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SCHEDULES

SCHEDULE 9

AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT

PART 2

DEVOLUTION JURISDICTION

Legal Aid (Scotland) Act 1986 (c. 47)

- 85 (1) The Legal Aid (Scotland) Act 1986 is amended as follows.
- (2) In section 21(1)(c) (scope and nature of criminal legal aid), for “Judicial Committee of the Privy Council” substitute “ Supreme Court ”.
- (3) In section 25AB (legal aid in references, appeals or applications for special leave to appeal), in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “ Supreme Court ”.
- (4) In Part 1 of Schedule 2 (courts in which civil legal aid is available), in paragraph 1 for “Judicial Committee of the Privy Council” substitute “ Supreme Court ”.

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 86 In section 288B of the Criminal Procedure (Scotland) Act 1995 (appeal against a determination of a devolution issue)—
- (a) in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “ Supreme Court ”; and
- (b) in subsection (3), for “Judicial Committee” substitute “ Supreme Court ”.

Government of Wales Act 1998 (c. 38)

PROSPECTIVE

87 F1

Textual Amendments

- F1 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by [The Government Wales Act 2006 \(c. 32\)](#) s. 163, {Sch. 12} (with Sch. 11 para. 22)

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PROSPECTIVE

88 F2

Textual Amendments

F2 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by [The Government Wales Act 2006 \(c. 32\)](#) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

89 F3

Textual Amendments

F3 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by [The Government Wales Act 2006 \(c. 32\)](#) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

90 F4

Textual Amendments

F4 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by [The Government Wales Act 2006 \(c. 32\)](#) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

91 F5

Textual Amendments

F5 Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by [The Government Wales Act 2006 \(c. 32\)](#) s. 163, {Sch. 12} (with Sch. 11 para. 22)

PROSPECTIVE

92 F6

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Textual Amendments

- F6** Sch. 9 para. 87-92 repealed (coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(c)(d)(5) of the amending Act) by The Government Wales Act 2006 (c. 32) s. 163, {Sch. 12} (with Sch. 11 para. 22)

Scotland Act 1998 (c. 46)

- 93 The Scotland Act 1998 is amended as follows.
- 94 In section 15 (disqualification from membership of the Parliament) in subsection (1) omit paragraph (c).
- 95 In section 32 (submission of Bills for Royal Assent)—
- (a) in subsection (2)(b) for “Judicial Committee” substitute “ Supreme Court ”;
 - (b) in subsection (3)(a) for “Judicial Committee have” substitute “ Supreme Court has ”;
 - (c) in subsection (4) omit the definition of “Judicial Committee”.
- 96 (1) In the sidenote to section 33 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (2) In subsection (1) of that section for “Judicial Committee” substitute “ Supreme Court ”.
- 97 In section 34 (ECJ references), in subsection (1)(b) for “Judicial Committee” substitute “ Supreme Court ”.
- 98 In section 35 (power of Secretary of State to intervene in certain cases), in subsection (3)(c) for “Judicial Committee” substitute “ Supreme Court ”.
- 99 In section 36 (stages of Bills), in subsection (4) for “Judicial Committee decide” substitute “ Supreme Court decides ”.
- 100 In section 95 (appointment and removal of judges)—
- (a) for subsection (9)(b) substitute—
 - “(b) for the appointment to chair the tribunal of a member of the Judicial Committee of the Privy Council who holds or has held high judicial office.”;
 - (b) in subsection (11), before the definition of “provision” insert—
 - ““high judicial office” has the meaning given by section 60 of the Constitutional Reform Act 2005.”.
- 101 Omit section 103 (proceedings before the Judicial Committee).
- 102 In section 127 (index of defined expressions) omit the entry for “Judicial Committee”.
- 103 (1) Part 2 of Schedule 6 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 7 (references to Inner House of Court of Session) for “House of Lords” substitute “ Supreme Court ”.
 - (3) In the heading before paragraph 10 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.

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- (4) In paragraph 10 (references from Court of Session) for “Judicial Committee” substitute “ Supreme Court ”.
 - (5) In paragraph 11 (references from High Court of Justiciary) for “Judicial Committee” substitute “ Supreme Court ”.
 - (6) In the heading before paragraph 12 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (7) In paragraph 12 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “ Supreme Court ”.
 - (8) In paragraph 13 (other appeals from superior courts)—
 - (a) for “House of Lords” substitute “ Supreme Court apart from this paragraph ”;
 - (b) for “Judicial Committee” in each place substitute “ Supreme Court ”;
 - (c) for “leave” in the first two places substitute “ permission ”;
 - (d) for “concerned” substitute “ from which the appeal lies ”;
 - (e) for “special leave” substitute “ permission ”.
- 104 (1) Part 3 of Schedule 6 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 19 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “ Supreme Court ”.
 - (3) In paragraph 21 (reference in criminal proceedings), for “House of Lords” substitute “ Supreme Court ”.
 - (4) In the heading before paragraph 22 (references from Court of Appeal to Judicial Committee), for “Judicial Committee” substitute “ Supreme Court ”.
 - (5) In paragraph 22, for “Judicial Committee” substitute “ Supreme Court ”.
 - (6) In the heading before paragraph 23 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (7) In paragraph 23—
 - (a) for “Judicial Committee” in each place substitute “ Supreme Court ”;
 - (b) for “leave” in the first two places substitute “ permission ”;
 - (c) for “special leave” substitute “ permission ”.
- 105 (1) Part 4 of Schedule 6 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 28 (reference to Court of Appeal) for “House of Lords” substitute “ Supreme Court ”.
 - (3) In the heading before paragraph 30 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (4) In paragraph 30 for “Judicial Committee” substitute “ Supreme Court ”.
 - (5) In the heading before paragraph 31 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (6) In paragraph 31—
 - (a) for “Judicial Committee” in each place substitute “ Supreme Court ”;

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- (b) for “leave” in the first two places substitute “ permission ”;
 - (c) for “special leave” substitute “ permission ”.
- 106 (1) Part 5 of Schedule 6 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.
 - (3) In the heading before paragraph 33 (direct references to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (4) In paragraph 33 (law officer requiring court to refer devolution issue) for “Judicial Committee” substitute “ Supreme Court ”.
 - (5) In paragraph 34 (law officer referring devolution issues) for “Judicial Committee” substitute “ Supreme Court ”.
- 107 In Schedule 7 (procedure for subordinate legislation), in the table under paragraph 1(2) omit the entry relating to section 103(3)(a) and (b).
- Northern Ireland Act 1998 (c. 47)*
- 108 The Northern Ireland Act 1998 is amended as follows.
- 109 (1) In the sidenote to section 11 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (2) In subsection (1) of that section for “Judicial Committee” substitute “ Supreme Court ”.
 - (3) In subsection (4) of that section—
 - (a) for “Judicial Committee decide” substitute “ Supreme Court decides ”;
 - (b) for “their decision” substitute “ its decision ”.
- 110 In section 12 (reconsideration where reference made to ECJ), in subsection (1)(b) for “Judicial Committee” substitute “ Supreme Court ”.
- 111 In section 13 (stages of Bills), in subsection (5)(a) for “Judicial Committee decide” substitute “ Supreme Court decides ”.
- 112 In section 14 (submission by Secretary of State of Bills for Royal Assent)—
 - (a) in subsection (2)(b) for “Judicial Committee” substitute “ Supreme Court ”;
 - (b) in subsection (3)(a) for “Judicial Committee have” substitute “ Supreme Court has ”.
- 113 Omit section 82 (proceedings before the Judicial Committee).
- 114 In section 98 (interpretation), in subsection (1) omit the entry for “Judicial Committee”.
- 115 (1) Part 2 of Schedule 10 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 7 (reference to Court of Appeal) for “House of Lords” substitute “ Supreme Court ”.
 - (3) In the heading before paragraph 9 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
 - (4) In paragraph 9 for “Judicial Committee” substitute “ Supreme Court ”.

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- (5) In the heading before paragraph 10 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (6) In paragraph 10—
- (a) for “Judicial Committee” in each place substitute “ Supreme Court ”;
 - (b) for “leave” in the first two places substitute “ permission ”;
 - (c) for “special leave” substitute “ permission ”.
- 116 (1) Part 3 of Schedule 10 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 16 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “ Supreme Court ”.
- (3) In paragraph 18 (reference in criminal proceedings) for “House of Lords” substitute “ Supreme Court ”.
- (4) In the heading before paragraph 19 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (5) In paragraph 19 for “Judicial Committee” substitute “ Supreme Court ”.
- (6) In the heading before paragraph 20 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (7) In paragraph 20—
- (a) for “Judicial Committee” in each place substitute “ Supreme Court ”;
 - (b) for “leave” in the first two places substitute “ permission ”;
 - (c) for “special leave” substitute “ permission ”.
- 117 (1) Part 4 of Schedule 10 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 25 (references to Inner House of Court of Session) for “House of Lords” substitute “ Supreme Court ”.
- (3) In the heading before paragraph 28 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (4) In paragraph 28 (references from Court of Session) for “Judicial Committee” substitute “ Supreme Court ”.
- (5) In paragraph 29 (references from High Court of Justiciary) for “Judicial Committee” substitute “ Supreme Court ”.
- (6) In the heading before paragraph 30 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (7) In paragraph 30 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “ Supreme Court ”.
- (8) In paragraph 31 (appeal from other superior courts)—
- (a) for “House of Lords” substitute “ Supreme Court apart from this paragraph ”;
 - (b) for “Judicial Committee” in each place substitute “ Supreme Court ”;
 - (c) for “leave” in the first two places substitute “ permission ”;
 - (d) for “special leave” substitute “ permission ”.

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- 118 (1) Part 5 of Schedule 10 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.
- (3) In the heading before paragraph 33 (direct references to the Judicial Committee) for “Judicial Committee” substitute “ Supreme Court ”.
- (4) In paragraph 33 (law officers etc requiring court to refer devolution issue) for “Judicial Committee” substitute “ Supreme Court ”.
- (5) In paragraph 34 (law officers etc referring devolution issue) for “Judicial Committee” substitute “ Supreme Court ”.
- (6) In paragraph 39 (bail and legal aid in criminal proceedings), in sub-paragraphs (2) to (4)—
- (a) for “Court” in each place substitute “ Court of Appeal ”;
- (b) for “Judicial Committee” and “Committee” substitute “ Supreme Court ”.
- 119 In paragraph 40 (application of paragraph 39 in particular circumstances), in sub-paragraphs (a) and (b)—
- (a) for “Judicial Committee” and “Committee” in each place substitute “ Supreme Court ”;
- (b) for “Court” substitute “ Court of Appeal ”.

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