



Judicial Committee Act 1833

1833 CHAPTER 41 3 and 4 Will 4

An Act for the better Administration of Justice in His Majesty's Privy Council.
[14th August 1833]

Modifications etc. (not altering text)

- C1** Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2** Act applied with modifications by [S.I. 1978/182, art. 3](#)
- C3** Preamble omitted under authority of [Statute Law Revision Act 1890 \(c. 33\)](#)
- C4** Act extended by [Dentists Act 1984 \(c. 24, SIF 83:1\), s. 29\(2\)](#); [Medical Act 1983 \(c. 54, SIF 83:1\), ss. 40\(6\), 54](#); [Kiribati Act 1979 \(c. 27, SIF 26:19A\), s.6\(4\)](#); [Trinidad and Tobago Republic Act 1976 \(c. 54, SIF 26:44\), s. 2\(4\)](#); [Seychelles Act 1976 \(c. 19, SIF 26:35\), s. 6\(5\)](#), [S.I. 1978/1030, art. 4\(2\)](#) and [Brunei \(Appeals\) Act 1989 \(c. 36, SIF 35\), s. 1\(4\)](#)
- C5** Act extended (with modifications) by [S.I. 1989/2396, art. 3](#)
- C6** Act extended by [Opticians Act 1989 \(c. 44, SIF 83:1\), s. 23\(1\)](#)
- C7** Act extended (18.6.1992) by [Mauritius Republic Act 1992 \(c. 45\), s. 2\(5\)](#)
Act modified (12.3.1992) by [S.I. 1992/1716, arts. 1, 2\(2\)](#)
- C8** Act applied (8.3.2000) by [1993 c. 21, s. 31\(7\)](#); [S.I. 2000/217, art. 2](#)
Act applied (5.7.1999) by [1993 c. 21, s. 10\(10\)](#); [S.I. 1999/1767, art. 2\(c\)](#)
- C9** Act extended (7.9.2000) by [1994 c. 17, ss. 10\(10\)\(11\), 31\(7\)\(8\)](#) (with [s. 35\(4\)](#)); [S.I. 2000/2388, art. 2](#)
- C10** Power to apply conferred (6.5.1999) by [1998 c. 46, s. 103\(3\)\(b\)](#); [S.I. 1998/3178, art. 2\(2\), Sch.3](#)
- C11** Power to apply conferred (1.3.1999) by [1998 c. 47, s. 82\(3\)\(b\)](#) (with [s. 95](#)); [S.I. 1999/340, art. 2\(3\), Sch. Pt.III](#)

Commencement Information

- I1** Act wholly in force at Royal Assent

[1.] Certain Persons to form a Committee, to be styled “The Judicial Committee of the Privy Council.”

The President for the time being of His Majesty's Privy Council^{F1} and such of the members of His Majesty's Privy Council as shall from time to time hold any of the offices following, that is to say, the office of lord keeper or first lord commissioner of the great seal of Great Britain^{F1} and also all persons, members of His Majesty's

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Privy Council, who shall have been President thereof^{F1} or shall have held any of the other offices herein-before mentioned, shall form a committee of His Majesty’s said Privy Council, and shall be styled “The Judicial Committee of the Privy Council”: Provided nevertheless, that it shall be lawful for His Majesty from time to time, as and when he shall think fit, by his sign manual, to appoint any two other persons, being privy councillors, to be members of the said Committee.

Textual Amendments

F1 Words repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#)

Modifications etc. (not altering text)

C12 [S. 1](#) amended by [Appellate Jurisdiction Act 1887 \(c. 70\), s. 3](#)

2^{F2}

Textual Amendments

F2 [S. 2](#) repealed by [Colonial Courts of Admiralty Act 1890 \(c. 27\), s. 18, Sch. 2](#)

3 All appeals from Sentence of any Judge, &c. to be referred by His Majesty to the Committee, to report thereon.

All appeals or complaints in the nature of appeals whatever, which either by virtue of this Act, or of any law, statute, or custom, may be brought before His Majesty or His Majesty in Council from or in respect of the determination, sentence, rule, or order of any court, judge, or judicial officer, and all such appeals as are now pending and unheard, shall from and after the passing of this Act be referred by His Majesty to the said Judicial Committee of his Privy Council, and such appeals, causes, and matters shall be heard by the said Judicial Committee, and a report or recommendation thereon shall be made to His Majesty in Council for his decision thereon as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by His Majesty to the whole of his Privy Council or a committee thereof (the nature of such report or recommendation being always stated in open court).

Modifications etc. (not altering text)

C13 [S. 3](#) extended by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\), s. 7\(2\)](#)

4 His Majesty may refer any other Matters to Committee.

It shall be lawful for His Majesty to refer to the said Judicial Committee for hearing or consideration any such other matters whatsoever as His Majesty shall think fit; and such Committee shall thereupon hear or consider the same, and shall advise His Majesty thereon in manner aforesaid.

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5 No Matter to be heard unless in Presence of Four Members of the Committee.

.....^{F3} no report or recommendation shall be made to His Majesty unless a majority of the members of such Judicial Committee present at the hearing shall concur in such report or recommendation: Provided always, that nothing herein contained shall prevent His Majesty, if he shall think fit, from summoning any other of the members of his said Privy Council to attend the meetings of the said Committee.

Textual Amendments

F3 Words repealed by [Court of Chancery Act 1851 \(c. 83\), s. 16](#)

VALID FROM 22/07/2004

[^{F4}5A Quorum of Judicial Committee.

No matter shall be heard, nor shall any order, report or recommendation be made by the Judicial Committee in pursuance of any Act unless in the presence of at least three members of the said Committee, exclusive of the Lord President of Her Majesty's Privy Council for the time being.]

Textual Amendments

F4 [S. 5A](#) inserted (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(2\), Sch. 2 para. 2](#)

6 In case the King directs the Attendance of any Judge, a Member of the Committee, the other Judges of the Court to which he belongs to make Arrangements with regard to the Business of the Court.

In case His Majesty shall be pleased, by directions under his sign manual, to require the attendance at the said Committee for the purposes of this Act of any member or members of the said Privy Council who shall be a judge or judges of the Court of King's Bench, or of the Court of Common Pleas, or of the Court of Exchequer, such arrangements for dispensing with the attendance of such judge or judges upon his or their ordinary duties during the time of such attendance at the Privy Council as aforesaid shall be made by the judges of the court or courts to which such judge or judges shall belong respectively in regard to the business of the court, and by the judges of the said three courts, or by any eight or more of such judges, including the chiefs of the several courts, in regard to all other duties, as may be necessary and consistent with the public service.

7 Evidence may be taken viva voce, or upon written Depositions.

It shall be lawful for the said Judicial Committee, in any matter which shall be referred to such Committee, to examine witnesses by word of mouth (and either before or after examination by deposition), or to direct that the depositions of any witness shall be taken in writing by the registrar of the said Privy Council to be appointed by His Majesty as herein-after mentioned, or by such other person or persons, and in such

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manner, order, and course, as His Majesty in Council or the said Judicial Committee shall appoint and direct; and the said registrar and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the High Court of Chancery or of any court ecclesiastical.

8 Committe may order any particular Witnesses to be examined, and as to any particular Facts, and may remit Causes for rehearing.

In any matter which shall come before the said Judicial Committee it shall be lawful for the said Committee to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said Committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter; and it shall also be lawful for His Majesty in Council, on the recommendation of the said Committee, upon any appeal, to remit the matter which shall be the subject of such appeal to the court from the decision of which such appeal shall have been made, and at the same time to direct that such court shall rehear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as His Majesty in Council shall direct; and further, on any such remitting or otherwise, it shall be lawful for His Majesty in Council to direct that one or more feigned issue or issues shall be tried in any court in any of His Majesty’s dominions abroad, for any purpose for which such issue or issues shall to His Majesty in Council seem proper.

9 Witnesses to be examined on Oath, and to be liable to Punishment for Perjury.

Every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, . . . ^{F5}, which . . . ^{F5} shall be administered by the said Judicial Committee and registrar, and by such other person or persons as His Majesty in Council or the said Judicial Committee shall appoint; [^{F6} [^{F7} and every such witness who shall wilfully swear . . . ^{F5} falsely shall be deemed guilty of perjury, and shall be punished accordingly.]]

Textual Amendments

- F5** Words repealed by [Statute Law Repeals Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. VIII](#)
- F6** Words repealed (E.W.) by [Perjury Act 1911 \(c. 6\), Sch.](#)
- F7** Words repealed (N.I.) by [S.I. 1979/1714, art. 19\(2\), Sch. 2](#)

10— ^{F8}
12.

Textual Amendments

- F8** [Ss. 10–12 repealed by Courts Act 1971 \(c. 23, SIF 37\), s. 56, Sch. 11 Pt. IV](#) and (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\), s. 1, Sch. Pt. I](#)

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13 May direct new Trials of Issues.

It shall be lawful for the said Judicial Committee to direct one or more new trial or new trials of any issue, either generally or upon certain points only; and in case any witness examined at a former trial of the same issue shall have died, or have, through bodily or mental disease or infirmity, become incapable to repeat his testimony, it shall be lawful for the said Committee to direct that parol evidence of the testimony of such witness shall be received.

14 Powers, &c. 13 Geo. 3. c. 63. and 1 Will. 4. c. 22. with regard to Examination of Witnesses applied to the Judicial Committee.

And whereas by the ^{M1}East India Company Act 1772 and the ^{M2}Evidence on Commission Act 1831, certain powers are given to certain courts therein mentioned to enforce and provisions are made for the examination of witnesses by commission, upon interrogatories and otherwise: All the powers and provisions contained in the two last-mentioned Acts, or either of them, shall extend to and be exercised by the said Judicial Committee in all respects as if such Committee had been therein named as one of His Majesty's courts of law at Westminster.

Marginal Citations

- M1** 1772 c. 63.
M2 1831 c. 22 (1 Will. 4).

15 Costs to be in the Discretion of the Committee.

The costs incurred in the prosecution of any appeal or matter referred to the said Judicial Committee, and of such issues as the same Committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid registrar, or such other person or persons, to be appointed by His Majesty in Council or the said Judicial Committee, and in such manner as the said Committee shall direct.

Modifications etc. (not altering text)

- C14** S. 15 amended by [Judicial Committee Act 1843 \(c. 38\), s. 12](#)

16 Decrees to be enrolled.

The orders or decrees of His Majesty in Council made, in pursuance of any recommendation of the said Judicial Committee, in any matter of appeal from the judgment or order of any court or judge, shall be enrolled for safe custody in such manner, and the same may be inspected and copies thereof taken under such regulations, as His Majesty in Council shall direct.

17 Committee may refer Matters to Registrar in same Manner as Matters are by Court of Chancery referred to a Master.

It shall be lawful for the said Committee to refer any matters to be examined and reported on to the aforesaid registrar, or to such other person or persons as shall be

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appointed by His Majesty in Council or by the said Judicial Committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a master of the said court; and for the purposes of this Act the said registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a master in Chancery.

18 The King may appoint Registrar.

It shall be lawful for His Majesty, under his sign manual, to appoint any person to be the registrar of the said Privy Council, as regards the purposes of this Act, and to direct what duties shall be performed by the said registrar.

19 Attendance of Witnesses, and Production of Papers, etc., may be compelled by Subpoena.

It shall be lawful for the President for the time being of the said Privy Council to require the attendance of any witnesses, and the production of any deeds, evidences, or writings, by writ to be issued by such President in such and the same form, or as nearly as may be, as that in which a writ of subpoena ad testificandum or of subpoena duces tecum is now issued by His Majesty's Court of King's Bench at Westminster; and every person disobeying any such writ so to be issued by the said President shall be considered as in contempt of the said Judicial Committee, and shall also be liable to such and the same penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said court.

20 Time of appealing.

All appeals to His Majesty in Council shall be made within such times respectively within which the same may now be made, where such time shall be fixed by any law or usage, and where no such law or usage shall exist, then within such time as shall be ordered by His Majesty in Council; and subject to any right subsisting under any charter or constitution of any colony or plantation, it shall be lawful for His Majesty in Council to alter any usage as to the time of making appeals, and to make any order respecting the time of appealing to His Majesty in Council.

21 Decrees for Courts Abroad to be carried into effect as the King in Council shall direct. Act not to abridge Powers of Privy Council.

The order or decree of His Majesty in Council on any appeal from the order, sentence, or decree of any court of justice in the East Indies, or of any colony, plantation, or other His Majesty's dominions abroad, shall be carried into effect in such manner, and subject to such limitations and conditions, as His Majesty in Council shall, on the recommendation of the said Judicial Committee, direct; and it shall be lawful for His Majesty in Council, on such recommendation, by order to direct that such court of justice shall carry the same into effect accordingly, and thereupon such court of justice shall have the same powers of carrying into effect and enforcing such order or decree as are possessed by or are hereby given to His Majesty in Council: Provided always, that nothing in this Act contained shall impeach or abridge the powers, jurisdiction, or authority of His Majesty's Privy Council as heretofore exercised by such Council, or in anywise alter the constitution or duties of the said Privy Council, except so far as the same are expressly altered by this Act, and for the purposes aforesaid.

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22 F9

Textual Amendments

F9 Ss. 22, 25–27 repealed by Statute Law Revision Act 1861 (c. 101)

23 Orders made on such Appeals to have effect notwithstanding Death of Parties, &c.

In any case where any order shall have been made on any such appeal as last aforesaid, the same shall have full force and effect notwithstanding the death of any of the parties interested therein; but in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute, before the hearing thereof, then the determination of His Majesty in Council in respect of such appeal shall have no effect.

Modifications etc. (not altering text)

C15 “Any such appeals as last aforesaid” means any appeals from the Courts of Sudder Dewanny Adawlut at Calcutta, Madras and Bombay

24 His Majesty empowered to make Orders for regulating the Mode, &c. of such Appeals.

It shall be lawful for His Majesty in Council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the said courts of Sudder Dewanny Adawlut, or any other courts of judicature in India or elsewhere to the eastward of the Cape of Good Hope (from the decisions of which an appeal lies to His Majesty in Council), and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expenses attending the said appeals, and as to the amount or value of the property in respect of which any such appeal may be made.

25— F10
27.

Textual Amendments

F10 Ss. 22, 25–27 repealed by Statute Law Revision Act 1861 (c. 101)

28 Power of enforcing Decrees.

The said Judicial Committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and His Majesty in Council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees, and orders, as are now exercised by the High Court of Chancery or the Court of King’s Bench (and both in personam and in rem) F11

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Textual Amendments

F11 Words repealed by [Judicial Committee Act 1843 \(c. 38\), s. 6](#)

29 **F12**

Textual Amendments

F12 [S. 29](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

30 **F13**

Textual Amendments

F13 [S. 30](#) repealed by [Appellate Jurisdiction Act 1929 \(c. 8\), s. 1\(7\)](#)

31 Nothing herein shall prevent the King’s acceding to Treaties appointing certain Persons to hear Prize Appeals.

Provided always, that nothing herein contained shall be held to impeach or render void any treaty or engagement already entered into by or on behalf of His Majesty, or be taken to restrain His Majesty from acceding to any treaty, with any foreign prince, potentate, or power, in which treaty it shall be stipulated that any person or persons other than the said Judicial Committee shall hear and finally adjudicate appeals from His Majesty’s courts of admiralty in causes of prize; but that the judgments, decrees, and orders of such other person or persons so appointed by treaty shall be of the same force and effect of which they would respectively have been if this Act had not been passed.

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