

Status: Point in time view as at 24/03/2022.

Changes to legislation: Government of Wales Act 2006, Part 2 is up to date with all changes known to be in force on or before 15 July 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

DEVOLUTION ISSUES

PART 2

PROCEEDINGS IN ENGLAND AND WALES

Application of Part 2

- 3 This Part applies in relation to devolution issues in proceedings in England and Wales.

Commencement Information

- II** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Institution of proceedings

- 4 (1) Proceedings for the determination of a devolution issue may be instituted by the Attorney General or the Counsel General.
- (2) The Counsel General may defend any such proceedings instituted by the Attorney General.
- (3) This paragraph does not limit any power to institute or defend proceedings exercisable apart from this paragraph by any person.

Commencement Information

- I2** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Notice of devolution issue

- 5 (1) A court or tribunal must order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General and the Counsel General (unless a party to the proceedings).
- (2) A person to whom notice is given in pursuance of sub-paragraph (1) may take part as a party in the proceedings, so far as they relate to a devolution issue.

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Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Reference of devolution issue to High Court or Court of Appeal

6 A magistrates' court may refer any devolution issue which arises in civil proceedings before it to the High Court.

Commencement Information

I4 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

7 (1) A court may refer any devolution issue which arises in civil proceedings before it to the Court of Appeal.

(2) Sub-paragraph (1) does not apply—

- (a) to a magistrates' court, the Court of Appeal or the Supreme Court, or
- (b) to the High Court if the devolution issue arises in proceedings on a reference under paragraph 6.

Commencement Information

I5 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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

Commencement Information

I6 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

9 A court, other than the Court of Appeal or the Supreme Court, 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.

Commencement Information

I7 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

References from Court of Appeal to Supreme Court

10 The Court of Appeal may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 7, 8 or 9) to the Supreme Court.

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18 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Appeals from superior courts to Supreme Court

- 11 An appeal against a determination of a devolution issue by the High Court or the Court of Appeal on a reference under paragraph 6, 7, 8 or 9 lies to the Supreme Court but only—
- (a) with permission of the court from which the appeal lies, or
 - (b) failing such permission, with permission of the Supreme Court.

Commencement Information

19 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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