

Status: Point in time view as at 01/09/2018.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Scotland Act 1998 (c. 46) is up to date with all changes known to be in force on or before 02 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT

PART 2

DEVOLUTION JURISDICTION

Scotland Act 1998 (c. 46)

- 93 The Scotland Act 1998 is amended as follows.
- 94 In section 15 (disqualification from membership of the Parliament) in subsection (1) omit paragraph (c).
- 95 In section 32 (submission of Bills for Royal Assent)—
- (a) in subsection (2)(b) for “Judicial Committee” substitute “ Supreme Court ”;
 - (b) in subsection (3)(a) for “Judicial Committee have” substitute “ Supreme Court has ”;
 - (c) in subsection (4) omit the definition of “Judicial Committee”.
- 96 (1) In the sidenote to section 33 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (2) In subsection (1) of that section for “Judicial Committee” substitute “ Supreme Court ”.
- 97 In section 34 (ECJ references), in subsection (1)(b) for “Judicial Committee” substitute “ Supreme Court ”.
- 98 In section 35 (power of Secretary of State to intervene in certain cases), in subsection (3)(c) for “Judicial Committee” substitute “ Supreme Court ”.
- 99 In section 36 (stages of Bills), in subsection (4) for “Judicial Committee decide” substitute “ Supreme Court decides ”.
- 100 In section 95 (appointment and removal of judges)—
- (a) for subsection (9)(b) substitute—
 - “(b) for the appointment to chair the tribunal of a member of the Judicial Committee of the Privy Council who holds or has held high judicial office,”;
 - (b) in subsection (11), before the definition of “provision” insert—
 - ““high judicial office” has the meaning given by section 60 of the Constitutional Reform Act 2005,”.
- 101 Omit section 103 (proceedings before the Judicial Committee).

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- 102 In section 127 (index of defined expressions) omit the entry for “Judicial Committee”.
- 103 (1) Part 2 of Schedule 6 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 7 (references to Inner House of Court of Session) for “House of Lords” substitute “ Supreme Court ”.
- (3) In the heading before paragraph 10 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (4) In paragraph 10 (references from Court of Session) for “Judicial Committee” substitute “ Supreme Court ”.
- (5) In paragraph 11 (references from High Court of Justiciary) for “Judicial Committee” substitute “ Supreme Court ”.
- (6) In the heading before paragraph 12 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (7) In paragraph 12 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “ Supreme Court ”.
- (8) In paragraph 13 (other appeals from superior courts)—
- (a) for “House of Lords” substitute “ Supreme Court apart from this paragraph ”;
- (b) for “Judicial Committee” in each place substitute “ Supreme Court ”;
- (c) for “leave” in the first two places substitute “ permission ”;
- (d) for “concerned” substitute “ from which the appeal lies ”;
- (e) for “special leave” substitute “ permission ”.
- 104 (1) Part 3 of Schedule 6 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 19 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “ Supreme Court ”.
- (3) In paragraph 21 (reference in criminal proceedings), for “House of Lords” substitute “ Supreme Court ”.
- (4) In the heading before paragraph 22 (references from Court of Appeal to Judicial Committee), for “Judicial Committee” substitute “ Supreme Court ”.
- (5) In paragraph 22, for “Judicial Committee” substitute “ Supreme Court ”.
- (6) In the heading before paragraph 23 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (7) In paragraph 23—
- (a) for “Judicial Committee” in each place substitute “ Supreme Court ”;
- (b) for “leave” in the first two places substitute “ permission ”;
- (c) for “special leave” substitute “ permission ”.
- 105 (1) Part 4 of Schedule 6 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 28 (reference to Court of Appeal) for “House of Lords” substitute “ Supreme Court ”.

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- (3) In the heading before paragraph 30 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (4) In paragraph 30 for “Judicial Committee” substitute “ Supreme Court ”.
 - (5) In the heading before paragraph 31 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (6) In paragraph 31—
 - (a) for “Judicial Committee” in each place substitute “ Supreme Court ”;
 - (b) for “leave” in the first two places substitute “ permission ”;
 - (c) for “special leave” substitute “ permission ”.
- 106 (1) Part 5 of Schedule 6 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.
 - (3) In the heading before paragraph 33 (direct references to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (4) In paragraph 33 (law officer requiring court to refer devolution issue) for “Judicial Committee” substitute “ Supreme Court ”.
 - (5) In paragraph 34 (law officer referring devolution issues) for “Judicial Committee” substitute “ Supreme Court ”.
- 107 In Schedule 7 (procedure for subordinate legislation), in the table under paragraph 1(2) omit the entry relating to section 103(3)(a) and (b).

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