

Status: Point in time view as at 05/12/2005.

Changes to legislation: Senior Courts Act 1981, SCHEDULE 1 is up to date with all changes known to be in force on or before 26 July 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)

SCHEDULES

SCHEDULE 1

DISTRIBUTION OF BUSINESS IN HIGH COURT

Chancery Division

- 1 To the Chancery Division are assigned all causes and matters relating to—
- (a) the sale, exchange or partition of land, or the raising of charges on land;
 - (b) the redemption or foreclosure of mortgages;
 - (c) the execution of trusts;
 - (d) the administration of the estates of deceased persons;
 - (e) bankruptcy;
 - (f) the dissolution of partnerships or the taking of partnership or other accounts;
 - (g) the rectification, setting aside or cancellation of deeds or other instruments in writing;
 - (h) probate business, other than non-contentious or common form business;
 - (i) patents, trade marks, registered designs [^{F1}, copyright or design right];
 - (j) the appointment of a guardian of a minor's estate,
- and all causes and matters involving the exercise of the High Court's jurisdiction under the enactments relating to companies.

Textual Amendments

- F1** Words substituted by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 30(1), **Sch. 7 para. 28(1)(3)**

Modifications etc. (not altering text)

- C1** [Sch. 1 para. 1](#) extended by [Patents, Designs and Marks Act 1986 \(c. 39, SIF 67A\)](#), s. 2(3), **Sch. 2 Pt. 1 para. 1(2)(i)**
- C2** [Sch. 1 para. 1\(i\)](#) amended (31.10.1994) by [1994 c. 26, s. 106\(1\)](#), **Sch. 4 para. 1(2)**; S.I. 1994/2550, **art.2**

Queen's Bench Division

- 2 To the Queen's Bench Division are assigned—
- (a) applications for writs of habeus corpus, except applications made by a parent or guardian of a minor for such a writ concerning the custody of the minor;
 - (b) applications for judicial review;
 - [^{F2}(ba) all control order proceedings (within the meaning of the Prevention of Terrorism Act 2005);]

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- (c) all causes and matters involving the exercise of the High Court's Admiralty jurisdiction or its jurisdiction as a prize court; and
- (d) all causes and matters entered in the commercial list.

Textual Amendments

F2 Sch. 1 para. 2(ba) inserted (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), ss. 11(5), Sch. para. 10

Family Division

- 3 To the Family Division are assigned—
- (a) all matrimonial causes and matters (whether at first instance or on appeal);
 - (b) all causes and matters (whether at first instance or on appeal) relating to—
 - (i) legitimacy;
 - ^{F3}(ii) the exercise of the inherent jurisdiction of the High Court with respect to minors, the maintenance of minors and any proceedings under the Children Act 1989, except proceedings solely for the appointment of a guardian of a minor's estate;]
 - (iii)^{F4}adoption;
 - (iv) non-contentious or common form probate business;
 - (c) applications for consent to the marriage of a minor [^{F5}or for a declaration under section 27B(5) of the Marriage Act ^{M1} 1949];
 - (d) proceedings on appeal under section 13 of the ^{M2}Administration of Justice Act 1960 from an order or decision made under section 63(3) of the ^{M3}Magistrates' Courts Act 1980 to enforce an order of a magistrates' court made in matrimonial proceedings [^{F6}or proceedings under Part IV of the Family Law Act 1996]or with respect to the guardianship of a minor.
 - ^{F7}(e) applications under Part III of the Family Law Act 1986.]
 - ^{F7}(e) proceedings under the Children Act 1989]
 - ^{F8}(f) all proceedings under:—
 - (i) the [^{F9}Part IV of the Family Law Act 1996];
 - (ii) the Child Abduction and Custody Act 1985
 - (iii) the Family Law Act 1986;
 - (iv) section 30 of the Human Fertilisation and Embryology Act 1990;
 - ^{F10} . . .
 - [Council Regulation (EC) No 2201/2003 of 27th November 2003 concerning ^{F11}(v) jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, so far as that Regulation relates to jurisdiction, recognition and enforcement in parental responsibility matters;]
 - [all proceedings relating to a debit or credit under section 29(1) or 49(1) of ^{F12}(fa) the Welfare Reform and Pensions Act 1999;]
 - (g) all proceedings for the purpose of enforcing an order made in any proceedings of a type described in this paragraph.]
 - ^{F13}(h) all proceedings under the Child Support Act 1991.]

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- [^{F14}(i) all proceedings under sections 6 and 8 of the Gender Recognition Act 2004.]
- [^{F15}(i) all civil partnership causes and matters (whether at first instance or on appeal);
- (j) applications for consent to the formation of a civil partnership by a minor or for a declaration under paragraph 7 of Schedule 1 to the Civil Partnership Act 2004;
- (k) applications under section 58 of that Act (declarations relating to civil partnerships).]

Textual Amendments

- F3** Sch. 1 para. 3(b)(ii) substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 45(3) (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**
- F4** Words repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(2)(4), Sch. 3 paras. 1, 6, **Sch. 4**
- F5** Words inserted by Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), **s. 5**
- F6** Words in Sch. 1 para. 3(d) inserted (1.10.1997) by 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para. 51(a)**; S.I. 1997/1892, **art. 3(1)(b)**
- F7** Sch. 1 para. 3(e) commencing “applications under” added by Family Law Act 1986 (c. 55, SIF 49:3), s. 68(1), **Sch. 1 para. 26** and Sch. 1 para. 3(e) commencing “proceedings under” added (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), Sch. 11 Pt. II para. 9 (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**
- F8** Sch. 1 para. 3(f)(g) added (14.10.1991) by S.I. 1991/1210, **art. 3**, **Sch**
- F9** Words in Sch. 1 para. 3(f)(i) substituted (1.10.1997) by 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para. 51(b)**; S.I. 1997/1892, **art. 3(1)(b)**
- F10** Word in Sch. 1 para. 3(f)(iv) omitted (1.3.2005) by virtue of The European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005 (S.I. 2005/265), **reg. 5**
- F11** Sch. 1 para. 3(f)(v) inserted (1.3.2005) by The European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005 (S.I. 2005/265), **reg. 5**
- F12** Sch. 1 para. 3(fa) inserted (1.12.2000) by 1999 c. 30, s. 84, **Sch. 12 para. 1**; S.I. 2000/1116, **art. 2(b)(f)**
- F13** Sch. 1 para. 3(h) inserted (5.4.1993) by S.I. 1993/622, **art. 3**
- F14** Sch. 1 para. 3(i) inserted (21.1.2005) by The High Court (Distribution of Business) Order 2004 (S.I. 2004/3418), **art. 3**
- F15** Sch. 1 para. 3(i)-(k) inserted (15.4.2005 for specified purposes and otherwise prosp.) by virtue of Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 70**; S.I. 2005/1112, **art. 2**, Sch. 1

Marginal Citations

- M1** 1949 c.76(49:1).
- M2** 1960 c. 65.
- M3** 1980 c. 43.

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