



# Constitutional Reform Act 2005

## 2005 CHAPTER 4

### PART 3

#### THE SUPREME COURT

##### *Supplementary*

#### **55 Seal**

- (1) The Supreme Court is to have an official seal.
- (2) Every document purporting to be sealed with the official seal of the Supreme Court is to be received in evidence in all parts of the United Kingdom without further proof.

#### **56 Records of the Supreme Court**

- (1) The Public Records Act 1958 (c. 51) is amended as follows.
- (2) In section 8 (court records)—
  - (a) in subsection (1) after “such records” insert “other than records of the Supreme Court,”;
  - (b) after subsection (1) insert—

“(1A) Records of the Supreme Court for which the Lord Chancellor is responsible under subsection (1) shall be in the custody of the chief executive of that court.”
- (3) In Schedule 1 (definition of public records), in paragraph 4 (records of courts and tribunals), before sub-paragraph (1)(a) insert—

“(za) records of the Supreme Court;”.

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*Status: This is the original version (as it was originally enacted).*

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## **57 Proceedings under jurisdiction transferred to the Supreme Court**

Schedule 10 contains transitional provision relating to proceedings under jurisdiction which is transferred to the Supreme Court by this Act from the House of Lords or the Judicial Committee of the Privy Council.

## **58 Northern Ireland Act 1998: excepted and reserved matters relating to the Supreme Court**

- (1) The Northern Ireland Act 1998 (c. 47) is amended as follows.
- (2) In Schedule 2 (excepted matters), after paragraph 11 insert—
  - “11A The Supreme Court.”
- (3) In Schedule 3 (reserved matters), after paragraph 14 insert—
  - “14A The following matters—
    - (a) rights of appeal to the Supreme Court;
    - (b) legal aid for appeals to the Supreme Court.”

## **59 Renaming of Supreme Courts of England and Wales and Northern Ireland**

- (1) The Supreme Court of England and Wales is renamed the Senior Courts of England and Wales.
- (2) The Supreme Court of Judicature of Northern Ireland is renamed the Court of Judicature of Northern Ireland.
- (3) The Northern Ireland Supreme Court Rules Committee is renamed the Northern Ireland Court of Judicature Rules Committee.
- (4) Any reference in an enactment, instrument or other document to a court or committee renamed by this section is to be read, so far as necessary for continuing its effect, as a reference to the Senior Courts, the Court of Judicature or the Northern Ireland Court of Judicature Rules Committee (as the case may be).
- (5) Schedule 11 (which makes amendments in connection with the renaming) has effect.
- (6) Unless otherwise provided, amendments made by an enactment (A) (whether or not in force) to another enactment (B)—
  - (a) are not included in references in that Schedule to enactment A;
  - (b) are included in references in that Schedule to enactment B.

## **60 Interpretation of Part 3**

- (1) In this Part—
  - “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland;
  - “the senior judges” means—
    - (a) the judges of the Supreme Court;
    - (b) the Lord Chief Justice of England and Wales;
    - (c) the Master of the Rolls;
    - (d) the Lord President of the Court of Session;

- (e) the Lord Chief Justice of Northern Ireland;
  - (f) the Lord Justice Clerk;
  - (g) the President of the Queen’s Bench Division;
  - (h) the President of the Family Division;
  - (i) the Chancellor of the High Court;
- “the Supreme Court” means the Supreme Court of the United Kingdom.

(2) In this Part—

- (a) “high judicial office” means office as a judge of any of the following courts—
  - (i) the Supreme Court;
  - (ii) the Court of Appeal in England and Wales;
  - (iii) the High Court in England and Wales;
  - (iv) the Court of Session;
  - (v) the Court of Appeal in Northern Ireland;
  - (vi) the High Court in Northern Ireland;or as a Lord of Appeal in Ordinary;
- (b) a person appointed to the office of Lord Chancellor on or after 12 June 2003 who holds, or held, office of a kind referred to in paragraph (a) (“the qualifying office”) is to be regarded as holding, or having held, high judicial office only if—
  - (i) he has ceased to be Lord Chancellor by virtue of that appointment, and
  - (ii) he holds, or held, the qualifying office otherwise than by virtue of that appointment as Lord Chancellor.

(3) In this Part—

- (a) “ordinary judge” means a judge of the Supreme Court who is not the President or the Deputy President of the Court;
- (b) the senior ordinary judge at any time is, of the ordinary judges at that time, the one who has served longest as a judge of the Court (whether over one or more periods and whether or not including one or more previous periods as President or Deputy President).

(4) Service as a Lord of Appeal in Ordinary counts as service as a judge of the Court for the purposes of subsection (3)(b).

(5) In this Part references to the Lord Chancellor notifying a selection are to be read in accordance with section 29(6).