

SCHEDULES

SCHEDULE 9

DEVOLUTION ISSUES

PART 2

PROCEEDINGS IN ENGLAND AND WALES

Application of Part 2

- 3 This Part 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 or the Counsel General.
- (2) The Counsel General may defend any such proceedings instituted by the Attorney General.
- (3) This paragraph does not limit any power to institute or defend proceedings exercisable apart from this paragraph by any person.

Notice of devolution issue

- 5 (1) A court or tribunal must order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General and the Counsel General (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.
- 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 Supreme Court, or
 - (b) to the High Court if the devolution issue arises in proceedings on a reference under paragraph 6.

Status: This is the original version (as it was originally enacted).

- 8 A tribunal from which there is no appeal must 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 Supreme Court, 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 Supreme Court

- 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 Supreme Court.

Appeals from superior courts to Supreme Court

- 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 lies to the Supreme Court but only—
- (a) with permission of the court from which the appeal lies, or
 - (b) failing such permission, with permission of the Supreme Court.