

Status: Point in time view as at 01/03/2010.

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

SCHEDULES

SCHEDULE 10

DEVOLUTION ISSUES

PART II

PROCEEDINGS IN NORTHERN IRELAND

Application of Part II

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

Institution of proceedings

- 4 (1) Proceedings for the determination of a devolution issue may be instituted or defended by the Attorney General or the Attorney General for Northern Ireland.
- (2) The First Minister and the deputy First Minister acting jointly 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.

Notice of devolution issue

- 5 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, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister (unless the person to whom the notice would be given is a party to the proceedings).
- 6 A person to whom notice is given in pursuance of paragraph 5 ^{F1}... may take part as a party in the proceedings, so far as they relate to a devolution issue.

Textual Amendments

- F1** Words in [Sch. 10 para. 6](#) repealed (1.3.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 13](#); [S.R. 2010/52, art. 2\(e\)](#)

Reference of devolution issue to Court of Appeal

- 7 A court, other than the [^{F2}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.

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Textual Amendments

- F2** Words in Sch. 10 para. 7 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(2\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 8 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 [^{F3}Supreme Court]

Textual Amendments

- F3** Words in Sch. 10 cross-heading preceding para. 9 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(3\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 9 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 7 or 8) to the [^{F4}Supreme Court] .

Textual Amendments

- F4** Words in Sch. 10 para. 9 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(4\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

Appeals from Court of Appeal to [^{F5}Supreme Court]

Textual Amendments

- F5** Words in Sch. 10 cross-heading preceding para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(5\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 10 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 7 or 8 shall lie to the [^{F6}Supreme Court] , but only with [^{F7}permission] of the Court of Appeal in Northern Ireland or, failing such [^{F7}permission], with [^{F8}permission] of the [^{F6}Supreme Court].

Textual Amendments

- F6** Words in Sch. 10 para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(6\)\(a\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)
- F7** Words in Sch. 10 para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(6\)\(b\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)
- F8** Words in Sch. 10 para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(6\)\(c\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

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