



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART II U.K.

#### JURISDICTION

#### E+W

#### THE COURT OF APPEAL

### 15 General jurisdiction of Court of Appeal. E+W

- (1) The Court of Appeal shall be a superior court of record.
- (2) Subject to the provisions of this Act, there shall be exercisable by the Court of Appeal—
  - (a) all such jurisdiction (whether civil or criminal) as is conferred on it by this or any other Act; and
  - (b) all such other jurisdiction (whether civil or criminal) as was exercisable by it immediately before the commencement of this Act.
- (3) For all purposes of or incidental to—
  - (a) the hearing and determination of any appeal to the civil division of the Court of Appeal; and
  - (b) the amendment, execution and enforcement of any judgment or order made on such an appeal,the Court of Appeal shall have all the authority and jurisdiction of the court or tribunal from which the appeal was brought.
- (4) It is hereby declared that any provision in this or any other Act which authorises or requires the taking of any steps for the execution or enforcement of a judgment or order of the High Court applies in relation to a judgment or order of the civil division of the Court of Appeal as it applies in relation to a judgment or order of the High Court.

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## 16 Appeals from High Court. **E+W**

- (1) Subject as otherwise provided by this or any other Act (and in particular to the provision in section 13(2)(a) of the <sup>M1</sup>Administration of Justice Act 1969 excluding appeals to the Court of Appeal in cases where leave to appeal from the High Court directly to the [<sup>F1</sup>Supreme Court] is granted under Part II of that Act), [<sup>F2</sup>or as provided by any order made by the Lord Chancellor under section 56(1) of the Access to Justice Act 1999,][<sup>F3</sup>or as provided by any order made by the Lord Chancellor under section 56(1) of the Access to Justice Act 1999,] the Court of Appeal shall have jurisdiction to hear and determine appeals from any judgment or order of the High Court.
- (2) An appeal from a judgment or order of the High Court when acting as a prize court shall not be to the Court of Appeal, but shall be to Her Majesty in Council in accordance with the Prize Acts 1864 to 1944.

### Textual Amendments

- F1** Words in s. 16(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 36\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F2** Words in s. 16(1) inserted (2.5.2000) by [S.I. 2000/1071, art. 7](#)
- F3** Words in s. 16(1) inserted (3.10.2016) by [The Access to Justice Act 1999 \(Destination of Appeals\) Order 2016 \(S.I. 2016/917\), art. 9 \(with art. 8\)](#)

### Modifications etc. (not altering text)

- C1** S. 16 extended (prosp.) by [Building Act 1984 \(c. 55, SIF 15\), ss. 42\(3\)\(b\), 134\(1\)](#)
- C2** S. 16 extended by [Building Societies Act 1986 \(c. 53, SIF 16\), ss. 54\(3\)\(a\)\(5\), 84\(6\), 119\(5\)](#)
- C3** S. 16 extended (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\), ss. 118\(2\), 137\(2\), 140, 223\(2\), Sch. 8 paras. 1, 3\(2\)](#)
- C4** S. 16 excluded (2.10.2006) by [1999 c. 22, Sch. 3 para. 3B\(6\) \(as inserted by Criminal Defence Service Act 2006 \(c. 9\), ss. 2, 5\(2\); S.I. 2006/2491, art. 2\)](#)
- C5** S. 16(1) excluded (22.11.2005) by [The Access to Justice Act 1999 \(Destination of Appeals\) \(Family Proceedings\) Order 2005 \(S.I. 2005/3276\), art. 1\(3\)\(b\)\(i\)](#)

### Marginal Citations

- M1** [1969 c. 58.](#)

## 17 Applications for new trial. **E+W**

- (1) Where any cause or matter, or any issue in any cause or matter, has been tried in the High Court, any application for a new trial thereof, or to set aside a verdict, finding or judgment therein, shall be heard and determined by the Court of Appeal except where rules of court made in pursuance of subsection (2) provide otherwise.
- (2) As regards cases where the trial was by a judge alone and no error of the court at the trial is alleged, or any prescribed class of such cases, rules of court may provide that any such application as is mentioned in subsection (1) shall be heard and determined by the High Court.
- (3) Nothing in this section shall alter the practice in bankruptcy.

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## 18 Restrictions on appeals to Court of Appeal. **E+W**

(1) No appeal shall lie to the Court of Appeal—

- (a) except as provided by the <sup>M2</sup>Administration of Justice Act 1960, from any judgment of the High Court in any criminal cause or matter;
- (b) from any order of the High Court or any other court or tribunal allowing an extension of time for appealing from a judgment or order;
- (c) from any order, judgment or decision of the High Court or any other court or tribunal which, by virtue of any provision (however expressed) of this or any other Act, is final;
- (d) from a decree absolute of divorce or nullity of marriage, by a party who, having had time and opportunity to appeal from the decree nisi on which that decree was founded, has not appealed from the decree nisi;

[<sup>F4</sup>(da) from a divorce order or nullity of marriage order that has been made final, by a party who, having had time and opportunity to appeal from the conditional order on which that final order was founded, has not appealed from the conditional order;]

<sup>F5</sup>(e) .....

<sup>F5</sup>(f) .....

[<sup>F6</sup>(fa) from a dissolution order, nullity order or presumption of death order under Chapter 2 of Part 2 of the Civil Partnership Act 2004 that has been made final, by a party who, having had time and opportunity to appeal from the conditional order on which that final order was founded, has not appealed from the conditional order;]

[<sup>F7</sup>(g) except as provided by Part I of the Arbitration Act 1996, from any decision of the High Court under that Part;]

<sup>F5</sup>(h) .....

<sup>F8</sup>(1A) .....

<sup>F8</sup>(1B) .....

<sup>F9</sup>(2) .....

### Textual Amendments

- F4** S. 18(1)(da) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 46**; S.I. 2022/283, reg. 2
- F5** S. 18(1)(e)(f)(h) repealed (1.10.1993) by Courts and Legal Services Act 1990 (c. 41), ss. 7(2), 125(7), **Sch. 20**; S.I. 1993/2132, art. 3, **Sch.**
- F6** S. 18(1)(fa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 68**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F7** S. 18(1)(g) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 37(2)** (with s. 81(2)); S.I. 1996/3146, **art. 3** (with Sch. 2 para. 1)
- F8** S. 18(1A)(1B) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. III** (with Sch. 14 para. 7(2))
- F9** S. 18(2) repealed (1.10.1993) by Courts and Legal Services Act 1990 (c. 41), s. 125(7), **Sch. 20**; S.I. 1993/2132, art. 3, **Sch.**

### Modifications etc. (not altering text)

- C6** S. 18(1)(a) excluded (18.12.2003) by Criminal Justice Act 2003 (c. 44), **ss. 274(4)**, 336

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**C7** S. 18(1)(a) excluded (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 276, 336, **Sch. 22 para. 14(2)**

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**Marginal Citations**

**M2** 1960 c. 65.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)