

*Status: Point in time view as at 12/04/2010.*

*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, [<sup>F2</sup>the Advocate General for Northern Ireland, the Attorney General for Northern Ireland] or the Advocate General for Scotland may require any court or tribunal to refer to the [<sup>F3</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. 34 substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 2\(6\); S.R. 2010/113, art. 2, Sch. para. 19\(a\)](#)
- F3** 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, [<sup>F2</sup>the Advocate General for Northern Ireland, the Attorney General for Northern Ireland] or the Advocate General for Scotland may refer to the [<sup>F4</sup>Supreme Court] any devolution issue which is not the subject of proceedings.

#### Textual Amendments

- F2** Words in Sch. 10 para. 34 substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 2\(6\); S.R. 2010/113, art. 2, Sch. para. 19\(a\)](#)
- F4** 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.

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- (2) The person making the reference shall notify the Northern Ireland Minister or department of that fact.
- (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 [<sup>F5</sup>Advocate 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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**Textual Amendments**

- F5** Words in Sch. 10 para. 35(4) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), Sch. 7 para. 2(7); S.R. 2010/113, art. 2, Sch. para. 19(a)

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