

## SCHEDULES

### SCHEDULE 8

#### DEVOLUTION ISSUES

#### PART II

##### PROCEEDINGS IN ENGLAND AND WALES

###### *Application of Part II*

- 3 This Part of this Schedule 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.
- (2) Sub-paragraph (1) does not limit any power to institute proceedings exercisable apart from that sub-paragraph by any person.

###### *Notice of devolution issue*

- 5 (1) A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General and the Assembly (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 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.

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*Status: This is the original version (as it was originally enacted).*

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- 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.

*References from Court of Appeal to Judicial Committee*

- 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 Judicial Committee.

*Appeals from superior courts to Judicial Committee*

- 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 shall lie to the Judicial Committee, but only—
- (a) with leave of the court concerned, or
  - (b) failing such leave, with special leave of the Judicial Committee.