
STATUTORY INSTRUMENTS

2000 No. 1071 (L. 10)

**SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

**The Access to Justice Act 1999
(Destination of Appeals) Order 2000**

Made - - - - *15th April 2000*
Coming into force - - *2nd May 2000*

The Lord Chancellor, in exercise of the powers conferred on him by section 56(1) and (3) of the Access to Justice Act 1999⁽¹⁾, having consulted as required by section 56(4), makes the following Order of which a draft has, in accordance with section 56(6), been laid before and approved by resolution of each House of Parliament:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Access to Justice Act 1999 (Destination of Appeals) Order 2000 and shall come into force on 2nd May 2000.

(2) In this Order—

- (a) “decision” includes any judgment, order or direction of the High Court or a county court;
- (b) “family proceedings” means proceedings which are business of any description which in the High Court is for the time being assigned to the Family Division and to no other Division by or under section 61 of (and Schedule 1 to) the Supreme Court Act 1981⁽²⁾; and
- (c) “final decision” means a decision of a court that would finally determine (subject to any possible appeal or detailed assessment of costs) the entire proceedings whichever way the court decided the issues before it.

(3) A decision of a court shall be treated as a final decision where it—

- (a) is made at the conclusion of part of a hearing or trial which has been split into parts; and
- (b) would, if made at the conclusion of that hearing or trial, be a final decision under paragraph (2)(c).

(4) Articles 2 to 6—

- (a) do not apply to an appeal in family proceedings; and

(1) 1999 c. 22.
(2) 1981 c. 54.

- (b) are subject to—
 - (i) any enactment that provides a different route of appeal (other than section 16(1) of the Supreme Court Act 1981 or section 77(1) of the County Courts Act 1984(3)); and
 - (ii) any requirement to obtain permission to appeal.

Appeals from the High Court

2. Subject to articles 4 and 5, an appeal shall lie to a judge of the High Court where the decision to be appealed is made by—

- (a) a person holding an office referred to in Part II of Schedule 2 to the Supreme Court Act 1981(4);
- (b) a district judge of the High Court; or
- (c) a person appointed to act as a deputy for any person holding such an office as is referred to in sub-paragraphs (a) and (b) or to act as a temporary additional officer in any such office.

Appeals from a county court

3.—(1) Subject to articles 4 and 5 and to paragraph (2), an appeal shall lie from a decision of a county court to the High Court.

(2) Subject to articles 4 and 5, where the decision to be appealed is made by a district judge or deputy district judge of a county court, an appeal shall lie to a judge of a county court.

Appeals in a claim allocated to the multi-track or in specialist proceedings

4. An appeal shall lie to the Court of Appeal where the decision to be appealed is a final decision—

- (a) in a claim allocated by a court to the multi-track under rules 12.7, 14.8 or 26.5 of the Civil Procedure Rules 1998(5); or
- (b) made in proceedings to which rule 49(2) of the Civil Procedure Rules 1998 refers.

Appeals where decision was itself made on appeal

5. Where—

- (a) an appeal is made to a county court or the High Court (other than from the decision of an officer of the court authorised to assess costs by the Lord Chancellor); and
- (b) on hearing the appeal the court makes a decision,

an appeal shall lie from that decision to the Court of Appeal and not to any other court.

Transitional provisions

6. Where a person has filed a notice of appeal or applied for permission to appeal before 2nd May 2000—

- (a) this Order shall not apply to the appeal to which that notice or application relates; and
- (b) that appeal shall lie to the court to which it would have lain before 2nd May 2000.

(3) 1984 c. 28. Section 77(1) was amended by the Civil Procedure Act 1997 (c. 12), section 10, Schedule 2, paragraphs 2(1) and (7).

(4) 1981 c. 54. Schedule 2 was substituted by the Courts and Legal Services Act 1990 (c. 41), section 71(2), Schedule 10, paragraph 49 and amended by the Access to Justice Act 1999 (c. 22), section 106, Schedule 15, Pt III.

(5) S.I. 1998/3132; there are no relevant amendments.

Consequential amendments

7. In section 16(1) of the Supreme Court Act 1981, before “the Court of Appeal” the second time it appears, insert “or as provided by any order made by the Lord Chancellor under section 56(1) of the Access to Justice Act 1999”.

8. In section 77(1) of the County Courts Act 1984, after “Act” insert “and to any order made by the Lord Chancellor under section 56(1) of the Access to Justice Act 1999”.

Dated 15th April 2000

Irvine of Lairg, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

The primary purpose of this Order is to provide that from 2nd May 2000 appeals from the county courts other than in family proceedings will, in most cases, lie to the High Court rather than to the Court of Appeal (article 3(1)).

Appeals from decisions of masters, registrars and district judges of the High Court will continue to lie to a judge of the High Court (article 2). Similarly appeals from district judges in county courts will continue to lie to a judge of a county court (article 3(2)). These routes of appeal are currently set out in RSC Order 58 (Schedule 1 to the Civil Procedure Rules 1998) and CCR Order 13, rule 1 and Order 37, rule 6 (Schedule 2 to the Civil Procedure Rules 1998). Because these Orders will be revoked from 2nd May by the Civil Procedure (Amendment) Rules 2000 (S.I.2000/221), it is necessary to provide for the routes of appeal in this Order.

If the decision to be appealed is a final decision in a claim allocated to the multi-track or made in specialist proceedings or was itself made on appeal, the appeal will lie to the Court of Appeal irrespective of the court of first instance (articles 4 and 5).