
STATUTORY INSTRUMENTS

2011 No. 1242

SUPREME COURT OF THE UNITED KINGDOM

The Constitutional Reform Act 2005
(Consequential Amendments) Order 2011

<i>Made</i>	- - - -	<i>9th May 2011</i>
<i>Laid before Parliament</i>		<i>11th May 2011</i>
<i>Coming into force</i>	- -	<i>6th June 2011</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 143(1), (2)(b)(ii) and (2)(b)(iii) of the Constitutional Reform Act 2005⁽¹⁾.

Citation and commencement

1. This Order may be cited as the Constitutional Reform Act 2005 (Consequential Amendments) Order 2011 and shall come into force on 6th June 2011.

Consequential amendments

2. The Orders in articles 3 to 9 are amended as follows.

The Proceeds of Crime Act 2002 (Appeals under Part 2) Order 2003

3.—(1) The Proceeds of Crime Act 2002 (Appeals under Part 2) Order 2003⁽²⁾ is amended as follows.

(2) Part 3 is renamed “Appeal to Supreme Court”.

(3) In article 11 (leave to appeal to House of Lords)—

(a) in the heading, for “House of Lords” substitute “Supreme Court”;

(b) for “the House of Lords” in each place and for “that House” substitute “the Supreme Court”.

(4) In article 12 (application for leave to appeal)—

(a) for “House of Lords” in each place substitute “Supreme Court”;

(1) 2005 c.4. There are amendments but none is relevant.

(2) S.I. 2003/82.

- (b) in paragraph (2) for “that House or the Court” substitute “the Supreme Court or the Court of Appeal”.
- (5) Omit article 13 (hearing and disposal of appeal).
- (6) In article 14 (presence of defendant at hearing)—
 - (a) for “House of Lords” in both places substitute “Supreme Court”;
 - (b) for “House” substitute “Supreme Court”.

The Proceeds of Crime Act 2002 (Appeals under Part 4) Order 2003

4.—(1) The Proceeds of Crime Act 2002 (Appeals under Part 4) Order 2003⁽³⁾ is amended as follows.

- (2) Part 3 is renamed “Appeal to Supreme Court”.
- (3) In article 10 (leave to appeal to House of Lords)—
 - (a) in the heading, for “House of Lords” substitute “Supreme Court”;
 - (b) for “the House of Lords” in each place and for “that House” substitute “the Supreme Court”.
- (4) In article 11 (application for leave to appeal)—
 - (a) for “House of Lords” in each place substitute “Supreme Court”;
 - (b) in paragraph (2) for “that House or the Court” substitute “the Supreme Court or the Court of Appeal”.
- (5) Omit article 12 (hearing and disposal of appeal).
- (6) In article 13 (presence of defendant at hearing)—
 - (a) for “House of Lords” in both places substitute “Supreme Court”;
 - (b) for “House” substitute “Supreme Court”.

The Criminal Justice Act 2003 (Mandatory Life Sentences: Appeals in Transitional Cases) Order 2005

5.—(1) The Criminal Justice Act 2003 (Mandatory Life Sentences: Appeals in Transitional Cases) Order 2005⁽⁴⁾ is amended as follows.

- (2) Part 3 is renamed “Appeal to the Supreme Court from the Court of Appeal”.
- (3) In article 12 (right of appeal to the House of Lords)—
 - (a) in the heading and in paragraph (1) for “House of Lords” substitute “Supreme Court”;
 - (b) in paragraph (2) for “House of Lords” in both places and for “that House” substitute “the Supreme Court”.
- (4) In article 13 (application for leave to appeal)—
 - (a) for “House of Lords” in each place substitute “Supreme Court”;
 - (b) in paragraph (2) for “that House or the Court” substitute “the Supreme Court or the Court of Appeal”.
- (5) In article 14 (hearing and disposal of appeal)—
 - (a) omit paragraphs (1) and (2);

⁽³⁾ S.I. 2003/458.

⁽⁴⁾ S.I. 2005/2798.

(b) in paragraph (3) for “House of Lords” substitute “Supreme Court” and for “the Court” substitute “the Court of Appeal”.

(6) In article 15 (presence of defendant at hearing) for “House of Lords” in each place substitute “Supreme Court”.

The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Northern Ireland) Order 2005

6.—(1) The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Northern Ireland) Order 2005(5) is amended as follows.

(2) In articles 8 (appeal to House of Lords about restraint orders), 20 (appeal to House of Lords about external forfeiture orders) and 30 (appeal to the House of Lords about receivers), in the heading and in paragraphs (1) and (3) for “House of Lords” in each place substitute “Supreme Court”.

(3) In article 33 (procedure on appeal to House of Lords under this Order) in the heading and in the article for “House of Lords” substitute “Supreme Court”.

The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005

7.—(1) The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005(6) is amended as follows.

(2) In articles 8 (appeal to House of Lords about restraint orders), 21 (appeal to House of Lords about external forfeiture orders) and 31 (appeal to the House of Lords about receivers), in the heading and in paragraphs (1) and (3) for “House of Lords” in each place substitute “Supreme Court”.

(3) In article 34 (procedure on appeal to House of Lords under this Order) in the heading and paragraphs (1) and (2) for “House of Lords” in each place substitute “Supreme Court”.

The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005

8.—(1) The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005(7) is amended as follows.

(2) In articles 11 (appeal to House of Lords about restraint orders), 24 (appeal to the House of Lords about external orders) and 45 (appeal to the House of Lords about receivers) in the heading and paragraphs (1) and (3) for “House of Lords” in each place substitute “Supreme Court”.

(3) In article 48 (procedure on appeal to House of Lords under Part 2) in the heading and paragraphs (1) and (2) for “House of Lords” in each place substitute “Supreme Court”.

(4) In articles 98 (appeal to House of Lords about restraint orders), 110 (appeal to House of Lords about external orders) and 131 (appeal to the House of Lords about receivers) in the heading and paragraphs (1) and (3) for “House of Lords” in each place substitute “Supreme Court”.

(5) In article 134 (procedure on appeal to House of Lords under Part 4) in the heading and in the article for “House of Lords” substitute “Supreme Court”.

The Serious Organised Crime and Police Act 2005 (Appeals under section 74) Order 2006

9.—(1) The Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006(8) is amended as follows.

(5) [S.I. 2005/3179](#).

(6) [S.I. 2005/3180](#).

(7) [S.I. 2005/3181](#), to which there are amendments not relevant to this Order.

(8) [S.I. 2006/2135](#).

- (2) Part 3 is renamed “Appeals to the Supreme Court: England and Wales”.
- (3) In article 15 (right of appeal to the House of Lords)—
 - (a) in the heading and in paragraphs (1) and (2) for “House of Lords” substitute “Supreme Court”;
 - (b) in paragraph (3) for “the House of Lords” and “that House” substitute “the Supreme Court”.
- (4) In article 16 (application for leave to appeal)—
 - (a) for “House of Lords” in each place substitute “Supreme Court”;
 - (b) in paragraph (3) for “that House or the Court” substitute “the Supreme Court or the Court of Appeal”.
- (5) In article 17 (hearing and disposal of appeal)—
 - (a) omit paragraphs (1) and (2);
 - (b) in paragraph (3) for “House of Lords” substitute “Supreme Court” and for “the Court” substitute “the Court of Appeal”.
- (6) In article 19 (detention of offender on appeal by the specified prosecutor) for “House of Lords” in each place substitute “Supreme Court”.
- (7) In article 20 (presence of offender at hearing)—
 - (a) for “House of Lords” in both places substitute “Supreme Court”;
 - (b) for “House” substitute “Supreme Court”.
- (8) Part 5 is renamed “Appeals to the Supreme Court: Northern Ireland”.
- (9) In article 34 (right of appeal to the House of Lords)—
 - (a) in the heading and in paragraphs (1) and (2) for “House of Lords” substitute “Supreme Court”;
 - (b) in paragraph (3) for “the House of Lords” and “that House” substitute “the Supreme Court”.
- (10) In article 35 (application for leave to appeal)—
 - (a) for “House of Lords” in each place substitute “Supreme Court”;
 - (b) in paragraph (3) for “that House or the Court” substitute “the Supreme Court or the Court of Appeal”.
- (11) In article 36 (hearing and disposal of appeal)—
 - (a) omit paragraphs (1) and (2);
 - (b) in paragraph (3) for “House of Lords” substitute “Supreme Court” and for “the Court” substitute “the Court of Appeal”.
- (12) In article 38 (detention of offender on appeal by the specified prosecutor) for “House of Lords” in each place substitute “Supreme Court”.
- (13) In article 39 (presence of offender at hearing)—
 - (a) for “House of Lords” in both places substitute “Supreme Court”;
 - (b) for “House” substitute “Supreme Court”.
- (14) In article 42 (legal aid) in paragraph (3) for “House of Lords” substitute “Supreme Court”.
- (15) In article 43 (costs)—
 - (a) for “House of Lords” in each place substitute “Supreme Court”;

- (b) in paragraph (1) for “the Court or the House” in both places substitute “the Court of Appeal or the Supreme Court”;
 - (c) in paragraph (2) for “House” substitute “Supreme Court”.
- (16) In article 44 (taxation of costs)—
- (a) for “House of Lords” in both places substitute “Supreme Court”
 - (b) for “Clerk of the Parliaments” substitute “Registrar of the Supreme Court”.

Signed by authority of the Lord Chancellor.

9th May 2011

McNally
Minister of State
Ministry of Justice

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)

This Order makes consequential amendments to subordinate legislation which provided for appeals to the House of Lords, replacing references to the House of Lords with references to the Supreme Court. The Constitutional Reform Act 2005 abolished the appellate jurisdiction of the House of Lords and created the Supreme Court of the United Kingdom. The Order is made under section 143 of the Constitutional Reform Act 2005 (c.4).

An impact assessment has not been prepared for this Order since it simply substitutes reference to the Supreme Court to take account of the now-defunct appellate jurisdiction of the House of Lords. A regulatory impact assessment was prepared for the Constitutional Reform Act 2005 in relation to the Supreme Court and is available on the Ministry of Justice website using the following link <http://www.dca.gov.uk/risk/constrefria.htm>.