

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Direct references to Supreme Court. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DEVOLUTION ISSUES

PART V

GENERAL

Direct references to ^{F1}Supreme Court]

Textual Amendments

- F1** Words in heading before Sch. 6 para. 33 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 106\(3\); S.I. 2009/1604, art. 2](#)

- 33 The Lord Advocate, the Advocate General, the Attorney General or the [^{F2}Advocate General for Northern Ireland] may require any court or tribunal to refer to the [^{F3}Supreme Court] any devolution issue which has arisen in proceedings before it to which he is a party.

Textual Amendments

- F2** Words in Sch. 6 para. 33 substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 28, 87, Sch. 7 para. 4\(c\); S.R. 2010/113, art. 2, Sch. para. 19\(a\)](#)
- F3** Words in Sch. 6 para. 33 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 106\(4\); S.I. 2009/1604, art. 2](#)

- 34 The Lord Advocate, the Attorney General, the Advocate General or the [^{F4}Advocate General for Northern Ireland] may refer to the [^{F5}Supreme Court] any devolution issue which is not the subject of proceedings.

Textual Amendments

- F4** Words in Sch. 6 para. 34 substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 28, 87, Sch. 7 para. 4\(c\); S.R. 2010/113, art. 2, Sch. para. 19\(a\)](#)
- F5** Words in Sch. 6 para. 34 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 106\(5\); S.I. 2009/1604, art. 2](#)

- 35 (1) This paragraph applies where a reference is made under paragraph 34 in relation to a devolution issue which relates to the proposed exercise of a function by a member of the Scottish Executive.

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- (2) The person making the reference shall notify a member of the Scottish Executive of that fact.
- (3) No member of the Scottish Executive shall exercise the function in the manner proposed during the period beginning with the receipt of the notification under sub-paragraph (2) and ending with the reference being decided or otherwise disposed of.
- (4) Proceedings relating to any possible failure by a member of the Scottish Executive to comply with sub-paragraph (3) may be instituted by the Advocate General.
- (5) Sub-paragraph (4) is without prejudice to any power to institute proceedings exercisable apart from that sub-paragraph by any person.

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