

Status: Point in time view as at 01/03/2007.

Changes to legislation: Government of Wales Act 2006, Part 5 is up to date with all changes known to be in force on or before 24 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 5

GENERAL

Direct references to Supreme Court

- 29 (1) The relevant officer may require any court or tribunal to refer to the Supreme Court any devolution issue which has arisen in any proceedings before it to which that person is a party.
- (2) In sub-paragraph (1) “the relevant officer” means—
- (a) in relation to proceedings in England and Wales, the Attorney General or the Counsel General,
 - (b) in relation to proceedings in Scotland, the Advocate General for Scotland, and
 - (c) in relation to proceedings in Northern Ireland, the Advocate General for Northern Ireland.

Commencement Information

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

- 30 (1) The Attorney General or the Counsel General may refer to the Supreme Court any devolution issue which is not the subject of proceedings.
- (2) Where a reference is made under sub-paragraph (1) by the Attorney General in relation to a devolution issue which relates to the proposed exercise of a function by the Welsh Ministers, the First Minister or the Counsel General—
- (a) the Attorney General must notify the Counsel General of that fact, and
 - (b) the function must not be exercised by the Welsh Ministers, the First Minister or the Counsel General in the manner proposed during the period beginning with the receipt of the notification and ending with the reference being decided or otherwise disposed of.

Commencement Information

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

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Costs

- 31 (1) A court or tribunal before which any proceedings take place may take account of any additional expense of the kind mentioned in sub-paragraph (3) in deciding any question as to costs or expenses.
- (2) In deciding any such question the court or tribunal may award the whole or part of the additional expense as costs or expenses to the party who incurred it (whatever the decision on the devolution issue).
- (3) The additional expense is any additional expense which the court or tribunal considers that any party to the proceedings has incurred as a result of the participation of any person in pursuance of paragraph 5, 14 or 24.

Commencement Information

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

Procedure of courts and tribunals

- 32 Any power to make provision for regulating the procedure before any court or tribunal includes power to make provision for the purposes of this Schedule including, in particular, provision—
- (a) for prescribing the stage in the proceedings at which a devolution issue is to be raised or referred,
 - (b) for the staying or sisting of proceedings for the purpose of any proceedings under this Schedule, and
 - (c) for determining the manner in which and the time within which any notice or intimation is to be given.

Commencement Information

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

References to be for decision

- 33 Any function conferred by this Schedule to refer a devolution issue to a court is to be construed as a function of referring the issue to the court for decision.

Commencement Information

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

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