

Status: Point in time view as at 06/04/2015.

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Northern Ireland Act 1998 (c. 47) is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9

AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT

PART 2

DEVOLUTION JURISDICTION

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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