

## SCHEDULES

### SCHEDULE 8

#### DEVOLUTION ISSUES

##### PART I

###### PRELIMINARY

- 1 (1) In this Schedule “devolution issue” means—
- (a) a question whether a function is exercisable by the Assembly,
  - (b) a question whether a purported or proposed exercise of a function by the Assembly is, or would be, within the powers of the Assembly (including a question whether a purported or proposed exercise of a function by the Assembly is, or would be, outside its powers by virtue of section 106(7) or 107(1)),
  - (c) a question whether the Assembly has failed to comply with a duty imposed on it (including a question whether the Assembly has failed to comply with any obligation which is an obligation of the Assembly by virtue of section 106(1) or (6)), or
  - (d) a question whether a failure to act by the Assembly is incompatible with any of the Convention rights.
- (2) In this Schedule—
- (a) “the Judicial Committee” means the Judicial Committee of the Privy Council, and
  - (b) “civil proceedings” means any proceedings other than criminal proceedings.
- 2 A devolution issue shall not be taken to arise in any proceedings merely because of any contention of a party to the proceedings which appears to the court or tribunal before which the proceedings take place to be frivolous or vexatious.