

2009 No. 322

HIGH COURT OF JUSTICIARY

SHERIFF COURT

JUSTICE OF THE PEACE COURT

**Act of Adjournal (Criminal Procedure Rules Amendment No.4)
(Devolution Issues) 2009**

Made - - - - - *18th September 2009*

Coming into force - - - - - *1st October 2009*

The Lord Justice General, the Lord Justice Clerk and the Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by section 305 of the Criminal Procedure (Scotland) Act 1995(a), paragraph 37 of Schedule 6 to the Scotland Act 1998(b), paragraph 38 of Schedule 10 to the Northern Ireland Act 1998(c) and paragraph 32 of Schedule 9 to the Government of Wales Act 2006(d) and of all other powers enabling them in that behalf do hereby enact and declare:

Citation and commencement, etc.

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Criminal Procedure Rules Amendment No.4) (Devolution Issues) 2009 and comes into force on 1st October 2009.

(2) This Act of Adjournal is to be inserted in the Books of Adjournal.

(3) Unless the context requires otherwise, in this Act of Adjournal a reference to a numbered rule is to the rule of that number in the Criminal Procedure Rules 1996(e).

Amendment of the Criminal Procedure Rules 1996: devolution issues

2.—(1) In rule 40.1(1) (interpretation)(f) the definition of “the Judicial Committee” is omitted.

(2) In paragraph (1) of rule 40.8 (orders pending determination of devolution issue) for “Judicial Committee” substitute “Supreme Court” in both places where that expression appears.

(3) In rule 40.9 (reference of devolution issue to Judicial Committee)(g)—

(a) in each of paragraphs (1)(a) and (b) for “Judicial Committee” substitute “Supreme Court”;

(a) 1995 c.46.

(b) 1998 c.46.

(c) 1998 c.47.

(d) 2006 c.32.

(e) The Criminal Procedure Rules 1996 are contained in Schedule 2 to the Act of Adjournal (Criminal Procedure Rules) 1996 (S.I. 1996/513, last amended by S.S.I. 2009/244).

(f) Chapter 40 was inserted by S.I. 1999/1346. Rule 40.1 was amended by S.S.I. 2007/361.

(g) Rule 40.9 was amended by S.S.I. 2007/361.

(b) in paragraph (3)—

(i) for “Rule 2.9 of the Judicial Committee (Devolution Issues) Rules 1999” substitute “Practice Direction 10 of the Supreme Court”; and

(ii) in subparagraph (b), for “Judicial Committee” substitute “Supreme Court”.

(4) The heading of rule 40.9 becomes “**Reference of devolution issue to Supreme Court**”.

(5) In paragraph (1) of rule 40.10 (procedure on receipt of determination of devolution issue) for “Judicial Committee” substitute “Supreme Court”.

(6) In rule 40.11 (procedure following disposal of appeal by Judicial Committee^(a)) for “Judicial Committee” substitute “Supreme Court”.

(7) The heading before rule 40.11 becomes “**Procedure following disposal of appeal by Supreme Court**”.

A.C. HAMILTON
Lord Justice General
I.P.D.

Edinburgh
18th September 2009

(a) Rule 40.11 was inserted by S.S.I. 2007/361.

EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal makes amendments to Chapter 40 (devolution issues rules) in consequence of the establishment of the Supreme Court by the Constitutional Reform Act 2005 and the transfer from the Judicial Committee of the Privy Council to the Supreme Court of jurisdiction in relation to devolution issues arising under the Scotland Act 1998, the Northern Ireland Act 1998 and the Government of Wales Act 2006.

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