



# British Law Ascertainment Act 1859

1859 CHAPTER 63 22 and 23 Vict

## 5 Interpretation of terms.

In the construction of this Act, the word “action” shall include every judicial proceeding instituted in any court, civil, criminal, or ecclesiastical; and the words “Superior Courts” shall include, in England, the Superior Courts of Law at [<sup>F1</sup>the Royal Courts of Justice], <sup>F2</sup>... the Lords Justices, the Master of the Rolls or any Vice Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in Scotland, the High Court of Justiciary, and the Court of Session acting by either of its divisions; in Ireland, the Superior Courts of Law at [<sup>F3</sup>Belfast], the Master of the Rolls, and the Judge of the Admiralty Court; and in any other part of Her Majesty’s dominions, the Superior Courts of Law or Equity therein.

### Annotations:

#### Amendments (Textual)

- F1** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)
- F2** Words in s. 5 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 146, 148\(1\), Sch. 4 para. 15, Sch. 18 Pt. 2; S.I. 2006/1014, art. 2, Sch. 11 paras. 11\(c\), 30\(b\)](#)
- F3** Word substituted by virtue of S.R. & O. 1921/1804 (Rev. XVI, p. 967: 1921, p. 422), art. 7(b)

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

- C1** Jurisdiction (E.W.) of Judges of Courts of Admiralty and Probate and Court for Divorce and Matrimonial Causes now exercisable by Judges of High Court of Justice: [Supreme Court of Judicature Act 1873 \(c. 66\), s. 16](#) and [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), ss. 18, 20-22, 56\(3\)](#)
- C2** Jurisdiction (N.I.) of Master of the Rolls and Judge of Admiralty Court now exercisable by Judge of High Court of Justice in Northern Ireland: [Supreme Court of Judicature Act \(Ireland\) 1877 \(c. 57\), ss. 9, 21, 35, Supreme Court of Judicature \(Ireland\) \(No. 2\) Act 1897 \(c. 66\), s. 6, Government of Ireland Act 1920 \(c. 67\), ss. 38, 40, 41, S.R. & O. 1921/1802 \(Rev. XVI, p. 954: 1921, p. 1332\), art. 7 and Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 16](#)
- C3** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

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**Changes to legislation:** There are currently no known outstanding effects for the British Law Ascertainment Act 1859, Section 5. (See end of Document for details)

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**C4** S. 5 extended by S.I. 1980/701, art. 7, **Sch. para. 3(2)**

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