



Senior Courts Act 1981

1981 CHAPTER 54

PART III **E+W+S**

PRACTICE AND PROCEDURE

THE COURT OF APPEAL

Composition of court

54 Court of civil division. **E+W**

- (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.
- [^{F1}(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,

Changes to legislation: Senior Courts Act 1981, Section 54 is up to date with all changes known to be in force on or before 03 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) View outstanding changes

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 [^{F2}Supreme Court].

^{F3}(6)

^{F3}(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 ^{M1}Patents Act 1949 and the ^{M2}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.

^{F3}(10)

Textual Amendments

- F1** 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))
- F2** 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)
- F3** 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))

Marginal Citations

- M1** 1949 c. 87.
- M2** 1977 c. 37.

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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\(2\)](#)