



CHAPTER 40.

An Act to provide that no appeal shall lie from the Court of Appeal to the House of Lords except with the leave of that Court or the House of Lords, to make further provision as respects appeals from county courts, and for purposes connected with the matters aforesaid. A.D. 1934.

[25th July 1934.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) No appeal shall lie to the House of Lords from any order or judgment made or given by the Court of Appeal after the first day of October nineteen hundred and thirty-four, except with the leave of that Court or of the House of Lords. Restriction on appeals from Court of Appeal to House of Lords.

(2) The House of Lords may by order provide for the hearing and determination by a Committee of that House of petitions for leave to appeal from the Court of Appeal:

Provided that section five of the Appellate Jurisdiction Act, 1876, shall apply to the hearing and determination of any such petition by a Committee of the House as it applies to the hearing and determination of an appeal by the House. 39 & 40 Vict. c. 59.

A.D. 1934.

(3) Nothing in this section shall affect any restriction existing, apart from this section, on the bringing of appeals from the Court of Appeal to the House of Lords.

Appeals
from county
courts.

2.—(1) Every appeal from a judgment, direction, decision, decree or order of a judge of a county court given or made after such date as the Lord Chancellor may by order appoint, being an appeal under any of the enactments set out in the first column of Part I of the Schedule to this Act, shall lie to the Court of Appeal instead of to the High Court; and accordingly those enactments and the enactments set out in the first column of Part II of the said Schedule shall have effect in relation to any such appeal subject to the modifications respectively specified in the second column of those Parts of that Schedule.

51 & 52 Vict.
c. 43.

(2) Notwithstanding any rule of law to the effect that so much of any enactment as is inconsistent with a subsequent enactment is impliedly repealed by that subsequent enactment, nothing in sections one hundred and twenty or one hundred and twenty-four of the County Courts Act, 1888, shall be taken to have affected the enactments set out in Part III of the Schedule to this Act.

Short title
and extent.

3.—(1) This Act may be cited as the Administration of Justice (Appeals) Act, 1934.

(2) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULE.

A.D. 1934.

ENACTMENTS AS TO APPEALS FROM COUNTY COURTS.

PART I.

ENACTMENTS UNDER WHICH APPEALS ARE TO LIE TO
COURT OF APPEAL, AND CONSEQUENTIAL AMEND-
MENTS.

Enactment.	Modification.	
Section twenty-six of the County Courts Admiralty Jurisdiction Act, 1868.	For the words " High Court of Admiralty of England " there shall be substituted the words " Court of Appeal."	31 & 32 Vict. c. 71.
Section thirty of the Commons Act, 1876.	For the words " High Court of Justice " there shall be substituted the words " Court of Appeal."	39 & 40 Vict. c. 56.
Section eleven of the Rivers Pollution Act, 1876.	For the words " High Court of Justice " where they first occur, there shall be substituted the words " Court of Appeal."	39 & 40 Vict. c. 75.
Section one hundred and twenty of the County Courts Act, 1888.	For the words " High Court " where they first occur there shall be substituted the words " Court of Appeal," and the words from " regulating " to " High Court " shall be repealed.	
Section seven of the Tithe Act, 1891.	For the words " High Court " where they first occur, there shall be substituted the words " Court of Appeal," and the words from " regulating " to the end of the section shall be repealed.	54 & 55 Vict. c. 8.
Paragraph (5) of section seventeen of the Alkali Works, &c., Regulation Act, 1906.	For the words " High Court " there shall be substituted the words " Court of Appeal."	6 Ed. 7. c. 14.

A.D. 1934.	Enactment.	Modification.
15 & 16 Geo. 5. c. 20.	Subsection (2) of section one hundred and ninety-four of the Law of Property Act, 1925.	
24 & 25 Geo. 5. c. 17.	Section fifteen of the County Courts (Amendment) Act, 1934.	For the words " High Court " wherever they occur there shall be substituted the words " Court of Appeal."

PART II.

CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS.

	Enactment.	Modification.
	The County Courts Admiralty Jurisdiction Act, 1868 :—	
	Section twenty-seven -	The words " Court of Appeal " shall be substituted for the words " Registry of the High Court of Admiralty " and " Judge of the " High Court of Admiralty of " England."
	Section thirty-two -	For the words " Judge of the High Court of Admiralty " there shall be substituted the words " Court of Appeal," and for the word " him " there shall be substituted the word " them."
	The County Courts Act, 1888 :—	
	Section one hundred and twenty-two.	For the words " High Court " in both places where they occur, there shall be substituted the words " Court of Appeal."
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925 :—	
	Paragraph (k) of subsection (1) of section thirty-one, and subsection (3) of section thirty-three.	For the words " High Court " there shall be substituted the words " Court of Appeal."

PART III.

A.D. 1934.

ENACTMENTS UNAFFECTED BY THE COUNTY COURTS
ACT, 1888.

Sections thirty-seven to forty of the Charitable Trusts Act,
1853 (16 & 17 Vict. c. 137).

Section thirty-six of the Building Societies Act, 1874
(37 & 38 Vict. c. 42).

Section four of the Telegraph Act, 1878 (41 & 42 Vict. c. 76).

Section ten of the Guardianship of Infants Act, 1886 (49 & 50
Vict. c. 27).

Section one of the Parliamentary Elections (Returning
Officers) Act (1875) Amendment Act, 1886 (49 & 50 Vict. c. 57).

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