

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Direct references to Supreme Court. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

#### DEVOLUTION ISSUES

##### PART V

##### GENERAL

*Direct references to <sup>F1</sup>Supreme Court]*

###### Textual Amendments

- F1** Words in cross-heading preceding Sch. 10 para. 33 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 118\(3\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 33 The Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting jointly or the Advocate General for Scotland may require any court or tribunal to refer to the [<sup>F2</sup>Supreme Court] any devolution issue which has arisen in proceedings before it to which he is or they are a party.

###### Textual Amendments

- F2** Words in [Sch. 10 para. 33](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 118\(4\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 34 The Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting jointly or the Advocate General for Scotland may refer to the [<sup>F3</sup>Supreme Court] any devolution issue which is not the subject of proceedings.

###### Textual Amendments

- F3** Words in [Sch. 10 para. 34](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 118\(5\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 35 (1) This paragraph applies where a reference is made under paragraph 34 in relation to a devolution issue which relates to the proposed exercise of a function by a Northern Ireland Minister or department.
- (2) The person making the reference shall notify the Northern Ireland Minister or department of that fact.

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- (3) No Northern Ireland Minister or department shall exercise the function in the manner proposed during the period beginning with the receipt of the notification under sub-paragraph (2) and ending with the reference being decided or otherwise disposed of.
- (4) Proceedings relating to any possible failure by a Northern Ireland Minister or department to comply with sub-paragraph (3) may be instituted by the Attorney General for Northern Ireland.
- (5) Sub-paragraph (4) is without prejudice to any power to institute proceedings exercisable apart from that sub-paragraph by any person.

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