

*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998,  
Cross Heading: Appeals from superior courts to Supreme Court. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 6

#### DEVOLUTION ISSUES

#### PART II

#### PROCEEDINGS IN SCOTLAND

#### *Appeals from superior courts to <sup>F1</sup>Supreme Court]*

##### Textual Amendments

- F1** Words in heading before Sch. 6 para. 12 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 103\(6\); S.I. 2009/1604, art. 2](#)

- 12 An appeal against a determination of a devolution issue by the Inner House of the Court of Session on a reference under paragraph 7 or 8 shall lie to the [<sup>F2</sup>Supreme Court].

##### Textual Amendments

- F2** Words in Sch. 6 para. 12 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 103\(7\); S.I. 2009/1604, art. 2](#)

- 13 An appeal against a determination of a devolution issue by—
- (a) a court of two or more judges of the High Court of Justiciary (whether in the ordinary course of proceedings or on a reference under paragraph 9), or
  - (b) a court of three or more judges of the Court of Session from which there is no appeal to the [<sup>F3</sup>Supreme Court apart from this paragraph],
- shall lie to the [<sup>F4</sup>Supreme Court], but only with [<sup>F5</sup>permission] of the court [<sup>F6</sup>from which the appeal lies] or, failing such [<sup>F5</sup>permission], with [<sup>F7</sup>permission] of the [<sup>F4</sup>Supreme Court].

##### Textual Amendments

- F3** Words in Sch. 6 para. 13 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 103\(8\)\(a\); S.I. 2009/1604, art. 2](#)
- F4** Words in Sch. 6 para. 13 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 103\(8\)\(b\); S.I. 2009/1604, art. 2](#)
- F5** Words in Sch. 6 para. 13 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40\(4\), 148\(1\), Sch. 9 para. 103\(8\)\(c\); S.I. 2009/1604, art. 2](#)

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| <b>F6</b> | Words in Sch. 6 para. 13 substituted (1.10.2009) by <a href="#">Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 103(8)(d)</a> ; S.I. 2009/1604, <a href="#">art. 2</a> |
| <b>F7</b> | Words in Sch. 6 para. 13 substituted (1.10.2009) by <a href="#">Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 103(8)(e)</a> ; S.I. 2009/1604, <a href="#">art. 2</a> |

- [<sup>F8</sup>13A In criminal proceedings, an application to the High Court for permission under paragraph 13 must be made—
- (a) within 28 days of the date of the determination against which the appeal lies, or
  - (b) within such longer period as the High Court considers equitable having regard to all the circumstances.

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**Textual Amendments**

- F8** [Sch. 6 para. 13A-13B](#) inserted (22.4.2013) by [Scotland Act 2012 \(c. 11\), ss. 37, 44\(5\)](#); S.I. 2013/6, [art. 2\(d\)](#)

- 13B In criminal proceedings, an application to the Supreme Court for permission under paragraph 13 must be made—
- (a) within 28 days of the date on which the High Court refused permission under that paragraph, or
  - (b) within such longer period as the Supreme Court considers equitable having regard to all the circumstances.]

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**Textual Amendments**

- F8** [Sch. 6 para. 13A-13B](#) inserted (22.4.2013) by [Scotland Act 2012 \(c. 11\), ss. 37, 44\(5\)](#); S.I. 2013/6, [art. 2\(d\)](#)

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