

*Changes to legislation:* There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Reference of devolution issue to High Court or Court of Appeal. (See end of Document for details)

## SCHEDULES

### SCHEDULE 6 **U.K.**

#### DEVOLUTION ISSUES

#### **PART III** **U.K.**

##### PROCEEDINGS IN ENGLAND AND WALES

###### *Reference of devolution issue to High Court or Court of Appeal*

- 18 A magistrates' court may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the High Court.
- 19 (1) A court may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the Court of Appeal.
- (2) Sub-paragraph (1) does not apply to—
- (a) a magistrates' court, the Court of Appeal or the [<sup>F1</sup>Supreme Court], or
  - (b) the High Court if the devolution issue arises in proceedings on a reference under paragraph 18.

#### **Textual Amendments**

- F1** Words in Sch. 6 para. 19(2)(a) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 104(2); S.I. 2009/1604, art. 2

- 20 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.
- 21 A court, other than the [<sup>F2</sup>Supreme Court] or the Court of Appeal, 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).

#### **Textual Amendments**

- F2** Words in Sch. 6 para. 21 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 104(3); S.I. 2009/1604, art. 2

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