



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART III

#### PRACTICE AND PROCEDURE

##### THE COURT OF APPEAL

###### *Composition of court*

#### **54 Court of civil division.**

- (1) This section relates to the civil division of the Court of Appeal; and in this section “court”, except where the context otherwise requires, means a court of that division.
- [<sup>F1</sup>(2) Subject as follows, a court shall be duly constituted for the purpose of exercising any of its jurisdiction if it consists of one or more judges.
- (3) The Master of the Rolls may, with the concurrence of the Lord Chancellor, give (or vary or revoke) directions about the minimum number of judges of which a court must consist if it is to be duly constituted for the purpose of any description of proceedings.
- (4) The Master of the Rolls, or any Lord Justice of Appeal designated by him, may (subject to any directions under subsection (3)) determine the number of judges of which a court is to consist for the purpose of any particular proceedings.
- (4A) The Master of the Rolls may give directions as to what is to happen in any particular case where one or more members of a court which has partly heard proceedings are unable to continue.]
- (5) Where—
  - (a) an appeal has been heard by a court consisting of an even number of judges; and
  - (b) the members of the court are equally divided,

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the case shall, on the application of any part to the appeal, be re-argued before and determined by an uneven number of judges not less than three, before any appeal to the [<sup>F2</sup>Supreme Court].

<sup>F3</sup>(6) .....

<sup>F3</sup>(7) .....

(8) Subsections (1) and (2) of section 70 (assessors in the High Court shall apply in relation to causes and matters before the civil division of the Court of Appeal as they apply in relation to causes and matters before the High Court.

(9) Subsections (3) and (4) of section 70 (scientific advisers to assist the Patents Court in proceedings under the <sup>M1</sup>Patents Act 1949 and the <sup>M2</sup>Patents Act 1977) shall apply in relation to the civil division of the Court of Appeal and proceedings on appeal from any decision of the Patents Court in proceedings under those Acts as they apply in relation to the Patents Court and proceedings under those Acts.

<sup>F3</sup>(10) .....

<b>Textual Amendments</b>	
<b>F1</b>	S. 54(2)-(4A) substituted for s. 54(2)-(4) (27.9.1999) by 1999 c. 22, ss. 59, 108(3)(b) (with Sch. 14 para. 7(2))
<b>F2</b>	Words in s. 54(5) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148(1), Sch. 9 para. 36(5); S.I. 2009/1604, art. 2(d)
<b>F3</b>	S. 54(6)(7)(10) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), Sch. 15 Pt. III (with Sch. 14 paras. 7(2), 36(9))
<b>Marginal Citations</b>	
<b>M1</b>	1949 c. 87.
<b>M2</b>	1977 c. 37.

**55 Court of criminal division.**

(1) This section relates to the criminal division of the Court of Appeal; and in this section “court” means a court of that division.

(2) [<sup>F4</sup>Subject to subsection (6),]a court shall be duly constituted for the purpose of exercising any of its jurisdiction if it consists of an uneven number of judges not less than three.

(3) Where—  
(a) part of any proceedings before a court has been heard by an uneven number of judges greater than three; and  
(b) one or more members of the court are unable to continue,  
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.

(4) [<sup>F4</sup>Subject to subsection (6),]a court shall, if it consists of two judges, be duly constituted for every purpose except—

- (a) determining an appeal against—
  - (i) conviction; or

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- (ii) a verdict of not guilty by reason of insanity; or
  - (iii) a finding <sup>F5</sup>... under section 4 of the <sup>M3</sup>Criminal Procedure (Insanity) Act 1964 (unfitness to plead) that a person is under a disability;
- [<sup>F6</sup>(aa) reviewing sentencing under Part IV of the Criminal Justice Act 1988;]
- (b) determining an application for leave to appeal to the [<sup>F7</sup>Supreme Court]; and
  - (c) refusing an application for leave to appeal to the criminal division against conviction or any such verdict or finding as is mentioned in paragraph (a)(ii) or (iii), other than an application which has been refused by a single judge.
- (5) Where an appeal has been heard by a court consisting of an even number of judges and the members of the court are equally divided, the case shall be re-argued before and determined by an uneven number of judges not less than three.
- [<sup>F8</sup>(6) A court shall not be duly constituted if it includes more than one Circuit judge acting as a judge of the court under section 9.]

#### Textual Amendments

- F4** Words in s. 55(2)(4) inserted (11.1.1995) by 1994 c. 33, s. 52(7)(a); S.I. 1994/3258, art.2
- F5** Words in s. 55(4)(a)(iii) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1)(2), 60, Sch. 10 para. 14, Sch. 11; S.I. 2005/579, art. 3(i)(v)
- F6** S. 55(4)(aa) added by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8 para. 16, Sch. 15 para. 80
- F7** Words in s. 55(4)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148(1), Sch. 9 para. 36(5); S.I. 2009/1604, art. 2(d)
- F8** S. 55(6) inserted (11.1.1995) by 1994 c. 33, s. 52(7)(b); S.I. 1994/3258, art.2

#### Marginal Citations

- M3** 1964 c. 84.

### 56 Judges not to sit on appeal from their own judgments, etc.

- (1) No judge shall sit as a member of the civil division of the Court of Appeal on the hearing of, or shall determine any application in proceedings incidental or preliminary to, an appeal from a judgment or order made in any case by himself or by any court of which he was a member.
- (2) No judge shall sit as a member of the criminal division of the Court of Appeal on the hearing of, or shall determine any application in proceedings incidental or preliminary to, an appeal against—
  - (a) a conviction before himself or a court of which he was a member; or
  - (b) a sentence passed by himself or such a court.

### 56A Circuit judges not to sit on certain appeals.

<sup>F9</sup> .....

#### Textual Amendments

- F9** S. 56A repealed (26.1.2004) by Courts Act 2003 (c. 39), ss. 67, 109(3), Sch. 10; S.I. 2003/3345, art. 2(a)(v)(c)(iii)

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**[<sup>F10</sup>56B Allocation of cases in criminal division.**

- (1) The appeals or classes of appeals suitable for allocation to a court of the criminal division of the Court of Appeal in which a Circuit judge is acting under section 9 shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice [<sup>F11</sup>after consulting the Lord Chancellor].
- (2) In subsection (1) “appeal” includes the hearing of, or any application in proceedings incidental or preliminary to, an appeal.]

**Textual Amendments**

**F10** S. 56B inserted (11.1.1995) by 1994 c. 33, s. 52(9); S.I. 1994/3258, art. 2

**F11** Words in s. 56B(1) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 5), ss. 15, 148, Sch. 4 para. 127; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(p)

**Changes to legislation:**

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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\(2\)](#)