Constitutional Reform Act 2005

2005 CHAPTER 4

PART 3

THE SUPREME COURT

Jurisdiction, relation to other courts etc

40 Jurisdiction

(1) The Supreme Court is a superior court of record.

(2) An appeal lies to the Court from any order or judgment of the Court of Appeal in England and Wales in civil proceedings.

(3) An appeal lies to the Court from any order or judgment of a court in Scotland if an appeal lay from that court to the House of Lords at or immediately before the commencement of this section.

(4) Schedule 9—
- (a) transfers other jurisdiction from the House of Lords to the Court,
- (b) transfers devolution jurisdiction from the Judicial Committee of the Privy Council to the Court, and
- (c) makes other amendments relating to jurisdiction.

(5) The Court has power to determine any question necessary to be determined for the purposes of doing justice in an appeal to it under any enactment.

(6) An appeal under subsection (2) lies only with the permission of the Court of Appeal or the Supreme Court; but this is subject to provision under any other enactment restricting such an appeal.

41 Relation to other courts etc

(1) Nothing in this Part is to affect the distinctions between the separate legal systems of the parts of the United Kingdom.

Status: *Point in time view as at 01/10/2009.*
Changes to legislation: *Constitutional Reform Act 2005, Cross Heading: Jurisdiction, relation to other courts etc is up to date with all changes known to be in force on or before 29 July 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)*

(2) A decision of the Supreme Court on appeal from a court of any part of the United Kingdom, other than a decision on a devolution matter, is to be regarded as the decision of a court of that part of the United Kingdom.

(3) A decision of the Supreme Court on a devolution matter—

(a) is not binding on that Court when making such a decision;

(b) otherwise, is binding in all legal proceedings.

(4) In this section "devolution matter" means—

(a) a question referred to the Supreme Court under section 33 of the Scotland Act 1998 (c. 46) or section 11 of the Northern Ireland Act 1998 (c. 47);

(b) a devolution issue as defined in **[**[F1]Schedule 9 to the Government of Wales Act 2006**]**(c. 38), Schedule 6 to the Scotland Act 1998 or Schedule 10 to the Northern Ireland Act 1998.

Textual Amendments

F1 Words in s. 41(4)(b) substituted (2.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2)(3), 3, **Sch. 1 para. 111**

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