

Status: Point in time view as at 01/04/2004.

Changes to legislation: Government of Wales Act 1998, Part IV is up to date with all changes known to be in force on or before 12 August 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 8

DEVOLUTION ISSUES

Commencement Information

II Sch. 8 in force at 1.12.1998 by S.I. 1998/2789, art. 2

PART IV

PROCEEDINGS IN NORTHERN IRELAND

Application of Part IV

- 22 This Part of this Schedule applies in relation to devolution issues in proceedings in Northern Ireland.

Institution of proceedings

- 23 (1) Proceedings for the determination of a devolution issue may be instituted by the Attorney General for Northern Ireland.
- (2) Sub-paragraph (1) does not limit any power to institute proceedings exercisable apart from that sub-paragraph by any person.

Notice of devolution issue

- 24 (1) A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General for Northern Ireland and the Assembly (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.

Reference of devolution issue to Court of Appeal

- 25 A court, other than the Court of Appeal in Northern Ireland or the House of Lords, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.

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- 26 A tribunal from which there is no appeal shall refer any devolution issue which arises in proceedings before it to the Court of Appeal in Northern Ireland; and any other tribunal may make such a reference.

References from Court of Appeal to Judicial Committee

- 27 The Court of Appeal in Northern Ireland may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 25 or 26) to the Judicial Committee.

Appeals from Court of Appeal to Judicial Committee

- 28 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 25 or 26 shall lie to the Judicial Committee, but only—
- (a) with leave of the Court of Appeal in Northern Ireland, or
 - (b) failing such leave, with special leave of the Judicial Committee.

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