

## SCHEDULES

### SCHEDULE 9

#### AMENDMENTS RELATING TO JURISDICTION OF THE SUPREME COURT

##### PART 2

##### DEVOLUTION JURISDICTION

###### *Legal Aid (Scotland) Act 1986 (c. 47)*

- 85 (1) The Legal Aid (Scotland) Act 1986 is amended as follows.
- (2) In section 21(1)(c) (scope and nature of criminal legal aid), for “Judicial Committee of the Privy Council” substitute “Supreme Court”.
- (3) In section 25AB (legal aid in references, appeals or applications for special leave to appeal), in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “Supreme Court”.
- (4) In Part 1 of Schedule 2 (courts in which civil legal aid is available), in paragraph 1 for “Judicial Committee of the Privy Council” substitute “Supreme Court”.

###### *Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 86 In section 288B of the Criminal Procedure (Scotland) Act 1995 (appeal against a determination of a devolution issue)—
- (a) in the sidenote and in subsection (1), for “Judicial Committee of the Privy Council” substitute “Supreme Court”; and
- (b) in subsection (3), for “Judicial Committee” substitute “Supreme Court”.

###### *Government of Wales Act 1998 (c. 38)*

- 87 The Government of Wales Act 1998 is amended as follows.
- 88 In Part 1 of Schedule 8 (devolution issues: preliminary) omit paragraph 1(2)(a) (definition of “the Judicial Committee”).
- 89 (1) Part 2 of Schedule 8 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 7 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”.
- (3) In paragraph 9 (reference in criminal proceedings) for “House of Lords” substitute “Supreme Court”.

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- (4) In the heading before paragraph 10 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (5) In paragraph 10 for “Judicial Committee” substitute “Supreme Court”.
  - (6) In the heading before paragraph 11 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (7) In paragraph 11—
    - (a) for “Judicial Committee” in each place substitute “Supreme Court”;
    - (b) for “leave” in the first two places substitute “permission”;
    - (c) for “concerned” substitute “from which the appeal lies”;
    - (d) for “special leave” substitute “permission”.
- 90 (1) Part 3 of Schedule 8 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 15 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”.
  - (3) In the heading before paragraph 18 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (4) In paragraph 18 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.
  - (5) In paragraph 19 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”.
  - (6) In the heading before paragraph 20 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (7) In paragraph 20 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”.
  - (8) In paragraph 21 (other appeals from superior courts)—
    - (a) for “House of Lords” substitute “Supreme Court apart from this paragraph”;
    - (b) for “Judicial Committee” in each place substitute “Supreme Court”;
    - (c) for “leave” in the first two places substitute “permission”;
    - (d) for “concerned” substitute “from which the appeal lies”;
    - (e) for “special leave” substitute “permission”.
- 91 (1) Part 4 of Schedule 8 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 25 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”.
  - (3) In the heading before paragraph 27 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (4) In paragraph 27 for “Judicial Committee” substitute “Supreme Court”.
  - (5) In the heading before paragraph 28 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (6) In paragraph 28—

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- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
  - (b) for “leave” in the first two places substitute “permission”;
  - (c) for “special leave” substitute “permission”.
- 92 (1) Part 5 of Schedule 8 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 29 (proceedings in the House of Lords) and the heading before it.
  - (3) In the heading before paragraph 30 (direct references to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (4) In paragraph 30 (law officer requiring court or Assembly to refer devolution issue), in sub-paragraph (1) for “Judicial Committee” substitute “Supreme Court”.
  - (5) In paragraph 31 (Attorney General or Assembly referring devolution issue), in sub-paragraph (1) for “Judicial Committee” substitute “Supreme Court”.
  - (6) Omit paragraphs 32 to 34 (proceedings before the Judicial Committee) and the heading before paragraph 32.

*Scotland Act 1998 (c. 46)*

- 93 The Scotland Act 1998 is amended as follows.
- 94 In section 15 (disqualification from membership of the Parliament) in subsection (1) omit paragraph (c).
- 95 In section 32 (submission of Bills for Royal Assent)—
- (a) in subsection (2)(b) for “Judicial Committee” substitute “Supreme Court”;
  - (b) in subsection (3)(a) for “Judicial Committee have” substitute “Supreme Court has”;
  - (c) in subsection (4) omit the definition of “Judicial Committee”.
- 96 (1) In the sidenote to section 33 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (2) In subsection (1) of that section for “Judicial Committee” substitute “Supreme Court”.
- 97 In section 34 (ECJ references), in subsection (1)(b) for “Judicial Committee” substitute “Supreme Court”.
- 98 In section 35 (power of Secretary of State to intervene in certain cases), in subsection (3)(c) for “Judicial Committee” substitute “Supreme Court”.
- 99 In section 36 (stages of Bills), in subsection (4) for “Judicial Committee decide” substitute “Supreme Court decides”.
- 100 In section 95 (appointment and removal of judges)—
- (a) for subsection (9)(b) substitute—
    - “(b) for the appointment to chair the tribunal of a member of the Judicial Committee of the Privy Council who holds or has held high judicial office.”;
  - (b) in subsection (11), before the definition of “provision” insert—
    - ““high judicial office” has the meaning given by section 60 of the Constitutional Reform Act 2005.”.

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- 101 Omit section 103 (proceedings before the Judicial Committee).
- 102 In section 127 (index of defined expressions) omit the entry for “Judicial Committee”.
- 103 (1) Part 2 of Schedule 6 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 7 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”.
- (3) In the heading before paragraph 10 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (4) In paragraph 10 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 11 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”.
- (6) In the heading before paragraph 12 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (7) In paragraph 12 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”.
- (8) In paragraph 13 (other appeals from superior courts)—
- (a) for “House of Lords” substitute “Supreme Court apart from this paragraph”;
- (b) for “Judicial Committee” in each place substitute “Supreme Court”;
- (c) for “leave” in the first two places substitute “permission”;
- (d) for “concerned” substitute “from which the appeal lies”;
- (e) for “special leave” substitute “permission”.
- 104 (1) Part 3 of Schedule 6 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 19 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”.
- (3) In paragraph 21 (reference in criminal proceedings), for “House of Lords” substitute “Supreme Court”.
- (4) In the heading before paragraph 22 (references from Court of Appeal to Judicial Committee), for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 22, for “Judicial Committee” substitute “Supreme Court”.
- (6) In the heading before paragraph 23 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (7) In paragraph 23—
- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
- (b) for “leave” in the first two places substitute “permission”;
- (c) for “special leave” substitute “permission”.
- 105 (1) Part 4 of Schedule 6 (proceedings in Northern Ireland on devolution issues) is amended as follows.

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- (2) In paragraph 28 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”.
  - (3) In the heading before paragraph 30 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (4) In paragraph 30 for “Judicial Committee” substitute “Supreme Court”.
  - (5) In the heading before paragraph 31 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (6) In paragraph 31—
    - (a) for “Judicial Committee” in each place substitute “Supreme Court”;
    - (b) for “leave” in the first two places substitute “permission”;
    - (c) for “special leave” substitute “permission”.
- 106 (1) Part 5 of Schedule 6 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.
  - (3) In the heading before paragraph 33 (direct references to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (4) In paragraph 33 (law officer requiring court to refer devolution issue) for “Judicial Committee” substitute “Supreme Court”.
  - (5) In paragraph 34 (law officer referring devolution issues) for “Judicial Committee” substitute “Supreme Court”.
- 107 In Schedule 7 (procedure for subordinate legislation), in the table under paragraph 1(2) omit the entry relating to section 103(3)(a) and (b).

*Northern Ireland Act 1998 (c. 47)*

- 108 The Northern Ireland Act 1998 is amended as follows.
- 109 (1) In the sidenote to section 11 (scrutiny of Bills by the Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (2) In subsection (1) of that section for “Judicial Committee” substitute “Supreme Court”.
  - (3) In subsection (4) of that section—
    - (a) for “Judicial Committee decide” substitute “Supreme Court decides”;
    - (b) for “their decision” substitute “its decision”.
- 110 In section 12 (reconsideration where reference made to ECJ), in subsection (1)(b) for “Judicial Committee” substitute “Supreme Court”.
- 111 In section 13 (stages of Bills), in subsection (5)(a) for “Judicial Committee decide” substitute “Supreme Court decides”.
- 112 In section 14 (submission by Secretary of State of Bills for Royal Assent)—
  - (a) in subsection (2)(b) for “Judicial Committee” substitute “Supreme Court”;
  - (b) in subsection (3)(a) for “Judicial Committee have” substitute “Supreme Court has”.
- 113 Omit section 82 (proceedings before the Judicial Committee).

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- 114 In section 98 (interpretation), in subsection (1) omit the entry for “Judicial Committee”.
- 115 (1) Part 2 of Schedule 10 (proceedings in Northern Ireland on devolution issues) is amended as follows.
- (2) In paragraph 7 (reference to Court of Appeal) for “House of Lords” substitute “Supreme Court”.
- (3) In the heading before paragraph 9 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (4) In paragraph 9 for “Judicial Committee” substitute “Supreme Court”.
- (5) In the heading before paragraph 10 (appeals from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (6) In paragraph 10—
- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
- (b) for “leave” in the first two places substitute “permission”;
- (c) for “special leave” substitute “permission”.
- 116 (1) Part 3 of Schedule 10 (proceedings in England and Wales on devolution issues) is amended as follows.
- (2) In paragraph 16 (reference in civil proceedings), in sub-paragraph (2)(a) for “House of Lords” substitute “Supreme Court”.
- (3) In paragraph 18 (reference in criminal proceedings) for “House of Lords” substitute “Supreme Court”.
- (4) In the heading before paragraph 19 (references from Court of Appeal to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 19 for “Judicial Committee” substitute “Supreme Court”.
- (6) In the heading before paragraph 20 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (7) In paragraph 20—
- (a) for “Judicial Committee” in each place substitute “Supreme Court”;
- (b) for “leave” in the first two places substitute “permission”;
- (c) for “special leave” substitute “permission”.
- 117 (1) Part 4 of Schedule 10 (proceedings in Scotland on devolution issues) is amended as follows.
- (2) In paragraph 25 (references to Inner House of Court of Session) for “House of Lords” substitute “Supreme Court”.
- (3) In the heading before paragraph 28 (references from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
- (4) In paragraph 28 (references from Court of Session) for “Judicial Committee” substitute “Supreme Court”.
- (5) In paragraph 29 (references from High Court of Justiciary) for “Judicial Committee” substitute “Supreme Court”.

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- (6) In the heading before paragraph 30 (appeals from superior courts to Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (7) In paragraph 30 (appeal from Inner House of Court of Session) for “Judicial Committee” substitute “Supreme Court”.
  - (8) In paragraph 31 (appeal from other superior courts)—
    - (a) for “House of Lords” substitute “Supreme Court apart from this paragraph”;
    - (b) for “Judicial Committee” in each place substitute “Supreme Court”;
    - (c) for “leave” in the first two places substitute “permission”;
    - (d) for “special leave” substitute “permission”.
- 118 (1) Part 5 of Schedule 10 (devolution issues: general) is amended as follows.
- (2) Omit paragraph 32 (proceedings in the House of Lords) and the heading before it.
  - (3) In the heading before paragraph 33 (direct references to the Judicial Committee) for “Judicial Committee” substitute “Supreme Court”.
  - (4) In paragraph 33 (law officers etc requiring court to refer devolution issue) for “Judicial Committee” substitute “Supreme Court”.
  - (5) In paragraph 34 (law officers etc referring devolution issue) for “Judicial Committee” substitute “Supreme Court”.
  - (6) In paragraph 39 (bail and legal aid in criminal proceedings), in sub-paragraphs (2) to (4)—
    - (a) for “Court” in each place substitute “Court of Appeal”;
    - (b) for “Judicial Committee” and “Committee” substitute “Supreme Court”.
- 119 In paragraph 40 (application of paragraph 39 in particular circumstances), in sub-paragraphs (a) and (b)—
- (a) for “Judicial Committee” and “Committee” in each place substitute “Supreme Court”;
  - (b) for “Court” substitute “Court of Appeal”.