

Review

Construction, Engineering and Projects



The Supreme Court - what's it all about?

BACKGROUND

Six and a half years ago, the Government announced that a Supreme Court was to be created and the Constitutional Reform Bill was unveiled. After six and a half years of amendments, delays, criticism and acclaim, the final appeal hearings and judgments of the House of Lords took place on 30 July 2009. All 12 law lords were present to rule on points of law in seven cases, including assisted suicide and the royalties to 'a whiter shade of pale'. 130 years of the judicial role of the House of Lords as the highest appeal court in the UK has ended.

Amongst much media speculation, on 1 October 2009, the newly titled Justices of the Supreme Court, ditched their wigs and breeches and were sworn in at the Supreme Court building, Middlesex Guildhall, in Parliament Square.

From 1 October, the Supreme Court has assumed jurisdiction on points of law for all civil law cases in the UK and all criminal cases in England and Wales and Northern Ireland. On the 5 October, the Supreme Court heard its first case – a challenge to government powers to create laws without a vote in Parliament.

Whilst legally, little has changed except for where the judges sit, constitutionally, the Supreme Court creates a separation of powers, as the Law Lords have been removed from the legislature. Lord Phillips, the new president of the Supreme Court, said that *"this is the last step in divorcing the law lords from any connection with the legislative business of the House of Lords."*

POWERS

The Supreme Court has retained the powers of the House of Lords and devolution jurisdiction will be transferred to it from the Privy Council. Appeals arising from Human Rights Act issues and points of European Law will be heard in the Supreme Court, and the Supreme Court, as the domestic court of last resort, will also refer on to the European Court of Justice.

RULES AND PROCEDURES

With the introduction of a new court comes the introduction of a new set of rules, practice directions and forms. These can all be found on the Supreme Court website www.supremecourt.gov.uk which seems very good and easy to use. The intention is that key information from the new case management system will be accessible from the website so individuals can check on the progress of their cases

Much like the civil procedure rules, the overriding objective of the new rules is to secure that the Supreme Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

The procedures have not really changed from the House of Lords days, although some of the terminology has changed to reflect the fact that the Supreme Court is not a committee of Parliament. For example, in the Supreme Court you will apply for permission to appeal rather than submit petitions for leave to appeal. Also, to reflect the change of name, solicitors are now known as solicitors of the Senior Courts.

The Supreme Court is also intending to go high-tech with a new computer based management system which means it will be possible to bring electronic bundles on memory sticks or CD and to use these in court (but whether this will work in practice is another matter).

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FURTHER INFORMATION

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