



# [<sup>F1</sup>Senior Courts Act 1981]

## CHAPTER 54

### SENIOR COURTS ACT 1981

#### PART I

#### CONSTITUTION OF SENIOR COURTS

##### *The Senior Courts*

- 1 The Senior Courts.

##### *The Court of Appeal*

- 2 The Court of Appeal.
- 3 Divisions of Court of Appeal.

##### *The High Court*

- 4 The High Court.
- 5 Divisions of High Court.
- 6 The Patents, Admiralty and Commercial Courts.
- 7 Power to alter Divisions or transfer certain courts to different Divisions.

##### *The Crown Court*

- 8 The Crown Court.

##### *Other provisions*

- 9 Assistance for transaction of judicial business ....
- 10 Appointment of judges of Senior Courts.
- 11 Tenure of office of judges of Senior Courts.
- 12 Salaries etc. of judges of Senior Courts.
- 13 Precedence of judges of Senior Courts.

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

- 14 Power of judge of Senior Courts or Crown Court to act in cases relating to rates and taxes.

## PART II

### JURISDICTION

#### THE COURT OF APPEAL

- 15 General jurisdiction of Court of Appeal.  
16 Appeals from High Court.  
17 Applications for new trial.  
18 Restrictions on appeals to Court of Appeal.

#### THE HIGH COURT

##### *General jurisdiction*

- 19 General jurisdiction of High Court.

##### *Admiralty jurisdiction*

- 20 Admiralty jurisdiction of High Court.  
21 Mode of exercise of Admiralty jurisdiction.  
22 Restrictions on entertainment of actions in personam in collision and other similar cases.  
23 High Court not to have jurisdiction in cases within Rhine Convention.  
24 Supplementary provisions as to Admiralty jurisdiction.

##### *Other particular fields of jurisdiction*

- 25 Probate jurisdiction of High Court.  
26 Matrimonial jurisdiction of High Court.  
27 Prize jurisdiction of High Court.  
28 Appeals from Crown Court and inferior courts.  
28A Proceedings on case stated by magistrates' court or Crown Court.  
29 Mandatory, prohibiting and quashing orders  
30 Injunctions to restrain persons from acting in offices in which they are not entitled to act.  
31 Application for judicial review.  
31A Transfer of judicial review applications to Upper Tribunal

##### *Powers*

- 32 Orders for interim payment.  
32A Orders for provisional damages for personal injuries.  
33 Powers of High Court exercisable before commencement of action.  
34 Power of High Court to order disclosure of documents, inspection of property etc. in proceedings for personal injuries or death.  
35 Provisions supplementary to ss. 33 and 34.  
35A Power of High Court to award interest on debts and damages.  
36 Subpoena issued by High Court to run throughout United Kingdom.  
37 Powers of High Court with respect to injunctions and receivers.  
38 Relief against forfeiture for non-payment of rent.

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

- 39 Execution of instrument by person nominated by High Court.
- 40 Attachment of debts.
- 40A Administrative and clerical expenses of garnishees.
- 41 Wards of court.
- 42 Restriction of vexatious legal proceedings.
- 43 Power of High Court to vary sentence on application for quashing order.
- 43ZA Power of High Court to vary committal in default.
- 43A Specific powers of arbitrator exercisable by High Court.

*Other provisions*

- 44 Extraordinary functions of judges of High Court.

THE CROWN COURT

- 45 General jurisdiction of Crown Court.
- 46 Exclusive jurisdiction of Crown Court in trial on indictment.
- 46A Offences committed on ships and abroad.
- 47 Sentences and other orders of Crown Court when dealing with offenders.
- 48 Appeals to Crown Court.

GENERAL PROVISIONS

*Law and equity*

- 49 Concurrent administration of law and equity.
- 50 Power to award damages as well as, or in substitution for, injunction or specific performance.

*Costs*

- 51 Costs in civil division of Court of Appeal, High Court and county courts.
- 52 Costs in Crown Court.

**PART III**

PRACTICE AND PROCEDURE

THE COURT OF APPEAL

*Distribution of business*

- 53 Distribution of business between civil and criminal divisions.

*Composition of court*

- 54 Court of civil division.
- 55 Court of criminal division.
- 56 Judges not to sit on appeal from their own judgments, etc.
- 56A Circuit judges not to sit on certain appeals.
- 56B Allocation of cases in criminal division.

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

### *Sittings and vacations*

57 Sittings and vacations.

### *Other provisions*

58 Calling into question of incidental decisions in civil division.  
59 Form of judgment of court of criminal division.  
60 Rules of court, and decisions of Court of Appeal, as to whether judgment or order is final or interlocutory.

## THE HIGH COURT

### *Distribution of business*

61 Distribution of business among Divisions.  
62 Business of Patents, Admiralty and Commercial Courts.  
63 Business assigned to specially nominated judges.  
64 Choice of Division by plaintiff.  
65 Power of transfer.

### *Divisional courts*

66 Divisional courts of High Court.

### *Mode of conducting business*

67 Proceedings in court and in chambers.  
68 Exercise of High Court jurisdiction otherwise than by judges of that court.  
69 Trial by jury.  
70 Assessors and scientific advisers.

### *Sittings and vacations*

71 Sittings and vacations.

### *Other provisions*

72 Withdrawal of privilege against incrimination of self or spouse in certain proceedings.

## THE CROWN COURT

### *Composition of court*

73 General provisions.  
74 Appeals and committals for sentence.

### *Distribution of business*

75 Allocation of cases according to composition of court, etc.  
76 Sending for trial: alteration of place of trial.  
77 Sending for trial: date of trial.

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

### *Sittings*

78 Sittings.

### *Other provisions*

79 Practice and procedure in connection with indictable offences and appeals.  
80 Process to compel appearance.  
81 Bail.  
82 Duties of officers of Crown Court.  
83 The Crown Court

## RULES OF COURT

84 Power to make rules of court.  
85 The Senior Courts Rule Committee.  
86 The Crown Court Rule Committee.  
86A Process for making rules of court under section 84  
86B Rules to be made if required by Lord Chancellor  
87 Particular matters for which rules of court may provide.

## PART IV

### OFFICERS AND OFFICES

#### *Appointment of certain officers of Senior Courts*

88 Qualification for office.  
89 Masters and registrars.  
90 Official Solicitor.  
91 Deputies and temporary appointments.

#### *Other provisions relating to officers of Senior Courts*

92 Tenure of office.  
93 Status of officers for purposes of salary and pension.  
94 .....  
95 Property held by officers.

#### *Central Office and Accountant General*

96 Central Office.  
97 Accountant General.

#### *Judges' clerks and secretaries*

98 Judges' clerks and secretaries.

#### *District registries and district registrars*

99 District registries.  
100 District judges  
101 Power of one district registrar to act for another.  
102 Deputy district registrars.  
103 Assistant district registrars.

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

*District probate registries*

104 District probate registries.

**PART V**

**PROBATE CAUSES AND MATTERS**

*Procedure in probate registries in relation to grants of representation*

105 Applications.  
106 Grants by district probate registrars.  
107 No grant where conflicting applications.  
108 Caveats.  
109 Refusal of grant where capital transfer tax unpaid.  
110 Documents to be delivered to Commissioners of Inland Revenue.  
111 Records of grants.

*Powers of court in relation to personal representatives*

112 Summons to executor to prove or renounce.  
113 Power of court to sever grant.  
114 Number of personal representatives.  
115 Grants to trust corporations.  
116 Power of court to pass over prior claims to grant.  
117 Administration pending suit.  
118 Effect of appointment of minor as executor.  
119 Administration with will annexed.  
120 Power to require administrators to produce sureties.

*Revocation of grants and cancellation of resealing at instance of court*

121 Revocation of grants and cancellation of resealing at instance of court.

*Ancillary powers of court*

122 Examination of person with knowledge of testamentary document.  
123 Subpoena to bring in testamentary document.

*Provisions as to documents*

124 Place for deposit of original wills and other documents.  
125 Copies of wills and grants.  
126 Depositories for wills of living persons.

*Probate rules*

127 Probate rules.

*Interpretation of Part V and other probate provisions*

128 Interpretation of Part V and other probate provisions.

**PART VI**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

*Miscellaneous provisions*

- 129 Lords Commissioners to represent Lord Chancellor when Great Seal in commission.
- 130 Fees to be taken in Supreme Court.
- 131 Conveyancing counsel of Senior Courts.
- 132 Proof of documents bearing seal or stamp of Senior Courts or any office thereof.
- 133 Enrolment and engrossment of instruments.
- 134 Powers of attorney deposited before October 1971.
- 135 Bonds given under order of court.
- 136 Production of documents filed in, or in custody of, Senior Courts.
- 137 Money paid into court under enactment subsequently repealed.
- 138 Effect of writs of execution against goods.
- 138A Sales under executions.
- 138B Protection of officer selling goods under execution.
- 139 Attachment of National Savings Bank deposits.
- 140 Enforcement of fines and forfeited recognizances.
- 141 Abolition of certain writs.
- 142 Selection of judges for trial of election petitions.
- 143 .....
- 144 .....
- 145 Amendment of Courts-Martial (Appeals) Act 1968.
- 146 Amendment of Courts Act 1971.
- 147 Amendment of Solicitors Act 1974.
- 148 Amendment of Arbitration Act 1979.
- 149 .....

*Supplementary*

- 150 Admiralty jurisdiction: provisions as to Channel Islands, Isle of Man, colonies etc.
- 151 Interpretation of this Act, and rules of construction for other Acts and documents.
- 152 Amendments of other Acts, transitional provisions, savings and repeals.
- 153 Citation, commencement and extent.

---

SCHEDULES

SCHEDULE 1 — Distribution of Business in High Court

*Chancery Division*

- 1 To the Chancery Division are assigned all causes and matters...

*Queen's Bench Division*

- 2 To the Queen's Bench Division are assigned—

*Family Division*

- 3 To the Family Division are assigned— (a) all matrimonial causes...

SCHEDULE 2 — List of offices in Senior Courts for purposes of Part 4

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

- Part 1
- Part 2
- Part 3

SCHEDULE 3 —

SCHEDULE 4 — Construction of References to Superseded Courts and Officers

*General*

- 1 (1) So much of any enactment as refers or relates...

*The Accountants-General of the Courts of Chancery and Exchequer*

- 2 Any enactment or document referring to the Accountant-General of the...

*The Court of Criminal Appeal and its registrar*

- 3 In any enactment or document passed or made before 1st...

*Principal registrar of Family Division*

- 4 In any enactment or document passed or made before the...

SCHEDULE 5 — Consequential Amendments

*COLONIAL PROBATES ACT 1892 (c. 6)*

In section 2(1), for “156A of the Supreme Court of...

.....  
.....

*ADMINISTRATION OF ESTATES ACT 1925 (c. 23)*

In section 47A(7) (notices to principal registrar of Family Division)—...

*LAW OF PROPERTY (AMENDMENT) ACT 1926 (c. 11)*

In section 3(1), “for Supreme Court of Judicature (Consolidation) Act...

*FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) ACT 1933 (c. 13)*

- 1 .....
- 2 .....

*ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT 1933 (c. 36)*

Section 2(2)(b) shall continue to have effect with the amendments...

.....  
.....

*CRIMINAL JUSTICE ACT 1948 (c. 58)*

.....



*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

*CONSULAR CONVENTIONS ACT 1949 (c. 29)*

In section 1(4)— for “(1) of section one hundred and...

*ARBITRATION ACT 1950 (c. 27)*

In section 38(3), for “ninety-nine of the Supreme Court of...

*ARMY ACT 1955 (c. 18)*

Section 110(1) shall continue to have effect with the amendments...

*AIR FORCE ACT 1955 (c. 19)*

[Section 110(1) shall continue to have effect with the amendments...

.....  
.....  
.....  
.....

*PROFESSIONS SUPPLEMENTARY TO MEDICINE ACT 1960 (c. 66)*

In paragraph 2(2) of Schedule 2, for “forty-nine of the...

*NURSES (AMENDMENT) ACT 1961 (c. 14)*

.....

*RIVERS (PREVENTION OF POLLUTION) ACT 1961 (c. 50)*

.....

*PUBLIC HEALTH ACT 1961 (c. 64)*

.....

*ADMINISTRATION OF JUSTICE ACT 1964 (c. 42)*

.....

*ADMINISTRATION OF JUSTICE ACT 1965 (c. 2)*

1 .....  
2 .....  
3 .....

*VETERINARY SURGEONS ACT 1966 (c. 36)*

In paragraph 4(2) of Schedule 2, for “49 of the...

*ARBITRATION (INTERNATIONAL INVESTMENT DISPUTES) ACT 1966 (c. 41)*

In sections 1(6) and 2(2), for “99 of the Supreme...

*MATRIMONIAL CAUSES ACT 1967 (c. 56)*

.....

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

*CRIMINAL APPEAL ACT 1968 (c. 19)*

- 1 In section 33 (right of appeal to House of Lords...
- 2 For subsection (1) of, and the side-note to, section 45...
- 3 In Schedule 2 (provisions applicable on order for retrial), paragraph...

*HEARING AID COUNCIL ACT 1968 (c. 50)*

...

*HOVERCRAFT ACT 1968 (c. 59)*

- 1 In section 1(1)(h)(i) (power to apply to hovercraft etc. enactments...
- 2 (1) Section 2 (Admiralty jurisdiction etc.) shall be amended as...
- .....
- .....

*ADMINISTRATION OF ESTATES ACT 1971 (c. 25)*

- 1 (1) Section 11 (sealing of Commonwealth and Colonial grants) shall...
- 2 In section 14(3), for “8” substitute “ 9 ”.

*MISUSE OF DRUGS ACT 1971 (c. 38)*

In paragraph 5(2) of Schedule 3, for “49 of the...

*MERCHANT SHIPPING (OIL POLLUTION) ACT 1971 (c. 59)*

.....

*TRIBUNALS AND INQUIRIES ACT 1971 (c. 62)*

.....  
.....

*LAND CHARGES ACT 1972 (c. 61)*

In section 6(4) (effect of non-registration of writs and orders...

*HEALTH AND SAFETY AT WORK ETC. ACT 1974 (c. 37)*

.....  
.....

*MERCHANT SHIPPING ACT 1974 (c. 43)*

.....

*SOLICITORS ACT 1974 (c. 47)*

- 1 In section 19(2), for “120 of the Supreme Court of...
- 2 After section 81 insert— Fees for administering oaths and taking...

*HOUSE OF COMMONS DISQUALIFICATION ACT 1975 (c. 24)*

In Part III of Schedule 1, in the entry beginning...

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

*NORTHERN IRELAND ASSEMBLY DISQUALIFICATION ACT 1975 (c. 25)*

Part 111 of Schedule 1 shall have effect with the...

*EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) ACT 1975 (c. 34)*

- 1 In section 4 (extension of powers of High Court etc....
- 2 .....

*FARRIERS (REGISTRATION) ACT 1975 (c. 35)*

In paragraph 4(2) of Schedule 3, for “49 of the...

*TORTS (INTERFERENCE WITH GOODS) ACT 1977 (c. 32)*

...

*INSURANCE BROKERS (REGISTRATION) ACT 1977 (c. 46)*

In section 19(2), for “49 of the Supreme Court of...  
.....

*EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978 (c. 44)*

.....

*ARBITRATION ACT 1979 (c. 42)*

.....

*CHARGING ORDERS ACT 1979 (c. 53)*

In section 5(2), for “99 of the Supreme Court of...

*MAGISTRATES’ COURTS ACT 1980 (c. 43)*

- 1 After section 43 insert— Functions of magistrates’ court where a...
  - 2 In section 87(2) for “penalty” substitute “ sum ”.
- .....

*JUDICIAL PENSIONS ACT 1981 (c. 20)*

- 1 For subsection (2) of section 34 (county court registrars and...
- 2 Schedule 1 (pensions, etc. of certain judicial officers) shall be...

SCHEDULE 6 — Transitional Provisions and Savings

- 1 .....

*Continuity of appointments of officers*

- 2 (1) Any person holding an office immediately before the commencement...

*Tenure, etc. of certain officers*

- 3 .....
- 4 .....
- 5 This Act, so far as it amends or repeals any...
- 6 .....

*Status: Point in time view as at 03/01/2019.*

*Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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)*

---

*Inland Revenue affidavits*

7 In relation to deaths occurring before 13th March 1975 (the...

*Grants of representation made under provisions of 1925 Act not reproduced in this Act*

8 Nothing in the repeals made by this Act shall affect—...

*Minor executors*

9 Any appointment of a minor as executor which, immediately before...

*Administration bonds given before 1st January 1972*

10 Nothing in this Act shall affect the continued operation of...

*Grants and resealings liable to revocation or cancellation at instance of court*

11 Section 121 applies whether the grant in question was made...

*Appeals from certain orders and decisions under  
section 54(3) of Magistrates' Courts Act 1952*

12 In paragraph 3(d) of Schedule 1, the reference to an...

*Interpretation*

13 (1) In this Schedule “the 1925 Act” means the Senior...

SCHEDULE 7 —

**Status:**

Point in time view as at 03/01/2019.

**Changes to legislation:**

Senior Courts Act 1981 is up to date with all changes known to be in force on or before 15 June 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.