

*These notes refer to the Access to Justice Act 1999  
(c.22) which received Royal Assent on 27th July 1999*

# ACCESS TO JUSTICE ACT 1999

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## EXPLANATORY NOTES

C.

### APPEALS, COURTS, ETC. (PART IV - SECTIONS 54-73)

#### *Commentary*

#### *Civil division of Court of Appeal*

221. **Section 59: Composition.** This section makes provision about the number of judges of which a court must be constituted for the Court of Appeal to hear appeals. Currently, section 54 of the Supreme Court Act 1981 provides that the Court of Appeal is constituted to exercise its jurisdiction if it consists of an uneven number of judges not less than three (or two judges in certain limited circumstances). Section 59 of this Act amends section 54 of the 1981 Act to allow the Master of the Rolls, with the concurrence of the Lord Chancellor, to give directions about the minimum number of judges of which a court must consist for specified types of proceedings. Subject to any directions, the Master of the Rolls, or a Lord Justice of Appeal designated by him for the purpose, will be able to determine the number of judges to hear any particular appeal.
222. **Section 60: Calling into question of incidental decisions.** This section takes account of the abolition (by section 70) of the post of registrar of civil appeals, by substituting for section 58 of the Supreme Court Act 1981 a provision that incidental decisions by a single judge or any officer or member of staff of the Court of Appeal may be challenged as prescribed by rules of court. No appeal shall lie to the House of Lords from a decision which may be challenged under such rules.

Under paragraph 2 of Schedule 1 to the Civil Procedure Act 1997, it is possible for rules of court to devolve functions of the court to officers or other staff of the court.