

*Status: Point in time view as at 01/12/1998.*

*Changes to legislation: Government of Wales Act 1998, Cross Heading: The Judicial Committee is up to date with all changes known to be in force on or before 02 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

#### DEVOLUTION ISSUES

##### Commencement Information

**II** Sch. 8 in force at 1.12.1998 by S.I. 1998/2789, art. 2

#### PART V

##### GENERAL

##### *The Judicial Committee*

- 32 Any decision of the Judicial Committee in proceedings under this Schedule—
- (a) shall be stated in open court, and
  - (b) shall be binding in all legal proceedings (other than proceedings before the Judicial Committee).
- 33 No member of the Judicial Committee shall sit and act as a member of the Judicial Committee in proceedings under this Schedule unless he holds or has held—
- (a) the office of a Lord of Appeal in Ordinary, or
  - (b) high judicial office as defined in section 25 of the <sup>M1</sup>Appellate Jurisdiction Act 1876 (ignoring for this purpose section 5 of the <sup>M2</sup>Appellate Jurisdiction Act 1887).

##### Marginal Citations

**M1** 1876 c. 59.  
**M2** 1887 c. 70.

- 34 (1) Her Majesty may by Order in Council—
- (a) confer on the Judicial Committee in relation to proceedings under this Schedule such powers as appear to be appropriate,
  - (b) apply the <sup>M3</sup>Judicial Committee Act 1833 in relation to proceedings under this Schedule with exceptions and modifications, and
  - (c) make rules for regulating the procedure with respect to proceedings under this Schedule before the Judicial Committee.

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- (2) An Order in Council under this paragraph may contain any appropriate consequential, incidental, supplementary or transitional provisions or savings (including provisions in the form of amendments or repeals of enactments).
- (3) No recommendation shall be made to Her Majesty in Council to make an Order in Council under this paragraph which contains provisions in the form of amendments or repeals of enactments contained in an Act unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A statutory instrument containing an Order in Council which makes provision falling within sub-paragraph (1)(a) or (b) shall (unless a draft of it has been approved by a resolution of each House of Parliament) be subject to annulment in pursuance of a resolution of either House of Parliament.

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**Marginal Citations**

**M3** 1833 c. 41.

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