STATUTORY INSTRUMENTS

2016 No. 917 (L. 15)

SENIOR COURTS OF ENGLAND AND WALES
COUNTY COURT, ENGLAND AND WALES

The Access to Justice Act 1999 (Destination of Appeals) Order 2016

Made - - - - 12th September 2016

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 56(1) and (3) of the Access to Justice Act 1999(**1**), after consulting in accordance with section 56(4) of that Act.

A draft of this Order has been laid before Parliament in accordance with section 56(6) of the Access to Justice Act 1999, and has been approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Access to Justice Act 1999 (Destination of Appeals) Order 2016.

(2) This Order comes into force on the twenty-first day after the day on which it is made.

2. In this Order—

"the 1981 Act" means the Senior Courts Act 1981(**2**);

"the 1984 Act" means the County Courts Act 1984(**3**);

"the Companies Acts" means the Companies Act 1985(**4**), the Companies Act 1989(**5**) and the Companies Act 2006(**6**);

"decision" includes any judgment, order or direction of the High Court or the county court;

(**1**) 1999 c. 22.
(**2**) 1981 c. 54. By virtue of the Constitutional Reform Act 2005 (c. 4), Schedule 11, Part 1, paragraph 1 and Part 4, paragraph 26, the Supreme Court Act 1981 was renamed "the Senior Courts Act 1981".
(**3**) 1984 c. 28.
(**4**) 1985 c. 6.
(**5**) 1989 c. 40.
(**6**) 2006 c. 46.

"enterprise judge" has the meaning assigned to it by rule 63.1(2)(h) of the Civil Procedure Rules 1998(**7**);

"family proceedings" has the meaning assigned to it by section 32 of the Matrimonial and Family Proceedings Act 1984(**8**); and

"a judge of the county court" has the meaning assigned to it by section 5 of the 1984 Act(**9**).

3. Articles 4 to 6 and 8—

(a) do not apply to an appeal in family proceedings; and

(b) are subject to—

(i) any enactment that provides a different route of appeal; and

(ii) any requirement to obtain permission to appeal.

Appeals to the High Court

4.—(1) Subject to paragraph (2), an appeal shall lie to a judge of the High Court where the decision to be appealed is made by—

(a) a person holding an office referred to in Part 2 of Schedule 2 to the 1981 Act(**10**);

(b) a District Judge of the High Court; or

(c) a person appointed to act as a deputy for any person holding an office referred to in subparagraph (a) or (b) or to act as a temporary additional officer in any such office.

(2) In proceedings which have been allocated to the small claims track of the Intellectual Property Enterprise Court pursuant to rule 63.7(**11**) of the Civil Procedure Rules 1998, an appeal shall lie from a decision of a District Judge to an enterprise judge.

Appeals from the county court

5.—(1) Subject to paragraphs (2) to (4) and article 6, an appeal shall lie from a decision of the county court to the High Court, if the decision is made by—

(a) a judge of the county court specified in section 5(1)(a) of the 1984 Act;

(b) a deputy appointed pursuant to section 24 of the Courts Act 1971(**12**); or

(c) a judge of the county court specified in—

(i) section 5(2)(a) to (l); or

(ii) section 5(2)(n) to (q),

of the 1984 Act.

(2) Paragraph (1)(c)(ii) shall not apply if the decision is made by a judge of the county court who is also a judge of the county court specified in section 5(1)(b) or (2)(m) or (r) of the 1984 Act.

(3) Subject to paragraph (4), an appeal shall lie to a judge of the county court specified in paragraph (1) if—

(a) that judge is sitting as a judge of the county court; and

(**7**) S.I. 1998/3132. Rule 63.1 was substituted by S.I. 2009/3219, rule 12 and the Schedule, and was subsequently amended by S.I. 2009/3390, rules 1(2), 2, 10(b) and 38(a) and (b), S.I. 2212/2208, rule 1, and S.I. 2013/1974, rule 26(b)(ii).
(**8**) 1984 c. 42.
(**9**) Section 5 was amended by section 17 of, and paragraph 4 in Part 1 of Schedule 9 to, the Crime and Courts Act 2013 (c. 22).
(**10**) Schedule 2 was substituted by the Tribunals, Courts and Enforcement Act 2007, Schedule 10, Part 1, paragraph 10(1) and (3).
(**11**) Rule 63.7 was inserted by S.I. 2002/3219, rule 8 and the Schedule and was subsequently amended by S.I. 2009/2092, rule 12 and Schedule 1.
(**12**) 1971 c. 23, to which there are amendments not relevant to this Order.