
Status: Point in time view as at 02/12/1999.

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

SCHEDULES

SCHEDULE 10

DEVOLUTION ISSUES

PART III

PROCEEDINGS IN ENGLAND AND WALES

Application of Part III

- 11 This Part of this Schedule applies in relation to devolution issues in proceedings in England and Wales.

Institution of proceedings

- 12 (1) Proceedings for the determination of a devolution issue may be instituted or defended by the Attorney General.
- (2) The Attorney General for Northern Ireland or 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

- 13 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).
- 14 A person to whom notice is given in pursuance of paragraph 13 or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly may take part as a party in the proceedings, so far as they relate to a devolution issue.

Reference of devolution issue to High Court or Court of Appeal

- 15 A magistrates' court may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the High Court.
- 16 (1) A court may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the Court of Appeal.
- (2) Sub-paragraph (1) does not apply to—

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- (a) a magistrates' court, the Court of Appeal or the House of Lords; or
- (b) the High Court if the devolution issue arises in proceedings on a reference under paragraph 15.

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

18 A court, other than the House of Lords or the Court of Appeal, may refer any devolution issue which arises in criminal proceedings before it to—

- (a) the High Court (if the proceedings are summary proceedings); or
- (b) the Court of Appeal (if the proceedings are proceedings on indictment).

References from Court of Appeal to Judicial Committee

19 The Court of Appeal may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 16, 17 or 18) to the Judicial Committee.

Appeals from superior courts to Judicial Committee

20 An appeal against a determination of a devolution issue by the High Court or the Court of Appeal on a reference under paragraph 15, 16, 17 or 18 shall lie to the Judicial Committee, but only with leave of the High Court or the Court of Appeal or, failing such leave, with special leave of the Judicial Committee.

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