

Status: Point in time view as at 18/12/2019.

Changes to legislation: Government of Wales Act 2006, Part 4 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 **U.K.**

DEVOLUTION ISSUES

PART 4 **U.K.**

PROCEEDINGS IN NORTHERN IRELAND

Application of Part 4

22 This Part applies in relation to devolution issues in proceedings in Northern Ireland.

Commencement Information

I1 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Institution of proceedings

- 23 (1) Proceedings for the determination of a devolution issue may be instituted by the Advocate General for Northern Ireland.
- (2) The Counsel General may defend any such proceedings instituted by the Advocate General for Northern Ireland.
- (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

- 24 (1) A court or tribunal must order notice of any devolution issue which arises in any proceedings before it to be given to the Advocate General for Northern Ireland 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.

Commencement Information

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

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Reference of devolution issue to Court of Appeal

- 25 A court, other than the Court of Appeal in Northern Ireland or the Supreme Court, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.

Commencement Information

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

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

Commencement Information

- I5** 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

- 27 The Court of Appeal in Northern Ireland may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 25 or 26) to the Supreme Court.

Commencement Information

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

Appeals from Court of Appeal to Supreme Court

- 28 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 25 or 26 lies to the Supreme Court but only—
- (a) with permission of the Court of Appeal in Northern Ireland, or
 - (b) failing such permission, with permission of the Supreme Court.

Commencement Information

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

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