



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART III

#### PRACTICE AND PROCEDURE

##### RULES OF COURT

#### 84 Power to make rules of court.

- (1) Rules of court may be made [<sup>F1</sup>by the Lord Chief Justice] for the purpose of regulating and prescribing [<sup>F2</sup>, except in relation to any criminal cause or matter,] the practice and procedure to be followed in the [<sup>F3</sup>Crown Court <sup>F4</sup>. . . ].
  - (2) Without prejudice to the generality of subsection (1), the matters about which rules of court may be made under this section include all matters of practice and procedure in the [<sup>F5</sup>Senior Courts] which were regulated or prescribed by rules of court immediately before the commencement of this Act.
  - (3) No provision of this or any other Act, or contained in any instrument made under any Act, which—
    - (a) authorises or requires the making of rules of court about any particular matter or for any particular purpose; or
    - (b) provides (in whatever words) that the power to make rules of court under this section is to include power to make rules about any particular matter or for any particular purpose,shall be taken as derogating from the generality of subsection (1).
- <sup>F6</sup>[(4) Rules made under this section shall have effect subject to any special rules for the time being in force in relation to proceedings in the [<sup>F5</sup>Senior Courts] of any particular kind.]
- <sup>F7</sup>[(5) Special rules may apply—
- (a) any rules made under this section, <sup>F8</sup>. . .
  - (b) Civil Procedure Rules,
- to proceedings to which the special rules apply.

*Changes to legislation: Senior Courts Act 1981, Section 84 is up to date with all changes known to be in force on or before 11 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*

[ Criminal Procedure Rules, or  
F9(c)

(d) Family Procedure Rules,]

(5A) Rules made under this section may apply—

- (a) any special rules,<sup>F8</sup> . . .  
(b) Civil Procedure Rules,

to proceedings to which rules made under this section apply.

[ Criminal Procedure Rules, or  
F9(c)

(d) Family Procedure Rules,]

(6) Where rules may be applied under subsection (5) or (5A), they may be applied—

- (a) to any extent,  
(b) with or without modification, and  
(c) as amended from time to time.]

(7) No rule which may involve an increase of expenditure out of public funds may be made under this section except with the concurrence of the Treasury, but the validity of any rule made under this section shall not be called in question in any proceedings in any court either by the court or by any party to the proceedings on the ground only that it was a rule as to the making of which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred.

(8) <sup>F10</sup> . . . . .

(9) In this section “special rules” means rules applying to proceedings of any particular kind in the [<sup>F5</sup>Senior Courts], being rules made by an authority other than the [<sup>F11</sup>Civil Procedure Rule Committee][<sup>F12</sup>, the Family Procedure Rule Committee [<sup>F13</sup>or] , the Criminal Procedure Rule Committee]<sup>F14</sup> . . . under any provision of this or any other Act which (in whatever words) confers on that authority power to make rules in relation to proceedings of that kind in the [<sup>F5</sup>Senior Courts].

[<sup>F15</sup>(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice’s functions under this section.]

#### Textual Amendments

- F1** Words in s. 84(1) inserted (18.9.2012) by [The Public Bodies \(Abolition of Crown Court Rule Committee and Magistrates' Courts Rule Committee\) Order 2012 \(S.I. 2012/2398\)](#), art. 1(2), **Sch. 1 para. 2(2)**
- F2** Words in s. 84(1) inserted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, **Sch. para. 15(2)(a)** (with art. 2(2))
- F3** Words in s. 84(1) substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 1(4)(a)**; S.I. 1999/1009, **art. 3(b)**
- F4** Words in s. 84(1) omitted (1.9.2004) by virtue of [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, **Sch. para. 15(2)(b)** (with art. 2(2))
- F5** Words in s. 84 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 26(1)(2)**; S.I. 2009/1604, **art. 2(d)**
- F6** S. 84(4) omitted (26.4.1999) by virtue of 1997 c. 12, s. 10, **Sch. 2 para. 1(4)(b)**; S.I. 1999/1009, **art. 3(b)**

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- F7** S. 84(5)(5A)(6) substituted (27.4.1997) for s. 84(5)(6) by 1997 c. 12, ss. 10, 11(2), **Sch. 2 para. 1(4)(c)**; S.I. 1997/841, **arts. 3(b)**, 4(b)
- F8** Word in s. 84(5)(5A) omitted (1.9.2004) by virtue of The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(3)(a)** (with art. 2(2))
- F9** S. 84(5)(c)(d)(5A)(c)(d) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(3)(b)** (with art. 2(2))
- F10** S. 84(8) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, 148, Sch. 4 para. 136, **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(p), 29, 30(b)
- F11** Words in s. 84 substituted (26.4.1999) by 1997 c. 12, s. 10, **Sch. 2 para. 1(4)(d)**; S.I. 1999/1009, **art. 3(b)**
- F12** Words in s. 84(9) inserted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 15(4)** (with art. 2(2))
- F13** Word in s. 84(9) inserted (18.9.2012) by The Public Bodies (Abolition of Crown Court Rule Committee and Magistrates' Courts Rule Committee) Order 2012 (S.I. 2012/2398), art. 1(2), **Sch. 1 para. 2(3)(a)**
- F14** Words in s. 84(9) repealed (18.9.2012) by The Public Bodies (Abolition of Crown Court Rule Committee and Magistrates' Courts Rule Committee) Order 2012 (S.I. 2012/2398), art. 1(2), **Sch. 1 para. 2(3)(b)**
- F15** S. 84(10) inserted (18.9.2012) by The Public Bodies (Abolition of Crown Court Rule Committee and Magistrates' Courts Rule Committee) Order 2012 (S.I. 2012/2398), art. 1(2), **Sch. 1 para. 2(4)**

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**Modifications etc. (not altering text)**

- C1** S. 84 extended by Multilateral Investment Guarantee Act 1988 (c. 8, SIF 88), **s. 5**
- C2** S. 84 extended (1. 10. 1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 20(5)(a), 101(1), **Sch. 12**, para. 6; S.I. 1992/333, art. 2(2), **Sch. 2**.  
S. 84 extended (4.7.1996 but with effect as mentioned in s. 1 (3)(5)) by 1996 c. 25, **s. 19(1)** (with s. 78(1)); S.I. 1997/682.

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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\(2\)](#)