



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART II

#### JURISDICTION

##### THE COURT OF APPEAL

### 18 Restrictions on appeals to Court of Appeal.

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

- (a) except as provided by the <sup>M1</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>F1</sup>(e) without the leave of the divisional court in question or of the Court of Appeal, from the determination by a divisional court of any appeal to the High Court;
- (f) without the leave of the court or tribunal in question, from any order of the High Court or any other court or tribunal made with the consent of the parties or relating only to costs which are by law left to the discretion of the court or tribunal;]
- (g) except as provided by the <sup>M2</sup>Arbitration Act 1979, from any decision of the High Court—
  - (i) on an appeal under section 1 of that Act on a question of law arising out of an arbitration award; or
  - (ii) under section 2 of that Act on a question of law arising in the course of a reference;

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Senior Courts Act 1981, Section 18 is up to date with all changes known to be in force on or before 13 April 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)*

- [<sup>F1</sup>(h) without the leave of the court or tribunal in question or of the Court of Appeal, from any interlocutory order or interlocutory judgment made or given by the High Court or any other court or tribunal, except in the following cases, namely—
- (i) where the liberty of the subject or the [<sup>F2</sup>custody][<sup>F2</sup>residence], education or welfare of a minor is concerned;
  - (ii) where an applicant for [<sup>F3</sup>access to][<sup>F3</sup>contact with] a minor is refused all [<sup>F3</sup>access to][<sup>F3</sup>contact with] the minor;
  - (iii) where an injunction or the appointment of a receiver is granted or refused;
  - (iv) in the case of a decision determining the claim of any creditor, or the liability of any contributory or of any director or other officer, under the law relating to companies;
  - (v) in the case of a decree nisi in a matrimonial cause, or a judgment or order in an admiralty action determining liability;
  - (vi) in such other cases as may be prescribed.]

[<sup>F4</sup>(1A) In any such class of case as may be prescribed by Rules of the Supreme Court, an appeal shall lie to the Court of Appeal only with the leave of the Court of Appeal or such court or tribunal as may be specified by the rules in relation to that class.

- (1B) Any enactment which authorises leave to appeal to the Court of Appeal being given by a single judge, or by a court consisting of two judges, shall have effect subject to any provision which—
- (a) is made by Rules of the Supreme Court; and
  - (b) in such classes of case as may be prescribed by the rules, requires leave to be given by such greater number of judges (not exceeding three) as may be so specified.]

- [<sup>F5</sup>(2) For the purposes of subsection (1)(h)—
- (a) an order refusing unconditional leave to defend an action shall not be treated as an interlocutory order; and
  - (b) “education” includes training and religious instruction.]

#### Textual Amendments

- F1** S. 18(1)(e)(f)(h) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, 37), ss. 7(2), 125(7), **Sch. 20**
- F2** Word “residence” substituted (*prosp.*) for word “custody” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5)(6), Sch. 13 para. 45(1)(a), **Sch. 14 para. 1(1)**
- F3** Words “contact with” substituted (*prosp.*) for words “access to” by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), Sch. 13 para. 45(1)(b), **Sch. 14 para. 1(1)**
- F4** S. 18(1A)(1B) inserted (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 7(3)
- F5** S. 18(2) repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**

#### Marginal Citations

- M1** 1960 c. 65.  
**M2** 1979 c. 42.

**Status:**

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