
STATUTORY INSTRUMENTS

1998 No. 3049 (L. 16)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment No. 2) 1998

<i>Made</i>	- - - -	<i>8th December 1998</i>
<i>Laid before Parliament</i>		<i>9th December 1998</i>
<i>Coming into force</i>	- -	<i>1st January 1999</i>

We the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981(1) to make rules of court under section 84 of that Act, exercise those powers as follows—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Amendment No. 2) 1998 and shall come into force on 1st January 1999.

2. In these Rules, an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(2).

Leave to appeal to the Court of Appeal

3.—(1) In Order 59, for rule 1B(3) the following shall be substituted—

“1B.—(1) Every appeal shall be subject to leave except an appeal against—

- (a) the making of a committal order;
- (b) a refusal to grant habeas corpus; or
- (c) an order made under Section 25 of the Children Act 1989 (secure accommodation orders)(4).

(2) Leave to appeal to the Court of Appeal may be given by the court below or by the Court of Appeal.”

(1) 1981 c. 54; section 85 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 36(1).

(2) S.I.1965/1776; relevant amending instruments are noted in footnote (c).

(3) Rule 1B was inserted by S.I. 1993/2133 and amended by S.I. 1995/2206.

(4) 1989 c. 41.

Transitional provision

4. Rule 3 shall apply to all cases regardless of when the order against which an appeal is sought was made unless—

- (a) an appeal against the order was set down, or
- (b) an application for an extension of time for serving notice of appeal or for setting down the appeal in respect of the order was lodged with the Court of Appeal,

before 1st January 1999.

*Irvine of Lairg, C.
Bingham of Cornhill,
Woolf MR,
Stephen Brown V-C,
Richard Scott,
Bell, J.,
J.A. Wall*

Dated 8th December 1998

Status: This is the original version (as it was originally made).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)

These Rules amend the Rules of the Supreme Court so as to subject all appeals to the Court of Appeal, with three exceptions, to a leave requirement.