or further increase the maximum number of ordinary judges of the Court of Appeal.

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*Status: This is the original version (as it was originally enacted).*

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- (5) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (4) unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.
- (6) The Court of Appeal shall be taken to be duly constituted notwithstanding any vacancy in the office of Lord Chancellor, Lord Chief Justice, Master of the Rolls, President of the Family Division or Vice-Chancellor.

### **3 Divisions of Court of Appeal**

- (1) There shall be two divisions of the Court of Appeal, namely the criminal division and the civil division.
- (2) The Lord Chief Justice shall be president of the criminal division of the Court of Appeal, and the Master of the Rolls shall be president of the civil division of that court.
- (3) The Lord Chancellor may appoint one of the ordinary judges of the Court of Appeal as vice-president of both divisions of that court, or one of those judges as vice-president of the criminal division and another of them as vice-president of the civil division.
- (4) When sitting in a court of either division of the Court of Appeal in which no ex-officio judge of the Court of Appeal is sitting, the vice-president (if any) of that division shall preside.
- (5) Any number of courts of either division of the Court of Appeal may sit at the same time.