
Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Part IV. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DEVOLUTION ISSUES

PART IV

PROCEEDINGS IN NORTHERN IRELAND

Application of Part IV

- 24 This Part of this Schedule applies in relation to devolution issues in proceedings in Northern Ireland.

Institution of proceedings

- 25 (1) Proceedings for the determination of a devolution issue may be instituted by the Attorney General for Northern Ireland.
- (2) The Lord Advocate may defend any such proceedings.
- (3) This paragraph is without prejudice to any power to institute or defend proceedings exercisable apart from this paragraph by any person.

Notice of devolution issue

- 26 A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General for Northern Ireland and the Lord Advocate (unless the person to whom the notice would be given is a party to the proceedings).

- 27 A person to whom notice is given in pursuance of paragraph 26 may take part as a party in the proceedings, so far as they relate to a devolution issue.

Reference of devolution issue to Court of Appeal

- 28 A court, other than the [F¹Supreme Court] or the Court of Appeal in Northern Ireland, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Part IV. (See end of Document for details)

Textual Amendments

- F1** Words in Sch. 6 para. 28 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(2\)](#); S.I. 2009/1604, [art. 2](#)

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

References from Court of Appeal to [F²Supreme Court]

Textual Amendments

- F2** Words in heading before Sch. 6 para. 30 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(3\)](#); S.I. 2009/1604, [art. 2](#)

- 30 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 28 or 29) to the [F³Supreme Court].

Textual Amendments

- F3** Words in Sch. 6 para. 30 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(4\)](#); S.I. 2009/1604, [art. 2](#)

Appeals from Court of Appeal to [F⁴Supreme Court]

Textual Amendments

- F4** Words in heading before Sch. 6 para. 31 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(5\)](#); S.I. 2009/1604, [art. 2](#)

- 31 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 28 or 29 shall lie to the [F⁵Supreme Court], but only with [F⁶permission] of the Court of Appeal in Northern Ireland or, failing such [F⁶permission], with [F⁷permission] of the [F⁵Supreme Court].

Textual Amendments

- F5** Words in Sch. 6 para. 31 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(6\)\(a\)](#); S.I. 2009/1604, [art. 2](#)
- F6** Words in Sch. 6 para. 31 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(6\)\(b\)](#); S.I. 2009/1604, [art. 2](#)
- F7** Words in Sch. 6 para. 31 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 105\(6\)\(c\)](#); S.I. 2009/1604, [art. 2](#)

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Part IV.