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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 360**

**Act of Sederunt (Rules of the Court of Session  
Amendment No. 7) (Devolution Issues) 2007**

**Citation and commencement Act of Sederunt (Rules of the Court of Session Amendment No. 7) (Devolution Issues)**

1.—(1) This Act of Sederunt may be cited as the 2007 and shall come into force on 10th August 2007.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

**Amendment of the Rules of the Court of Session**

2.—(1) The Rules of the Court of Session 1994<sup>(1)</sup> shall be amended in accordance with the following sub-paragraphs.

(2) In rule 25A.1 (interpretation of Chapter)—

(a) in the definition of “devolution issue” for paragraph (c) there shall be substituted—

“(c) Schedule 9 to the Government of Wales Act 2006,”;

(b) in the text following paragraph (c) for “Schedule 8” there shall be substituted “Schedule 9” and for “Government of Wales Act 1998”<sup>(2)</sup> there shall be substituted “Government of Wales Act 2006”; and

(c) in paragraph (c) of the definition of “relevant authority” for “Schedule 8, the National Assembly for Wales ” there shall be substituted “Schedule 9, the Counsel General to the Welsh Assembly Government”.

(3) In sub-paragraph (a) of paragraph (2) of rule 25A.3 (time for raising devolution issue) for “Schedule 8” there shall be substituted “Schedule 9”.

(4) In the text following sub-paragraph (c) of paragraph (1) of rule 25A.4 (specification of devolution issue) for “Schedule 8” there shall be substituted “Schedule 9”.

(5) In paragraphs (1) and (4) of rule 25A.5 (intimation of devolution issue) for “Schedule 8” there shall be substituted “Schedule 9”.

(6) After rule 25A.5 there shall be inserted—

“**25A.5A.** —Where, after determination at first instance of any proceedings in which a devolution issue has been raised, a party to those proceedings—

(a) marks a reclaiming motion under rule 38.6; or

(b) makes an application to the *nobile officium* of the court under rule 14.3,

that party shall, unless the relevant authority is already party to the proceedings, at the same time intimate the motion to, or seek leave to serve the petition on, the relevant authority together with a notice in Form 25A.5A”.

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(1) S.I.1994/1443, last amended by S.S.I. 2007/350.

(2) 1998 c. 38.

- (7) In rule 25A.7 (reference of devolution issue to Inner House)–
- (a) for “Schedule 8” there shall be substituted “Schedule 9”; and
  - (b) number the existing provision as paragraph (1) and after that paragraph insert–
    - “(2) Where, in any proceedings before the Lord Ordinary, reference of a devolution issue is made to the Inner House, the Deputy Principal Clerk shall, unless the relevant authority is already party to the proceedings, not later than seven days after the reference has been made, give notice of the reference in Form 25A.7 to the relevant authority.”.
- (8) In paragraph (1) of rule 25A.8 (reference of devolution issue to Judicial Committee)–
- (a) in sub-paragraph (a) for “Schedule 8” there shall be substituted “Schedule 9”; and
  - (b) in sub-paragraph (b) for “paragraph 30(1) of Schedule 8” there shall be substituted “paragraph 29(1) of Schedule 9”.
- (9) In sub-paragraphs (a) and (b) of paragraph (1) of rule 25A.11 (appeals to the Judicial Committee) for “Schedule 8” there shall be substituted “Schedule 9”.
- (10) For sub-paragraph (c) of paragraph (1) of rule 25A.12 (orders mitigating the effects of certain decisions) there shall be substituted–
- “(c) section 153 of the Government of Wales Act 2006,”.
- (11) In the Appendix–
- (a) after Form 25A.5 there shall be inserted the forms set out in the Schedule to this Act of Sederunt; and
  - (b) in Form 25A.12 the title becomes “*Form of intimation to a relevant authority that the court is considering making an order under [section 102 of the Scotland Act 1998/section 81 of the Northern Ireland Act 1998/section 153 of the Government of Wales Act 2006]*”.

Edinburgh  
20th July 2007

*A C HAMILTON*  
Lord President I.P.D.