

New Supreme Court opens — the constitutional leap-forward

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Christopher Coffin

CONSULTANT | UK

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From 1 October 2009 the new Supreme Court of the United Kingdom has replaced the Judicial Committee of the House of Lords as the highest court in the land and final appellate court for civil and criminal cases in England, Wales and Northern Ireland and civil cases only in Scotland. The Supreme Court has also taken from the Judicial Committee of the Privy Council its jurisdiction over devolution issues. Political theorists have hailed this a great constitutional leap forward to a true separation of powers, with the formal division of the judiciary from the legislature. For most legal practitioners the most immediate impact of this constitutional innovation is far more mundane.

We have had two supreme courts in this country for many years: the Supreme Court of England & Wales, created in the 1870s, and the Supreme Court of Judicature of Northern Ireland, created in 1978. These were, however, virtual courts being merely the collective names for the High Court, Court of Appeal and Crown Court in each jurisdiction; but the name appeared in court rules, statutes and many official titles, including that of a solicitor — official title: 'Solicitor of the Supreme Court'.

Now we have an actual Supreme Court, a host of name changes in statute and rules has had to be implemented. Surprisingly, there was some confusion at first as official statements indicated that only new solicitors would acquire the new official title. However, it is now clear that no solicitor is 'supreme' any more — all are now 'senior'.

The following seems to be the accepted list of changes for England & Wales:

- Solicitor of the Supreme Court > Solicitor of the Senior Courts
- Supreme Court of England & Wales > Senior Courts of England & Wales
- Supreme Court Act 1981 > Senior Courts Act 1981
- Supreme Court Costs Office > Senior Courts Costs Office (abbreviated to Costs Office in CPR)
- Accountant General of the Supreme Court > Accountant General of the Senior Courts
- Senior Master of the Queen's Bench Division of the Supreme Court of England & Wales > Senior Master of the Queen's Bench Division of the High Court of England & Wales

Authors

Christopher Coffin

CONSULTANT | LONDON, BRITISH VIRGIN ISLANDS

Litigation and arbitration

 +44 20 7597 6101

 christopher.coffin@withersworldwide.com