



Senior Courts Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE HIGH COURT

Other particular fields of jurisdiction

29 [F¹Mandatory, prohibiting and quashing orders]

[F²(1) The orders of mandamus, prohibition and certiorari shall be known instead as mandatory, prohibiting and quashing orders respectively.]

(1A) The High Court shall have jurisdiction to make mandatory, prohibiting and quashing orders in those classes of case in which, immediately before 1st May 2004, it had jurisdiction to make orders of mandamus, prohibition and certiorari respectively.]

(2) Every such order shall be final, subject to any right of appeal therefrom.

(3) In relation to the jurisdiction of the Crown Court, other than its jurisdiction in matters relating to trial on indictment, the High Court shall have all such jurisdiction to make [F³mandatory, prohibiting or quashing orders] as the High Court possesses in relation to the jurisdiction of an inferior court.

[F⁴(3A) The High Court shall have no jurisdiction to make mandatory, prohibiting or quashing orders in relation to the jurisdiction of the Court Martial in matters relating to—

- (a) trial by the Court Martial for an offence; or
- (b) appeals from the Service Civilian Court.]

(4) The power of the High Court under any enactment to require justices of the peace or a judge or officer of [F⁵the county court] to do any act relating to the duties of their respective offices, or to require a magistrates' court to state a case for the opinion of the High Court, in any case where the High Court formerly had by virtue of any

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enactment jurisdiction to make a rule absolute, or an order, for any of those purposes, shall be exercisable by [^{F6}mandatory order].

[^{F7}(5) In any statutory provision—

- (a) references to mandamus or to a writ or order of mandamus shall be read as references to a mandatory order;
- (b) references to prohibition or to a writ or order of prohibition shall be read as references to a prohibiting order;
- (c) references to certiorari or to a writ or order of certiorari shall be read as references to a quashing order; and
- (d) references to the issue or award of a writ of mandamus, prohibition or certiorari shall be read as references to the making of the corresponding mandatory, prohibiting or quashing order.]

[^{F8}(6) In subsection (3) the reference to the Crown Court’s jurisdiction in matters relating to trial on indictment does not include its jurisdiction relating to [^{F9} requirements to make payments under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] .]

Textual Amendments

- F1** S. 29 sidenote substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 3\(e\)](#)
- F2** S. 29(1)(1A) substituted (1.5.2004) for s. 29(1) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 3\(a\)](#)
- F3** Words in s. 29(3)(3A) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 3\(b\)](#)
- F4** S. 29(3A) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 93](#); S.I. 2009/812, [art. 3](#); S.I. 2009/1167, [art. 4](#)
- F5** Words in s. 29(4) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** Words in s. 29(4) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 3\(c\)](#)
- F7** S. 29(5) substituted (1.5.2004) by [The Civil Procedure \(Modification of Supreme Court Act 1981\) Order 2004 \(S.I. 2004/1033\)](#), [art. 3\(d\)](#)
- F8** S. 29(6) inserted (2.4.2001) by 1999 c. 22, s. 24, [Sch. 4 para. 23](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, [art. 3\(a\)\(ii\)](#)
- F9** Words in s. 29(6) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 21](#); S.I. 2013/453, [art. 3\(h\)](#) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Modifications etc. (not altering text)

- C1** S. 29(3A) modified (31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3)(b), 205, [Sch. 1 para. 21](#)

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\(2\)](#)