
*Changes to legislation: There are currently no known outstanding effects
for the Northern Ireland Act 1998, Part II. (See end of Document for details)*

SCHEDULES

SCHEDULE 10

DEVOLUTION ISSUES

PART II

PROCEEDINGS IN NORTHERN IRELAND

Application of Part II

- 3 This Part of this Schedule applies in relation to devolution issues in proceedings in Northern Ireland.

Institution of proceedings

- 4 (1) Proceedings for the determination of a devolution issue may be instituted [^{F1}by the Advocate General for Northern Ireland] or the Attorney General for Northern Ireland.
- (2) The [^{F2}Attorney General for Northern Ireland] may defend any such proceedings [^{F3}instituted by the Advocate General for Northern Ireland] .
- (3) This paragraph is without prejudice to any power to institute or defend proceedings exercisable apart from this paragraph by any person.

Textual Amendments

- F1** Words in Sch. 10 para. 4(1) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 2(2)(a)**; S.R. 2010/113, art. 2, Sch. para. 19(a)
- F2** Words in Sch. 10 para. 4(2) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 2(2)(b)**; S.R. 2010/113, art. 2, **Sch. 19(a)**
- F3** Words in Sch. 10 para. 4(2) inserted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 2(2)(b)**; S.R. 2010/113, art. 2, Sch. para. 19(a)

Notice of devolution issue

- 5 A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the [^{F4}Advocate General for Northern Ireland and the Attorney General for Northern Ireland] (unless the person to whom the notice would be given is a party to the proceedings).

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Textual Amendments

- F4** Words in Sch. 10 para. 5 substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 2\(3\)](#); S.R. 2010/113, art. 2, Sch. para. 19(a)

- 6 A person to whom notice is given in pursuance of paragraph 5 ^{F5}... may take part as a party in the proceedings, so far as they relate to a devolution issue.

Textual Amendments

- F5** Words in Sch. 10 para. 6 repealed (1.3.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 13](#); S.R. 2010/52, art. 2(e)

Reference of devolution issue to Court of Appeal

- 7 A court, other than the [^{F6}Supreme Court] or the Court of Appeal in Northern Ireland, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.

Textual Amendments

- F6** Words in Sch. 10 para. 7 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(2\)](#); S.I. 2009/1604, art. 2(a)(d)

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

References from Court of Appeal to [^{F7}Supreme Court]

Textual Amendments

- F7** Words in Sch. 10 cross-heading preceding para. 9 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(3\)](#); S.I. 2009/1604, art. 2(a)(d)

- 9 The Court of Appeal in Northern Ireland may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 7 or 8) to the [^{F8}Supreme Court] .

Textual Amendments

- F8** Words in Sch. 10 para. 9 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(4\)](#); S.I. 2009/1604, art. 2(a)(d)

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Appeals from Court of Appeal to [^{F9}Supreme Court]

Textual Amendments

F9 Words in Sch. 10 cross-heading preceding para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(5\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

- 10 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 7 or 8 shall lie to the [^{F10}Supreme Court], but only with [^{F11}permission] of the Court of Appeal in Northern Ireland or, failing such [^{F11}permission], with [^{F12}permission] of the [^{F10}Supreme Court].

Textual Amendments

- F10** Words in Sch. 10 para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(6\)\(a\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)
- F11** Words in Sch. 10 para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(6\)\(b\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)
- F12** Words in Sch. 10 para. 10 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 115\(6\)\(c\)](#); S.I. 2009/1604, [art. 2\(a\)\(d\)](#)

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