

SCHEDULES

SCHEDULE 8

DEVOLUTION ISSUES

PART II

PROCEEDINGS IN ENGLAND AND WALES

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 House of Lords, or
 - (b) to the High Court if the devolution issue arises in proceedings on a reference under paragraph 6.
- 8 A tribunal from which there is no appeal shall 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 House of Lords, 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.