









When is the Supreme Court *not* Supreme?

| | Situation | Top court | Details |
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|  | Scottish Criminal Appeals | High Court of Justiciary | Scottish criminal cases have no appeals beyond the Appeal Court of the High Court of Justiciary, with the exception being appeals to the Supreme Court on points relating to devolution or the Human Rights Act 1998. Obviously, this is a very frequent final appellate route as it concerns criminal law in the entirety of Scotland. |
|  | Ecclesiastical (C of E) appeals involving matters doctrinal, ritual, or ceremonial | Commission of Review | The appellate hierarchy begins with the Court of Ecclesiastical Causes Reserved, which has sat only twice (and not since 1987). (The CECR also has original jurisdiction for a type of clerical dispute known as <i>duplex querela</i>) Appeals from the CECR are a matter for a Commission of Review, constituted <i>ad hoc</i> as needed (and it has yet to be needed) of five members. Three of these members must be members of the Supreme Court (or Supplementary Panel) who are communicants, with the remaining two Lords Spiritual. |
|  | Veterinary surgeon appeals | Judicial Committee of the Privy Council (JCPC) | Appeals in Royal College of Veterinary Surgeons disciplinary cases go to the Privy Council. This was once the case for a wide variety of professional bodies, such as dentists and doctors, but, anomalously (and for no clear reason) veterinary surgeons are the only profession still appealing to the JCPC. This route is still actively used, though not frequently. |
|  | Ecclesiastical (C of E) appeals which are <i>not</i> doctrinal, ritual, nor ceremonial | JCPC | Appeals against Church Commissioners under the Pastoral Measure 1983, as well as appeals from the Arches Court of Canterbury & the Chancery Court of York go to the JCPC. This route is still actively used, though not frequently. |
|  | Disputes under the House of Commons Disqualification Act 1975 | JCPC | When the 1975 Act was passed, the House of Lords was the main apex court of the UK, and thus it was deemed inappropriate for one House of Parliament to rule on the qualifications of the other. Thus, the JCPC was picked. Not a used route, though a dispute may well arise which employs it. |
|  | Appeals from the Court of Admiralty of the Cinque Ports | JCPC | The Admiralty Court of the Cinque Ports (an ancient grouping centred on five southeastern ports and various other nearby sites), does not in practice sit outside ceremonial occasions (it has been over a century since the last substantive sitting). It is possible a new admiralty case could occur there, but extremely unlikely outside of a contrived case designed to invoke the jurisdiction for the sake of legal trivia. |
|  | Appeals from the High Court of Chivalry | JCPC | The High Court of Chivalry, which has jurisdiction in matters of heraldry, has not sat for nearly 60 years, and that most recent sitting was something of a contrived case. Absent future contrivance, it is unlikely this route will be used |
| <i>Ref</i> | References under the Judicial Committee Act 1833, s 4 | JCPC | This potentially quite useful power of references—a key feature of systems elsewhere (eg, Canada), is not often used, the last example being a reference over succession to a baronetcy in 2016. However, any government needing a legal answer to a question might be well-advised to use it more often in future. |
|  | Appeals from prize court jurisdiction | JCPC | The prize court jurisdiction (over captured ships in either war or by letters of marque) lies in England & Wales Admiralty Court within the King's Bench Division, with appeals directed to the JCPC. This is unlikely to be used in peacetime. |