

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Northern Ireland Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 10

DEVOLUTION ISSUES

PART IV

PROCEEDINGS IN SCOTLAND

Reference of devolution issue to higher court

- 25 A court, other than the [^{F1}Supreme Court] or any court consisting of three or more judges of the Court of Session, may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the Inner House of the Court of Session.

Textual Amendments

- F1** Words in Sch. 10 para. 25 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 117\(2\); S.I. 2009/1604, art. 2\(a\)\(d\)](#)

- 26 A tribunal from which there is no appeal shall refer any devolution issue which arises in proceedings before it to the Inner House of the Court of Session; and any other tribunal may make such a reference.
- 27 A court, other than any court consisting of two or more judges of the High Court of Justiciary, may refer any devolution issue which arises in criminal proceedings before it to the High Court of Justiciary.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act amendment to earlier affecting provision 2022 c. 48, s. 1 by [2024 c. 2 s. 1](#)
- Act modified (cond.) by [2006 c. 17 Sch. 2 para. 2\(5\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 17 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 53 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk to legislation.gov.uk. It is a conditional amendment that was never brought into force. Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by 2007 c. 4, s. 1(1)), Sch. 4 para. 3 (with s. 1(3)); S.I. 2007/1397, art. 2)
- s. 31(2E) inserted (cond.) by [2006 c. 17 Sch. 3 para. 3\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- Sch. 2 para. 9B inserted by [2009 c. 8 s. 27](#) (This amendment not applied to legislation.gov.uk. The amending provision was repealed (16.2.2011) without ever being in force by 2010 c. 36, ss. 2(1), 4(2))