

*These notes refer to the Government of Wales Act 2006
(c.32) which received Royal Assent on 25 July 2006*

GOVERNMENT OF WALES ACT 2006

EXPLANATORY NOTES

DETAILED COMMENTARY ON SECTIONS IN PART 6

Criminal proceedings – other Scottish courts

775. Scottish courts which do not consist of two or more judges of the High Court of Justiciary can refer devolution issues to that Court. An appeal against the High Court of Justiciary's decision on such a reference lies to the Supreme Court, subject to permission having been granted either by the High Court of Justiciary or by the Supreme Court (paragraph 21(a)).

Part 4

Proceedings in Northern Ireland

776. [Paragraph 23](#) provides that the Advocate General for Northern Ireland can institute proceedings in Northern Ireland to decide a devolution issue. Where proceedings are brought by the Advocate General, then the Counsel General is entitled to defend them.
777. This does not prevent other people from bringing or defending such proceedings, but where they do so then the Advocate General for Northern Ireland and the Counsel General must be notified of the proceedings, and are entitled to take part in them (paragraph 24).
778. [Paragraph 29\(2\)\(c\)](#) gives the Advocate General for Northern Ireland a general power to require courts and tribunals to refer devolution issues in proceedings to which the Advocate General is a party to the Supreme Court.
779. [Paragraphs 25-28](#) set out further procedures by which devolution issues can be referred upwards from Northern Irish courts of first instance to the higher courts for resolution.