



Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1951 CHAPTER 65 14 and 15 Geo 6

PART I

PROTECTION AGAINST CERTAIN LEGAL REMEDIES

Provisions as to England and Wales

5 Appropriate courts and procedure.

- (1) The appropriate court for the purposes of any of the provisions of this Part of this Act applying to England and Wales shall be such court as may be designated by rules made by the Lord Chancellor under this section, and such rules may designate different courts in relation to different classes of proceedings.
- (2) [^{F1}Rules may be made in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005] prescribing the manner in which applications under the said provisions are to be made, and prescribing any matter which under any of those provisions is to be prescribed, and generally for regulating the conduct of proceedings under the said provisions.
- (3) [^{F2}Rules under subsection (2)] may in particular make provision for enabling a court, for the purpose of hearing and determining an application under the said provisions of this Part of this Act or in exercising any discretion for the purposes of the said provisions of this Part of this Act, to admit any document as evidence of any facts stated therein.
- (4) [^{F2}Rules under subsection (2)] may in particular make provision for requiring, or dispensing with, service of notice of any application under the said provisions of this Part of this Act upon persons who may be affected, whether by virtue of subsection (5) of section two or subsection (5) or (8) of section three or otherwise, and for enabling any persons to be heard at the hearing of any application under those provisions, and

Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 5. (See end of Document for details)

may also make provision for the making of applications *ex parte* in such cases as may be prescribed by the rules.

- (5) [^{F2}Rules under subsection (2)] may, for the purpose of enabling a person performing relevant service to obtain the protection afforded by subsections (8) and (9) of section three of this Act, provide for enabling the appropriate court to treat as an application made by him for an order under paragraph (c) of subsection (1) of the said section three, an application for that purpose made by some other person on his behalf; and the rules may further provide that an application which the appropriate court has, under the rules, power to treat as an application by the person performing relevant service shall also be treated for the purposes of sub-paragraph (ii) of the said paragraph (c) as an application made by that person.

[^{F3}(5A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making rules under subsection (1) that relate to England and Wales.

(5B) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (5A).]

- (6) The power to make rules conferred by [^{F4}subsection (1)] shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 5(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 1 para. 8\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 7
- F2** Words in s. 5(3)-(5) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 1 para. 8\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 7
- F3** S. 5(5A)(5B) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 41\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)
- F4** Words in s. 5(6) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 1 para. 8\(4\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 7

Changes to legislation:

There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 5.