



Senior Courts 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.

[^{F1}(3) An ordinary judge of the Court of Appeal (including the vice-president, if any, of either division) shall be styled "Lord Justice of Appeal" or "Lady Justice 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.

Status: Point in time view as at 26/01/2004.

Changes to legislation: Senior Courts Act 1981, Cross Heading: The Court of Appeal is up to date with all changes known to be in force on or before 31 May 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)

- (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.

Textual Amendments

F1 S. 2(3) substituted (26.1.2004) by [Courts Act 2003 \(c. 39\)](#), [ss. 63\(1\)](#), 110; [S.I. 2003/3345](#), [art. 2\(a\)\(ii\)](#)

Modifications etc. (not altering text)

- C1** S. 2(1) amended by virtue of [S.I. 1983/1705](#), [art. 2](#), 1987/2059, art. 2 (maximum number of ordinary judges prescribed by s. 2(1) increased from 18 to 28)
S. 2(1) amended (11.3.1993) by [S.I. 1993/605](#), [art.2](#) (maximum number of ordinary judges prescribed by s. 2(1) increased to 29)
S. 2(1) amended (15.12.1994) by [S.I. 1994/3217](#), [art.3](#) (maximum number of ordinary judges prescribed by s. 2(1) increased to 32)
S. 2(1) amended (25.4.1996) by [S.I. 1996/1142](#), [art.2](#) (maximum number of ordinary judges prescribed by s. 2(1) increased to 35)
S. 2(1) amended (21.11.2002) by The Maximum Number of Judges Order ([S.I. 2002/2837](#)), {art.2} (maximum number of ordinary judges prescribed by s. 2(1) increased to 37)
- C2** Ss. 2(1), 4(1), 12(1)-(6) modified (9.11.1998) by [1998 c. 42](#), [s. 18\(4\)\(a\)](#) (with [ss. 7\(8\)](#), [22\(5\)](#))
S. 2(1) modified (27.9.1999) by [1999 c. 22](#), [ss. 68\(3\)\(c\)](#), [108\(3\)\(b\)](#) (with [Sch. 14 para. 7\(2\)](#))

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.

Status:

Point in time view as at 26/01/2004.

Changes to legislation:

Senior Courts Act 1981, Cross Heading: The Court of Appeal is up to date with all changes known to be in force on or before 31 May 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.