

1999 No. 1320

JUDICIAL COMMITTEE

JURISDICTION

**The Judicial Committee (Powers in Devolution Cases) Order
1999**

<i>Made</i> - - - -	<i>11th May 1999</i>
<i>Laid before Parliament</i>	<i>18th May 1999</i>
<i>Coming into force</i>	<i>8th June 1999</i>

At the Court at Buckingham Palace, the 11th day of May 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 103(3)(a) of the Scotland Act 1998(a), paragraph 34(1)(a) of Schedule 8 to the Government of Wales Act 1998(b) and section 82(3)(a) of the Northern Ireland Act 1998(c) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Judicial Committee (Powers in Devolution Cases) Order 1999 and shall come into force on 8th June 1999.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“court” includes a tribunal;

“devolution proceedings” means proceedings of the kind mentioned in article 3;

“Judicial Committee” means the Judicial Committee of the Privy Council;

“Registrar” means the Registrar of the Privy Council.

(2) Nothing in this Order shall be construed as derogating from any powers vested in the Judicial Committee apart from this Order.

Application

3. This Order applies for the purpose of conferring powers on the Judicial Committee in relation to proceedings under the Scotland Act 1998, the Government of Wales Act 1998 or the Northern Ireland Act 1998.

(a) 1998 c. 46.

(b) 1998 c. 38.

(c) 1998 c. 47.

Powers in devolution proceedings generally

4.—(1) Subject to the provisions of this Order—

- (a) the Judicial Committee shall, in relation to devolution proceedings, have all the powers, rights, privileges and authority as the appropriate superior court; and
- (b) any decision of the Judicial Committee may be enforced in the same manner as a decision of the appropriate superior court.

(2) For the purposes of paragraph (1) and article 5(a) the term “the appropriate superior court” means—

- (a) in the case of an appeal or reference from a court in England and Wales or from the House of Lords in proceedings originating in England and Wales, the High Court;
- (b) in the case of an appeal or reference from a court in Scotland or from the House of Lords in proceedings originating in Scotland—
 - (i) where the appeal or reference is in civil proceedings, the Court of Session; and
 - (ii) where the appeal or reference is in criminal proceedings, the High Court of Justiciary;
- (c) in the case of an appeal or reference from a court in Northern Ireland or from the House of Lords in proceedings originating in Northern Ireland, the High Court in Northern Ireland.

(3) In the case of references other than those mentioned in paragraph (2) the term “the appropriate superior court” in paragraph (1) means—

- (a) where the reference is under the Scotland Act 1998, the Court of Session;
- (b) where the reference is under the Government of Wales Act 1998, the High Court; and
- (c) where the reference is under the Northern Ireland Act 1998, the High Court in Northern Ireland.

Additional powers in appeals and references from courts

5. Where the devolution proceedings consist of an appeal or a reference from a court—

- (a) the Judicial Committee may (in addition to the powers conferred by article 4) exercise any powers of the court from which the appeal or reference came if that court is not the appropriate superior court; and
- (b) the Judicial Committee may remit the case to that court with such directions as the Committee may think fit.

Inquiry and report by Registrar

6. The Judicial Committee may refer any matter to the Registrar for inquiry and report, and for this purpose the Registrar may exercise the powers of the Judicial Committee in relation to the attendance and examination of witnesses and the production and inspection of documents.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers powers on the Judicial Committee of the Privy Council for the purposes of proceedings under the Scotland Act 1998, the Government of Wales Act 1998 and the Northern Ireland Act 1998.

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