

Status: Point in time view as at 01/12/1998.

Changes to legislation: Government of Wales Act 1998, Part II is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

DEVOLUTION ISSUES

Commencement Information

II Sch. 8 in force at 1.12.1998 by S.I. 1998/2789, art. 2

PART II

PROCEEDINGS IN ENGLAND AND WALES

Application of Part II

- 3 This Part of this Schedule applies in relation to devolution issues in proceedings in England and Wales.

Institution of proceedings

- 4 (1) Proceedings for the determination of a devolution issue may be instituted by the Attorney General.
- (2) Sub-paragraph (1) does not limit any power to institute proceedings exercisable apart from that sub-paragraph by any person.

Notice of devolution issue

- 5 (1) 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 and the Assembly (unless a party to the proceedings).
- (2) A person to whom notice is given in pursuance of sub-paragraph (1) may take part as a party in the proceedings, so far as they relate to a devolution issue.

Reference of devolution issue to High Court or Court of Appeal

- 6 A magistrates' court may refer any devolution issue which arises in civil proceedings before it to the High Court.

Status: Point in time view as at 01/12/1998.

Changes to legislation: Government of Wales Act 1998, Part II is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 7 (1) A court may refer any devolution issue which arises in civil proceedings before it to the Court of Appeal.
- (2) Sub-paragraph (1) does not apply—
- (a) to a magistrates' court, the Court of Appeal or the House of Lords, or
 - (b) to the High Court if the devolution issue arises in proceedings on a reference under paragraph 6.

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

- 9 A court, other than the Court of Appeal or the House of Lords, may refer any devolution issue which arises in criminal proceedings before it to—
- (a) the High Court if the proceedings are summary proceedings, or
 - (b) the Court of Appeal if the proceedings are proceedings on indictment.

References from Court of Appeal to Judicial Committee

- 10 The Court of Appeal may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 7, 8 or 9) to the Judicial Committee.

Appeals from superior courts to Judicial Committee

- 11 An appeal against a determination of a devolution issue by the High Court or the Court of Appeal on a reference under paragraph 6, 7, 8 or 9 shall lie to the Judicial Committee, but only—
- (a) with leave of the court concerned, or
 - (b) failing such leave, with special leave of the Judicial Committee.

Status:

Point in time view as at 01/12/1998.

Changes to legislation:

Government of Wales Act 1998, Part II is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.