

Status: Point in time view as at 01/10/2020.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Part IV. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DEVOLUTION ISSUES

PART IV

PROCEEDINGS IN NORTHERN IRELAND

Application of Part IV

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

Institution of proceedings

- 25 (1) Proceedings for the determination of a devolution issue may be instituted by the [^{F1}Advocate General for Northern Ireland].
- (2) The Lord Advocate may defend any such proceedings.
- (3) This paragraph is without prejudice to any power to institute or defend proceedings exercisable apart from this paragraph by any person.

Textual Amendments

- F1** Words in Sch. 6 para. 25(1) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 28, 87, Sch. 7 para. 4(a); S.R. 2010/113, art. 2, Sch. para. 19(a)

Notice of devolution issue

- 26 A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the [^{F2}Advocate General for Northern Ireland] and the Lord Advocate (unless the person to whom the notice would be given is a party to the proceedings).

Textual Amendments

- F2** Words in Sch. 6 para. 26 substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 28, 87, Sch. 7 para. 4(b); S.R. 2010/113, art. 2, Sch. para. 19(a)

- 27 A person to whom notice is given in pursuance of paragraph 26 may take part as a party in the proceedings, so far as they relate to a devolution issue.

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Reference of devolution issue to Court of Appeal

- 28 A court, other than the [^{F3}Supreme Court] or the Court of Appeal in Northern Ireland, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.

Textual Amendments

- F3** Words in Sch. 6 para. 28 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 105(2); S.I. 2009/1604, art. 2

- 29 A tribunal from which there is no appeal shall refer any devolution issue which arises in any 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 [^{F4}Supreme Court]

Textual Amendments

- F4** Words in heading before Sch. 6 para. 30 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 105(3); S.I. 2009/1604, art. 2

- 30 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 28 or 29) to the [^{F5}Supreme Court].

Textual Amendments

- F5** Words in Sch. 6 para. 30 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 105(4); S.I. 2009/1604, art. 2

Appeals from Court of Appeal to [^{F6}Supreme Court]

Textual Amendments

- F6** Words in heading before Sch. 6 para. 31 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 105(5); S.I. 2009/1604, art. 2

- 31 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 28 or 29 shall lie to the [^{F7}Supreme Court], but only with [^{F8}permission] of the Court of Appeal in Northern Ireland or, failing such [^{F8}permission], with [^{F9}permission] of the [^{F7}Supreme Court].

Textual Amendments

- F7** Words in Sch. 6 para. 31 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 105(6)(a); S.I. 2009/1604, art. 2
- F8** Words in Sch. 6 para. 31 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 105(6)(b); S.I. 2009/1604, art. 2

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F9 Words in Sch. 6 para. 31 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), **Sch. 9 para. 105(6)(c)**; S.I. 2009/1604, **art. 2**

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