

SCHEDULE

THE JUDICIAL COMMITTEE (DEVOLUTION ISSUES) RULES 1999

PART III

PROCEEDINGS UNDER THE GOVERNMENT OF WALES ACT 1998

Interpretation of Part III

3.1 In this Part, except where the context otherwise requires, references by number to paragraphs are references to the paragraphs so numbered in Schedule 8 to the Government of Wales Act 1998(1).

References under paragraph 31(1)

3.2.—(1) A reference by the Attorney General or the Assembly of a devolution issue to the Judicial Committee under paragraph 31(1) shall be made by lodging the reference and serving a copy on the other (“the respondent”).

(2) The reference shall state the question to be determined.

(3) In a case to which paragraph 31(2) applies the reference shall be accompanied by a certificate that paragraph 31(2)(a) has been complied with.

3.3 The respondent shall within 14 days either—

- (a) if he intends to participate in the proceedings, enter an appearance; or
- (b) if not, give notice to the Registry to that effect;

and notify the originating party accordingly.

3.4.—(1) The originating party and (if participating in the proceedings) the respondent shall each lodge a Case with respect to the question referred.

(2) The originating party shall lodge his Case within two months of lodging the reference and the respondent shall lodge his Case within two months of entering an appearance.

References by courts

3.5.—(1) A reference to the Judicial Committee under paragraph 10, 18, 19, 27, 29 or 30 shall be made by lodging the reference in the Registry.

(2) The court lodging the reference shall serve a copy of it on—

- (a) the parties;
- (b) the Assembly, if it is not already a party; and
- (c) the relevant Law Officer, if he is not already a party.

(3) In this rule and in rules 3.7, 3.8 and 3.9 “relevant Law Officer” means—

- (a) where the reference or appeal is from a court in England and Wales or from the House of Lords in proceedings that originated in England and Wales, the Attorney General;
- (b) where the reference or appeal is from a court in Scotland or from the House of Lords in Scottish proceedings, the Advocate General for Scotland;

(1) 1998 c. 38.

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- (c) where the reference or appeal is from a court in Northern Ireland or from the House of Lords in proceedings that originated in Northern Ireland, the Attorney General for Northern Ireland.

3.6.—(1) The reference shall set out the following:

- (a) the question referred;
- (b) the addresses of the parties;
- (c) the name and address of the person who applied for or required the reference to be made;
- (d) a concise statement of the background to the matter including—
 - (i) the facts of the case, including any relevant findings of fact by the referring court or lower courts; and
 - (ii) the main issues in the case and the contentions of the parties with regard to them;
- (e) the relevant law, including the relevant provisions of the Government of Wales Act 1998(2);
- (f) the reasons why an answer to the question is considered necessary for the purpose of disposing of the proceedings.

(2) All judgments already given in the proceedings shall be annexed to the reference.

3.7.—(1) Any party to the proceedings in the court making the reference who intends to participate in the proceedings in the Judicial Committee shall within 14 days of service of the copy reference on him—

- (a) enter an appearance; and
- (b) give notice to the other parties that he has done so.

(2) Any party who does not intend to participate shall give notice in writing to the Registry and the other parties accordingly.

(3) Where notice has to be given under this rule, it shall also be given to the relevant Law Officer and the Assembly even if they are not parties.

3.8.—(1) Unless they are already parties to the proceedings, the Assembly and the relevant Law Officer may intervene in the proceedings on the reference in accordance with this rule; and he shall thereupon become a party to the proceedings on the reference.

(2) The intervener shall within 14 days of service of the copy reference on him—

- (a) enter an appearance; and
- (b) give notice of the fact to the parties, to the other person who may intervene under this rule and, in the case of a reference under paragraph 30, to the court making the reference.

Appeals

3.9.—(1) A person who desires to appeal to the Judicial Committee—

- (a) under paragraph 20, or
- (b) having obtained leave to appeal from the court appealed from, under paragraphs 11, 21 or 28,

shall lodge a petition of appeal within six weeks of the date on which the order appealed from was made or leave to appeal was granted, as the case may be.

(2) 1998 c. 38.

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(2) A person who desires to appeal to the Judicial Committee under paragraphs 11, 21 or 28, having obtained special leave to appeal from the Judicial Committee, shall lodge a petition of appeal within 14 days of the grant of special leave.

(3) The appellant shall serve a copy of the petition on all the other parties and, if not already a party, on the Assembly and the relevant Law Officer.

(4) Unless already a party to the proceedings, the Assembly and the relevant Law Officer may intervene in the proceedings on the appeal in the Judicial Committee if within 14 days of service of the petition on him he enters an appearance and gives notice of the fact to the parties and the other person with a right to intervene under this rule; and he shall thereupon become a respondent to the appeal.