

SCHEDULES

SCHEDULE 8

DEVOLUTION ISSUES

PART V

GENERAL

The Judicial Committee

- 32 Any decision of the Judicial Committee in proceedings under this Schedule—
- (a) shall be stated in open court, and
 - (b) shall be binding in all legal proceedings (other than proceedings before the Judicial Committee).
- 33 No member of the Judicial Committee shall sit and act as a member of the Judicial Committee in proceedings under this Schedule unless he holds or has held—
- (a) the office of a Lord of Appeal in Ordinary, or
 - (b) high judicial office as defined in section 25 of the Appellate Jurisdiction Act 1876 (ignoring for this purpose section 5 of the Appellate Jurisdiction Act 1887).
- 34 (1) Her Majesty may by Order in Council—
- (a) confer on the Judicial Committee in relation to proceedings under this Schedule such powers as appear to be appropriate,
 - (b) apply the Judicial Committee Act 1833 in relation to proceedings under this Schedule with exceptions and modifications, and
 - (c) make rules for regulating the procedure with respect to proceedings under this Schedule before the Judicial Committee.
- (2) An Order in Council under this paragraph may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (3) No recommendation shall be made to Her Majesty in Council to make an Order in Council under this paragraph which contains provisions in the form of amendments or repeals of enactments contained in an Act unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A statutory instrument containing an Order in Council which makes provision falling within sub-paragraph (1)(a) or (b) shall (unless a draft of it has been approved by a resolution of each House of Parliament) be subject to annulment in pursuance of a resolution of either House of Parliament.