

*Status: Point in time view as at 24/03/2022.*

*Changes to legislation: Government of Wales Act 2006, Part 3 is up to date with all changes known to be in force on or before 15 July 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

#### DEVOLUTION ISSUES

#### PART 3

#### PROCEEDINGS IN SCOTLAND

##### *Application of Part 3*

- 12 This Part applies in relation to devolution issues in proceedings in Scotland.

##### **Commencement Information**

- 11** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

##### *Institution of proceedings*

- 13 (1) Proceedings for the determination of a devolution issue may be instituted by the Advocate General for Scotland.
- (2) The Counsel General may defend any such proceedings instituted by the Advocate General for Scotland.
- (3) This paragraph does not limit any power to institute or defend proceedings exercisable apart from this paragraph by any person.

##### **Commencement Information**

- 12** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

##### *Intimation of devolution issue*

- 14 (1) A court or tribunal must order intimation of any devolution issue which arises in any proceedings before it to be given to the Advocate General for Scotland and the Counsel General (unless a party to the proceedings).
- (2) A person to whom notice is given in pursuance of sub-paragraph (1) may take part as a party in the proceedings, so far as they relate to a devolution issue.

##### **Commencement Information**

- 13** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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*Reference of devolution issue to higher court*

- 15 A court, other than any court consisting of three or more judges of the Court of Session or the Supreme Court, may refer any devolution issue which arises in civil proceedings before it to the Inner House of the Court of Session.

**Commencement Information**

- I4** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 16 A tribunal from which there is no appeal must refer any devolution issue which arises in proceedings before it to the Inner House of the Court of Session; and any other tribunal may make such a reference.

**Commencement Information**

- I5** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 17 A court, other than any court consisting of two or more judges of the High Court of Justiciary, may refer any devolution issue which arises in criminal proceedings before it to the High Court of Justiciary.

**Commencement Information**

- I6** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*References from superior courts to Supreme Court*

- 18 Any court consisting of three or more judges of the Court of Session may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 15 or 16) to the Supreme Court.

**Commencement Information**

- I7** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 19 Any court consisting of two or more judges of the High Court of Justiciary may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 17) to the Supreme Court.

**Commencement Information**

- I8** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

*Appeals from superior courts to Supreme Court*

- 20 An appeal against a determination of a devolution issue by the Inner House of the Court of Session on a reference under paragraph 15 or 16 lies to the Supreme Court.

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**Commencement Information**

**I9** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 21 An appeal against a determination of a devolution issue by—
- (a) a court consisting of two or more judges of the High Court of Justiciary (whether in the ordinary course of proceedings or on a reference under paragraph 17), or
  - (b) a court consisting of three or more judges of the Court of Session from which there is no appeal to the Supreme Court apart from this paragraph, lies to the Supreme Court, but only with permission of the court from which the appeal lies or, failing such permission, with permission of the Supreme Court.

**Commencement Information**

**I10** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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