

*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

EXPLANATORY NOTES

C.

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

Background

207. In his 1994-95 Annual Report on the Court of Appeal, the then Master of the Rolls, Lord Bingham, stated that: “the delay in hearing certain categories of appeal in the Civil Division of the Court of Appeal has reached a level which is inconsistent with the due administration of justice”.
208. In his report *Access to Justice* (July 1996), Lord Woolf set out his proposals for the reform of the civil justice system. At the heart of his proposals was the allocation of civil cases to ‘tracks’, which would determine the degree of judicial case management. Broadly speaking, cases would be allocated to the small claims track, the fast track or to the multi-track, depending upon the value and complexity of the claim. The principle that underlies this system of tracks is the need to ensure that resources devoted to managing and hearing a case are proportionate to the importance and complexity of that case. So that the benefits of these reforms should not be weakened on appeal, Lord Woolf recommended that the system of appeals should be based on similar principles.
209. In 1996, Sir Jeffery Bowman chaired a Review of the Civil Division of the Court of Appeal (*Review of the Court of Appeal (Civil Division) - Report to the Lord Chancellor*, September 1997).
210. Sir Jeffery identified a number of problems affecting the Court of Appeal. In particular, he noted that the Court was being asked to consider appeals that were not of sufficient weight or complexity to require two or three of the country’s most senior judges, and which had sometimes already been through one or more levels of appeal. He also concluded that existing provisions on the constitution of the Court were too inflexible to deal appropriately with its workload. The Bowman report therefore recommended changes to the jurisdiction and constitution of the Court of Appeal. The Lord Chancellor has consulted on proposals to effect some of these changes (*Reform of the Court of Appeal (Civil Division): Proposals for change to Constitution and Jurisdiction*, Lord Chancellor’s Department, July 1998).
211. Due to the complex nature of routes of appeal in family matters, Sir Jeffery recommended that a specialist committee should examine this area with a view to rationalising the arrangements for appeals in family cases in line with the principles he had outlined for civil appeals generally. The Family Appeal Review Group, chaired by Lord Justice Thorpe, published recommendations to this effect in July 1998. The Lord Chancellor will be consulting on his proposals in the light of this report during the summer.
212. The provisions in the Act to allow certain matters to be heard by a single High Court judge are also intended to ensure that the most appropriate use can be made of judicial resources. On 22 March 1999, the Lord Chancellor invited Sir Jeffery Bowman to

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conduct a review of the Crown Office list. Sir Jeffery is due to report by the end of 1999. No changes affecting cases listed for hearing by the Crown Office will be implemented until Sir Jeffery has reported.

The *Crown Office* is the administrative office in the High Court responsible for the special supervisory and appellate jurisdiction of the Queen's Bench Division (QBD). Under that jurisdiction, the QBD oversees the legality of decisions by inferior courts and tribunals, ministers, local authorities and other executive bodies.