



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary*

#### **150 Admiralty jurisdiction: provisions as to Channel Islands, Isle of Man, colonies etc.**

- (1) Her Majesty may by Order in Council—
  - (a) direct that any of the provisions of sections 20 to 24 specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands or the Isle of Man; or
  - (b) make, for any of the Channel Islands or the Isle of Man, provision for any purposes corresponding to the purposes of any of the provisions of those sections.
- (2) Her Majesty may by order in Council direct, either generally or in relation to particular courts or territories, that the <sup>M1</sup>Colonial Courts of Admiralty Act 1890 shall have effect as if for the reference in section 2(2) of that Act to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 20 of this Act, subject, however to such adaptations and modifications of section 20 as may be specified in the Order.
- (3) Her Majesty may by Order in Council direct that any of the provisions of sections 21 to 24 shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to any colony or to any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom.
- (4) Subsections (1) and (3) shall each have effect as if the provisions there mentioned included section 2(2) of the <sup>M2</sup>Hovercraft Act 1968 (application of the law relating to maritime liens in relation to hovercraft and property connected with them).

*Status: Point in time view as at 31/01/1997.*

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#### Marginal Citations

M1 1890 c. 27.

M2 1968 c. 59.

## 151 Interpretation of this Act, and rules of construction for other Acts and documents.

- (1) In this Act, unless the context otherwise requires—
- “action” means any civil proceedings commenced by writ or in any other manner prescribed by rules of court;
- “appeal”, in the context of appeals to the civil division of the Court of Appeal, includes—
- (a) an application for a new trial, and
  - (b) an application to set aside a verdict, finding or judgment in any cause or matter in the High Court which has been tried, or in which any issue has been tried, by a jury;
- [<sup>F1</sup>“arbitration agreement” has the same meaning as it has in the [<sup>F2</sup>Part I of the Arbitration Act 1996;]]
- “cause” means any action or any criminal proceedings;
- “Division”, where it appears with a capital letter, means a division of the High Court;
- “judgment” includes a decree;
- “jurisdiction” includes powers;
- “matter” means any proceedings in court not in a cause;
- “party”, in relation to any proceedings, includes any person who pursuant to or by virtue of rules of court or any other statutory provision has been served with notice of, or has intervened in, those proceedings;
- “prescribed” means—
- (a) except in relation to fees, prescribed by rules of court; and
  - (b) in relation to fees, prescribed by an order under section 130;
- “senior judge”, where the reference is to the senior judge of a Division, means—
- (a) in the case of the Chancery Division, the Vice-Chancellor;
  - (b) in any other case, the president of the Division in question;
- “solicitor” means a solicitor of the Supreme Court;
- “statutory provision” means any enactment, whenever passed, or any provision contained in subordinate legislation (as defined 0 in section 21(1) of the <sup>M3</sup>Interpretation Act 1978), whenever made;
- “this or any other Act” includes an Act passed after this Act.
- (2) Section 128 contains definitions of expressions used in Part V and in the other provisions of this Act relating to probate causes and matters.
- (3) Any reference in this Act to rules of court under section 84 includes a reference to rules of court under any provision of this or any other Act which confers on the Supreme Court Rule Committee or the Crown Court Rule Committee power to make rules of court.

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- (4) Except where the context otherwise requires, in this or any other Act—
- “Criminal Appeal Rules” means rules of court made by the Crown Court Rule Committee in relation to the criminal division of the Court of Appeal;
  - “Crown Court Rules” means rules of court made by the Crown Court Rule Committee in relation to the Crown Court;
  - “divisional court” (with or without capital letters) means a divisional court constituted under section 66;
  - “judge of the Supreme Court” means—
    - (a) a judge of the Court of Appeal other than an ex-officio judge within paragraph (b) or (c) of section 2(2), or
    - (b) a judge of the High Court,and accordingly does not include, as such, a judge of the Crown Court;
  - “official referees’ business” has the meaning given by section 68(6);
  - “Rules of the Supreme Court” means rules of court made by the Supreme Court Rule Committee.
- (5) The provisions of Schedule 4 (construction of references to superseded courts and officers) shall have effect.

#### Extent Information

**E1** S. 151; for extent of s. 151(1) see s. 135(5); s. 151(2) -(5) extends to E.W. only

#### Textual Amendments

**F1** Definition of "arbitration agreement" inserted (*I. 4. 1991*) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 41.**; S.I. 1991/608, art. 2, **Sch.**

**F2** Words in the definition of “arbitration agreement” in s. 151 substituted (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 3 para. 37(3)** (with s. 81(2)); S.I. 1996/3146, **art.3** (with Sch. 2 para. 1)

#### Marginal Citations

**M3** 1978 c. 30.

## 152 Amendments of other Acts, transitional provisions, savings and repeals.

- <sup>X1</sup>(1) The enactments specified in Schedule 5 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.
- (2) Until its repeal by this Act takes effect, section 9 of the <sup>M4</sup>Administration of Justice Act 1970 (constitution of the criminal division of the Court of Appeal) shall have effect as if the provisions which appear in this Act as subsections (3), (4), and (5) of section 55 were, as subsections (2), (2A) and (2B) respectively, substituted for subsection (2) of the said section 9 (with “court” in those subsections meaning a court of that division).
- (3) This Act shall have effect subject to the transitional provisions and savings contained in Schedule 6.
- <sup>X1</sup>(4) The enactments mentioned in Schedule 7 (which include certain obsolete or unnecessary provisions) are hereby repealed to the extent specified in the third column of that Schedule.
- <sup>X1</sup>(5) The following instruments are hereby revoked—

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- (a) the <sup>M5</sup>District Probate Registries Order 1968;
- (b) ..... <sup>F3</sup>
- (c) any Order in Council amending subsection (1)(b) of section 1 of the <sup>M6</sup>Administration of Justice Act 1968 which was made under that section before the commencement of this Act.

#### Editorial Information

**X1** The text of s. 152(1)(4)(5), Sch. 5 and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Textual Amendments

**F3** S. 152(5)(b) repealed by S.I. 1982/1188, art. 3(b)

#### Marginal Citations

**M4** 1970 c. 31.  
**M5** S.I. 1968/1976.  
**M6** 1968 c. 5.

### 153 Citation, commencement and extent.

- (1) This Act may be cited as the Supreme Court Act 1981.
- (2) This Act, except the provisions mentioned in subsection (3), shall come into force on 1st January 1982; and references to the commencement of this Act shall be construed as references to the beginning of that day.
- (3) Sections 72, 143 and 152(2) and this section shall come into force on the passing of this Act.
- (4) In this Act—
  - (a) the following provisions extend to Scotland, namely—
    - section 80(3);
    - section 152(4) and Schedule 7, so far as they relate to the <sup>M7</sup>Admiralty Court Act 1861;
  - (b) the following provisions extend to Northern Ireland so far as they relate to the <sup>M8</sup>Northern Ireland Assembly Disqualification Act 1975, namely—
    - section 152(1) and Schedule 5;
    - section 152(3) and paragraph 3(1) of Schedule 6;
  - (c) the following provisions extend to Scotland and Northern Ireland, namely—
    - section 36;
    - sections 132 and 134(3);
    - section 152(1) and Schedule 5, so far as they amend—
      - (i) references to section 49 of the <sup>M9</sup>Supreme Court of Judicature (Consolidation) Act 1925,
      - (ii) the <sup>M10</sup>House of Commons Disqualification Act 1975, and
      - (iii) section 4 of the <sup>M11</sup>Evidence (Proceedings in Other Jurisdictions) Act 1975;

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section 152(3) and paragraph 3(1) of Schedule 6, so far as they relate to the House of Commons Disqualification Act 1975;

section 152(4) and Schedule 7, so far as they relate to—

- (i) provisions of the <sup>M12</sup>Supreme Court of Judicature (Consolidation) Act 1925 which extend throughout the United Kingdom,
  - (ii) the <sup>M13</sup>Evidence and Powers of Attorney Act 1940, and
  - (iii) section 57(3)(a) of the <sup>M14</sup>Courts Act 1971;
- (d) section 145 extends to any place to which the <sup>M15</sup>Courts-Martial (Appeals) Act 1968 extends, and section 152(1) and (4) and Schedules 5 and 7, so far as they relate to any of the following enactments, namely—
- <sup>M16</sup>Army Act 1955,
  - <sup>M17</sup>Air Force Act 1955,
  - section 9(2) of, and Part II of Schedule 1 to, the <sup>M18</sup>Criminal Appeal Act 1966,
  - Courts-Martial (Appeals) Act 1968,
  - <sup>M19</sup>Hovercraft Act 1968,
  - <sup>F4</sup> . . .

extend to any place to which that enactment extends;

but, save as aforesaid, the provisions of this Act, other than those mentioned in subsection (5), extend to England and Wales only.

(5) The provisions of this Act whose extent is not restricted by subsection (4) are—

- section 27;
- section 150;
- section 151(1);
- section 152(4) and Schedule 7 as far as they relate to the <sup>M20</sup>Naval Prize Act 1864, the <sup>M21</sup>Prize Courts Act 1915 and section 56 of the <sup>M22</sup>Administration of Justice Act 1956;
- this section;
- paragraph 1 of Schedule 4.

#### Textual Amendments

- F4** Words in s. 153(4)(d) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12** (with ss. 312(1), **Sch. 14** para. 1)

#### Marginal Citations

- M7** 1861 c. 10.  
**M8** 1975 c. 25.  
**M9** 1925 c. 49.  
**M10** 1975 c. 24.  
**M11** 1975 c. 34.  
**M12** 1925 c. 49.  
**M13** 1940 c. 28.  
**M14** 1971 c. 23.  
**M15** 1968 c. 20.  
**M16** 1955 c. 18.  
**M17** 1955 c. 19.

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<b>M18</b> 1966 c. 31.
<b>M19</b> 1968 c. 59.
<b>M20</b> 1864 c. 25.
<b>M21</b> 1915 c. 57.
<b>M22</b> 1956 c. 46.

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