



Senior Courts Act 1981

1981 CHAPTER 54

PART VI U.K.

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous provisions

129 Lords Commissioners to represent Lord Chancellor when Great Seal in commission. E+W

When the Great Seal is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act; but the powers vested in him by this Act in relation to—

- (a) the appointment of officers, and
- (b) any act for which the concurrence or presence of the Lord Chancellor is required by this Act,

may be exercised by the senior Lord Commissioner for the time being.

130 Fees to be taken in Supreme Court. E+W

- (1) The Lord Chancellor may by order under this section prescribe the fees to be taken in the Supreme Court, other than fees which he or some other authority has power to prescribe apart from this section.
- (2) The concurrence of the Treasury shall be required for the making of any order under this section; and in addition—
 - (a) the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor, or of any three of them, shall be required for the making of any such order not relating exclusively to fees to be taken in connection with proceedings in the Crown Court; and

Status: Point in time view as at 01/02/1991.

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- (b) the concurrence of the Lord Chief Justice shall be required for the making of any such order relating exclusively to fees to be taken in connection with proceedings in the Crown Court.
- (3) Nothing in subsection (1) shall be taken to prevent any authority having power apart from this section to prescribe fees to be taken in the Supreme Court from applying to any extent any provisions contained in any order made under this section; and where any instrument made in the exercise of any such power applies any provisions so contained, then, unless the contrary intention appears, it shall be taken to apply those provisions as amended from time to time.
- (4) Any order under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.

131 Conveyancing counsel of Supreme Court. E+W

- (1) The conveyancing counsel of the Supreme Court shall be [^{F1}persons who have a 10 year High Court qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990.]
- (2) The conveyancing counsel of the court shall be not more than six, not less than three, in number, and shall be appointed by the Lord Chancellor.

Textual Amendments

F1 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 48](#)

132 Proof of documents bearing seal or stamp of Supreme Court or any office thereof. U.K.

Every document purporting to be sealed or stamped with the seal or stamp of the Supreme Court or of any office of the Supreme Court shall be received in evidence in all parts of the United Kingdom without further proof.

133 Enrolment and engrossment of instruments. E+W

- (1) The Master of the Rolls may make regulations for authorising and regulating the enrolment or filing of instruments in the Supreme Court, and for prescribing the form in which certificates of enrolment or filing are to be issued.
- (2) Regulations under subsection (1) shall not affect the operation of any enactment requiring or authorising the enrolment of any instrument in the Supreme Court or prescribing the manner in which any instrument is to be enrolled there.
- (3) Any instrument which is required or authorised by or under this or any other Act to be enrolled or engrossed in the Supreme Court shall be deemed to have been duly enrolled or engrossed if it is written on material authorised or required by regulations under subsection (1) and has been filed or otherwise preserved in accordance with regulations under that subsection.
- (4) The Lord Chancellor may, with the concurrence of the Master of the Rolls and of the Treasury, make regulations prescribing the fees to be paid on the enrolment or filing

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of any instrument in the Supreme Court, including any additional fees payable on the enrolment or filing of any instrument out of time.

- (5) Any regulations under this section shall be made by statutory instrument, which shall be laid before Parliament after being made; and the ^{M1}Statutory Instruments Act 1946 shall apply to a statutory instrument containing regulations under subsection (1) in like manner as if the regulations had been made by a Minister of the Crown.

Marginal Citations

M1 1946 c. 36.

134 Powers of attorney deposited before October 1971. **U.K.**

- (1) This section applies to any instrument creating, or verifying the execution of, a power of attorney which was deposited in the Central Office of the Supreme Court before 1st October 1971.
- (2) A separate file of such instruments shall continue to be kept and, subject to payment of any prescribed fee—
- (a) any person may search that file, and may inspect any such instrument; and
 - (b) an office copy of any such instrument shall be issued to any person on request.
- (3) A document purporting to be an office copy of any such instrument shall, in any part of the United Kingdom, without further proof be sufficient evidence of the contents of the instrument and of its having been deposited as mentioned in subsection (1).

135 Bonds given under order of court. **E+W**

- (1) A bond to be given by any person under or for the purposes of any order of the High Court or the civil division of the Court of Appeal shall be given in such form and to such officer of the court as may be prescribed and, if the court so requires, with one or more sureties.
- (2) An officer of the court to whom a bond is given in accordance with subsection (1) shall as such have power to enforce it or to assign it, pursuant to an order of the court under subsection (4), to some other person.
- (3) Where by rules of court made for the purposes of this section another officer is at any time substituted for the officer previously prescribed as the officer to whom bonds of any class are to be given, the rules may provide that bonds of that class given before the rules come into operation shall have effect as if references in the bonds to the officer previously prescribed were references to the substituted officer.
- (4) Where it appears to the court that the condition of a bond given in accordance with subsection (1) has been broken, the court may, on an application in that behalf, order the bond to be assigned to such person as may be specified in the order.
- (5) A person to whom a bond is ordered to be assigned under subsection (4) shall be entitled by virtue of the order to sue on the bond in his own name as if it had been originally given to him, and to recover on it as trustee for all persons interested the full amount recoverable in respect of the breach of condition.

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136 Production of documents filed in, or in custody of, Supreme Court. E+W

- (1) The Lord Chancellor may, with the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor, or of any three of them, make rules for providing that, in any case where a document filed in, or in the custody of, any office of the Supreme Court is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than at the Royal Courts of Justice—
- (a) it shall not be necessary for any officer, whether served with a subpoena in that behalf or not, to attend for the purpose of producing the document; but
 - (b) the document may be produced to the court or tribunal by sending it to the court or tribunal, in the manner prescribed in the rules, together with a certificate, in the form so prescribed, to the effect that the document has been filed in, or is in the custody of, the office;
- and any such certificate shall be prima facie evidence of the facts stated in it.
- (2) Rules under this section may contain—
- (a) provisions for securing the safe custody and return to the proper office of the Supreme Court of any document sent to a court or tribunal in pursuance of the rules; and
 - (b) such incidental and supplementary provisions as appear to the Lord Chancellor to be necessary or expedient.
- (3) Rules under this section shall be made by statutory instrument, which shall be laid before Parliament after being made.

Modifications etc. (not altering text)

C1 [S. 136](#) modified (temp.) (1.10.2005) by the [Constitutional Reform Act 2005 \(Transitional and Consequential Provisions\) Order 2005 \(S.I. 2005/2506\)](#), [art. 2\(1\)](#)

137 Money paid into court under enactment subsequently repealed. E+W

Where in pursuance of any enactment, whenever passed, any money has (before or after the commencement of this Act) been paid—

- (a) into the Bank of England in the name of the Accountant General of the Supreme Court; or
- (b) into the Supreme Court,

then, if that enactment has been or is subsequently repealed—

- (i) the Accountant General may continue to deal with the money; and
- (ii) any powers of the High Court with respect to the money shall continue to be exercisable,

in all respects as if that enactment had not been repealed.

138 Effect of writs of execution against goods. E+W

- (1) Subject to subsection (2), a writ of fieri facias or other writ of execution against goods issued from the High Court shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the sheriff to be executed.

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- (2) Such a writ shall not prejudice the title to any goods of the execution debtor acquired by a person in good faith and for valuable consideration unless he had, at the time when he acquired his title—
- (a) notice that that writ or any other such writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the sheriff; or
 - (b) notice that an application for the issue of a warrant of execution against the goods of the execution debtor had been made to the registrar of a county court and that the warrant issued on the application either—
 - (i) remained unexecuted in the hands of the registrar of the court from which it was issued; or
 - (ii) had been sent for execution to, and received by, the registrar of another county court, and remained unexecuted in the hands of the registrar of that court.
- (3) For the better manifestation of the time mentioned in subsection (1), it shall be the duty of the sheriff (without fee) on receipt of any such writ as is there mentioned to endorse on its back the hour, day, month and year when he received it.
- [^{F2}(3A) Every sheriff or officer executing any writ of execution issued from the High Court against the goods of any person may by virtue of it seize—
- (a) any of that person’s goods except—
 - (i) such tools, books, vehicles and other items of equipment as are necessary to that person for use personally by him in his employment, business or vocation;
 - (ii) such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of that person and his family; and
 - (b) any money, banknotes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to that person.]
- (4) For the purposes of this section—
- (a) “property” means the general property in goods, and not merely a special property;
 - (b) “sheriff” includes any officer charged with the enforcement of a writ of execution;
 - (c) any reference to the goods of the execution debtor includes a reference to anything else of his that may lawfully be seized in execution; and
 - (d) a thing shall be treated as done in good faith if it is in fact done honestly, whether it is done negligently or not.

Textual Amendments

F2 S. 138(3A) in inserted (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 15(1)

[^{F3}138A Sales under executions. **E+W**

- (1) Where any goods seized under a writ of execution issued from the High Court are to be sold for a sum exceeding £20 (including legal incidental expenses), the sale shall, unless the court otherwise orders, be made by public auction, and not by bill of sale or

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private contract, and shall be publicly advertised by the sheriff on, and during 3 days preceding, the day of sale.

- (2) Where any goods are seized under a writ of execution issued from the High Court and the sheriff has notice of another execution or other executions, the court shall not consider an application for leave to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard on the application.]

Textual Amendments

F3 Ss. 138A, 138B inserted by Statute Law (Repeals) Act 1989 (c. 43), s. 1(2), Sch. 2 Pt. I para. 4

138B Protection of officer selling goods under execution. **E+W**

- (1) Where any goods in the possession of an execution debtor at the time of seizure by a sheriff or other officer charged with the enforcement of a writ of execution issued from the High Court are sold by the sheriff or other officer without any claims having been made to them—
- (a) the purchaser of the goods so sold shall acquire a good title to those goods; and
 - (b) no person shall be entitled to recover against the sheriff or other officer, or anyone lawfully acting under his authority, for any sale of the goods or for paying over the proceeds prior to the receipt of a claim to the goods,
- unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable enquiry have ascertained, that the goods were not the property of the execution debtor.
- (2) Nothing in this section shall affect the right of any lawful claimant (that is to say, any person who proves that at the time of sale he had a title to any goods so seized and sold) to any remedy to which he may be entitled against any person other than the sheriff or other officer.
- (3) The provisions of this section have effect subject to those of sections 183, 184 and 346 of the Insolvency Act ^{M2}1986.

Marginal Citations

M2 1986 c.45(66).

139 Attachment of National Savings Bank deposits. **E+W**

- ^{X1}(1) In section 27 of the ^{M3}Crown Proceedings Act 1947 (attachment of moneys payable by the Crown)—
- (a) in subsection (1), paragraph (c) of the proviso (which precludes the making of orders under that subsection by the High Court or a county court in respect of money payable on account of a deposit in the National Savings Bank) shall cease to have effect; and
 - (b) after subsection (2) there shall be added—

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- “(3) In their application to England and Wales the preceding provisions of this section shall have effect subject to any order for the time being in force under section 139(2) of the Supreme Court Act 1981.”.
- (2) The Lord Chancellor may by order direct that section 27(1) and (2) of the ^{M4}Crown Proceedings Act 1947 (attachment of moneys payable by the Crown) shall not apply in relation to any money payable by the Crown to any person on account of—
- (a) any deposit in the National Savings Bank; or
 - (b) a deposit in that Bank of any description specified in the order.
- (3) Any order under subsection (2) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Without prejudice to section 153(4), this section extends to England and Wales only.

Editorial Information

X1 The text of ss. 139(1), 145–148 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M3 1947 c. 44.

M4 1947 c. 44.

140 Enforcement of fines and forfeited recognizances. **E+W**

- (1) Payment of a fine imposed, or sum due under a recognizance forfeited, by the High Court or the civil division of the Court of Appeal may be enforced upon the order of the court—
- (a) in like manner as a judgment of the High Court for the payment of money; or
 - (b) in like manner as a fine imposed by the Crown Court.
- (2) Where payment of a fine or other sum falls to be enforced as mentioned in paragraph (a) of subsection (1) upon an order of the High Court or the civil division of the Court of Appeal under that subsection—
- (a) the court shall, if the fine or the other sum is not paid in full forthwith or within such time as the court may allow, certify to Her Majesty’s Remembrancer the sum payable; and
 - (b) Her Majesty’s Remembrancer shall thereupon proceed to enforce payment of that sum as if it were due to him as a judgment debt.
- (3) Where payment of a fine or other sum falls to be enforced as mentioned in paragraph (b) of subsection (1) upon an order of the High Court or the civil division of the Court of Appeal under that subsection, the provisions of sections 31 and 32 of the ^{M5}Powers of Criminal Courts Act 1973 shall apply to that fine or other sum as they apply to a fine imposed by the Crown Court.
- (4) Where payment of a fine or other sum has become enforceable by Her Majesty’s Remembrancer by virtue of this section or section 16 of the ^{M6}Contempt of Court Act 1981, any payment received by him in respect of that fine or other sum shall be dealt with by him in such manner as the Lord Chancellor may direct.

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(5) In this section, and in sections 31 and 32 of the Powers of Criminal Courts Act 1973 as extended by this section, “fine” includes a penalty imposed in civil proceedings.

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Marginal Citations

M5 1973 c. 62.
M6 1981 c. 49.

141 Abolition of certain writs. E+W

Writs of elegit (the issue of which was ended by the ^{M7}Administration of Justice Act 1956) and writs of capias ad satisfaciendum are hereby abolished.

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Marginal Citations

M7 1956 c. 46.

142 Selection of judges for trial of election petitions. E+W

- (1) The judges to be placed on the rota for the trial of parliamentary election petitions in England and Wales under Part III of the [^{F4}Representation of the People Act 1983] in each year shall be selected, in such manner as may be provided by rules of court, from the judges of the Queen’s Bench Division of the High Court exclusive of any who are members of the House of Lords.
- (2) Notwithstanding the expiry of the year for which a judge has been placed on the rota he may act as if that year had not expired for the purpose of continuing to deal with, giving judgment in, or dealing with ancillary matter relating to, any case with which he may have been concerned during that year.
- (3) Any judge placed on the rota shall be eligible to be placed on the rota again in the succeeding or any subsequent year.

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Textual Amendments

F4 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **s. 206(b)(i)**, Sch. 8 para. 26

^{F5}**143** **E+W**

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Textual Amendments

F5 [S. 143](#) repealed by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), **s. 75(1) Sch. 9 Pt. 1**

^{F6}**144** **E+W**

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Textual Amendments

F6 S. 144 repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148(3), [Sch. 6](#)

^{x2}145 Amendment of Courts-Martial (Appeals) Act 1968. **U.K.**

- (1) The ^{M8}Courts-Martial (Appeals) Act 1968 shall be amended as follows.
- (2) In section 2(1)(a) (under which the judges of the Courts-Martial Appeal Court include such judges of the Queen’s Bench Division of the High Court as may be nominated for that purpose by the Lord Chief Justice after consultation with the Master of the Rolls), the words “of the Queen’s Bench Division” and “after consultation with the Master of the Rolls” shall be omitted.
- (3) In section 3(a) (under which the powers of the Courts-Martial Appeal Court may be exercised by any judge of the Queen’s Bench Division of the High Court), the words “of the Queen’s Bench Division” shall be omitted.
- (4) For section 5 (constitution of Appeal Court for particular sittings) there shall be substituted—
 - (1) Subject to subsection (4) below, the Appeal Court shall be duly constituted if it consists of an uneven number of judges not less than three.
 - (2) Where—
 - (a) part of any proceedings before the Appeal Court has been heard by an uneven number of judges greater than three; and
 - (b) one or more members of the Court as constituted for the purpose of those proceedings are unable to continue,then, subject to subsection (4) below, the Court shall remain duly constituted for the purpose of those proceedings so long as the number of members (whether even or uneven) is not reduced to less than three.
 - (3) Subject to subsection (4) below, the Appeal Court shall, if it consists of two judges, be duly constituted for every purpose except—
 - (a) determining an appeal against—
 - (i) conviction; or
 - (ii) a finding of not guilty by reason of insanity; or
 - (iii) a finding of unfitness to stand trial;
 - (b) determining an application for leave to appeal to the House of Lords; and
 - (c) refusing an application for leave to appeal to the Appeal Court against conviction or any such finding as is mentioned in paragraph (a)(ii) or (iii), other than an application which has been refused by a single judge.
 - (4) At least one of the judges of which the Appeal Court consists at any sitting must be a judge of the Court by virtue of section 2(1) of this Act, except that where the Court is directed to sit at a place outside the United Kingdom the Lord Chancellor may, if he thinks it expedient to do so, direct that this provision shall not apply to the Court while sitting at that place.

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- (5) Where an appeal has been heard by the Appeal Court and the Court as constituted for that purpose consists of an even number of judges, then, if those judges are equally divided, the case shall be re-argued before and determined by an uneven number of judges not less than three.”
- (5) In section 36(2) (rights of appellant on refusal of single judge to exercise certain powers in his favour) for “for the hearing and determination of appeals” there shall be substituted “for the purpose in accordance with section 5 of this Act”.

Editorial Information

X2 The text of ss. 139(1), 145–148 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M8 1968 c. 20.

^{x3}146 **Amendment of Courts Act 1971.** **E+W**

For section 24 of the ^{M9}Courts Act 1971 (deputy High Court and Circuit judges) there shall be substituted—

“24 Deputy Circuit judges and assistant Recorders.

- (1) If it appears to the Lord Chancellor that it is expedient as a temporary measure to make an appointment under this section in order to facilitate the disposal of business in the Crown Court or a county court or official referees’ business in the High Court, he may—
 - (a) appoint to be a deputy Circuit judge, during such period or on such occasions as he thinks fit, any person who has held office as a judge of the Court of Appeal or of the High Court or as a Circuit judge; or
 - (b) appoint to be an assistant Recorder, during such period or on such occasions as he thinks fit, any barrister or solicitor of at least ten years’ standing.
- (2) Except as provided by subsection (3) below, during the period or on the occasions for which a deputy Circuit judge or assistant Recorder is appointed under this section he shall be treated for all purposes as, and accordingly may perform any of the functions of, a Circuit judge or a Recorder, as the case may be.
- (3) A deputy Circuit judge appointed under this section shall not be treated as a Circuit judge for the purpose of any provision made by or under any enactment and relating to the appointment, retirement, removal or disqualification of Circuit judges, the tenure of office and oaths to be taken by such judges, or the remuneration, allowances or pensions of such judges; and section 21 of this Act shall not apply to an assistant Recorder appointed under this section.
- (4) Notwithstanding the expiry of any period for which a person is appointed under this section a deputy Circuit judge or an assistant Recorder, he may attend at the Crown Court or a county court or, as regards any official referees’

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business, at the High Court for the purpose of continuing to deal with, giving judgment in, or dealing with any ancillary matter relating to, any case which may have been begun before him when sitting as a deputy Circuit judge or an assistant Recorder, and for that purpose and for the purpose of any proceedings subsequent thereon he shall be treated as a Circuit judge or a Recorder, as the case may be.

- (5) There shall be paid out of money provided by Parliament to deputy Circuit judges and assistant Recorders appointed under this section such remuneration and allowances as the Lord Chancellor may, with the approval of the Minister for the Civil Service, determine.”.

Editorial Information

X3 The text of ss. 139(1), 145–148 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M9 1971 c. 23.

147 Amendment of Solicitors Act 1974. ^{X4} **E+W**

In section 50 of the ^{M10}Solicitors Act 1974 (jurisdiction of Supreme Court over solicitors), after subsection (2) there shall be inserted—

“(3) An appeal shall lie to the Court of Appeal from any order made against a solicitor by the High Court or the Crown Court in the exercise of its jurisdiction in respect of solicitors under subsection (2).”.

Editorial Information

X4 The text of ss. 139(1), 145–148 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M10 1974 c. 47.

148 Amendment of Arbitration Act 1979. **E+W**

- (1) The ^{M11}Arbitration Act 1979 shall be amended as follows.
- (2) In section 1 (judicial review of arbitration awards), after subsection (6) there shall be inserted—
- “(6A) Unless the High Court gives leave, no appeal shall lie to the Court of Appeal from a decision of the High Court—
- (a) to grant or refuse leave under subsection (3)(b) or (5)(b) above; or
 - (b) to make or not to make an order under subsection (5) above.”.

(3) In section 2 (determination of preliminary point of law by court)—

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- (a) after subsection (2) there shall be inserted—
 - “(2A) Unless the High Court gives leave, no appeal shall lie to the Court of Appeal from a decision of the High Court to entertain or not to entertain an application under subsection (1)(a) above.”; and
- (b) in subsection (3), for “this section” there shall be substituted “subsection (1) above”.

(4) The amendments made by this section shall not have effect as regards decisions of the High Court pronounced before the commencement of this Act.

Modifications etc. (not altering text)

C2 The text of ss. 139(1), 145–148 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

M11 1979 c. 42.

F7 149 **E+W**

Textual Amendments

F7 S. 149 repealed by County Courts Act 1984 (c. 28, SIF 34), s. 148(3), **Sch. 4**

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