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STATUTORY INSTRUMENTS

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**1999 No. 1750**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Transfer of Functions  
to the Scottish Ministers etc.) Order 1999**

*Made - - - - 22nd June 1999*

*Coming into force in accordance with article 1(1)*

At the Court at Windsor Castle, the 22nd day of June 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 63, 113 and 124(2) of the Scotland Act 1998(1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 and shall come into force on the principal appointed day(2)

(2) In this Order, “the 1998 Act” means the Scotland Act 1998 and any reference to a numbered section (except any such reference in any of the Schedules to this Order) shall be read as a reference to the section bearing that number in the 1998 Act.

(3) In Schedules 1 to 3 to this Order, except where the context requires otherwise—

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(1) 1998 c. 46.

(2) Article 3 of the Scotland Act 1998 (Commencement) Order 1998 (S.I. 1998/3178) appoints 1st July 1999 as the principal appointed day for the purposes of the 1998 Act.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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

- (a) any reference in an entry in column 2 to a numbered section or Schedule shall be read as a reference to the section or Schedule bearing that number in the Act to which the entry relates; and
- (b) any expression used in an entry in that column which is defined in the enactment to which the entry relates shall bear the meaning in that enactment.

(4) A reference in article 2, 3 or 5 to a function so far as it is exercisable by a Minister of the Crown in or as regards Scotland is, if the function is treated by virtue of section 106 (power to adapt functions) as exercisable in or as regards Scotland to any extent, a reference to the function only so far as it is exercisable to that extent.

**Commencement Information**

**I1** Art. 1 in force at 1.7.1999, see [art. 1\(1\)](#)

**Transfer of statutory functions to the Scottish Ministers**

2. The functions which are conferred on a Minister of the Crown by the enactments specified in column 1 of Schedule 1 to this Order shall—

- (a) so far as they are exercisable by him in or as regards Scotland; and
- (b) subject to any restriction or requirement in the corresponding entry in column 2 of that Schedule,

be exercisable by the Scottish Ministers instead of by the Minister of the Crown.

**Commencement Information**

**I2** Art. 2 in force at 1.7.1999, see [art. 1\(1\)](#)

**Functions shared by the Scottish Ministers and a Minister of the Crown**

3. The functions which are conferred on a Minister of the Crown by the enactments specified in column 1 of Schedule 2 to this Order shall—

- (a) so far as they are exercisable by him in or as regards Scotland; and
- (b) subject to any restriction or requirement in the corresponding entry in column 2 of that Schedule,

be exercisable by the Scottish Ministers concurrently with the Minister concerned.

**Commencement Information**

**I3** Art. 3 in force at 1.7.1999, see [art. 1\(1\)](#)

**Functions exercisable with agreement of, or after consultation with, the Scottish Ministers**

4. The functions which are conferred on a Minister of the Crown by the enactments specified in column 1 of Schedule 3 to this Order shall—

- (a) so far as they are exercisable by him in or as regards Scotland; and
- (b) subject to any restrictions in the corresponding entry in column 2 of that Schedule,

be exercisable by him subject to the requirements as to agreement or consultation which are set out in the corresponding entry in column 2 of the Schedule.

**Commencement Information**

**I4** Art. 4 in force at 1.7.1999, see [art. 1\(1\)](#)

**Transfer of non-statutory functions to the Scottish Ministers**

**5.** The functions described in Schedule 4 to this Order shall, so far as they are exercisable by a Minister of the Crown in or as regards Scotland, be exercisable by the Scottish Ministers instead of by the Minister of the Crown.

**Commencement Information**

**I5** Art. 5 in force at 1.7.1999, see [art. 1\(1\)](#)

**Modifications of enactments**

**6.—(1)** Schedule 5 to this Order (modifications of enactments) shall have effect.

**(2)** Subject to the modifications set out in Schedule 5—

- (a)** sections 94, 117 and 118 shall apply in relation to the exercise of functions by the Scottish Ministers by virtue of articles 2, 3 or 5 of this Order as they apply in relation to the exercise of functions by the Scottish Ministers within devolved competence; and
- (b)** sections 119 to 121 shall apply in relation to functions exercisable by the Scottish Ministers by virtue of those articles as they apply in relation to functions of the Scottish Ministers exercisable within devolved competence,

and as if any reference in those sections to a pre-commencement enactment were to any enactment.

**(3)** Any reference in any enactment or prerogative instrument or in any other instrument or document—

- (a)** to government departments; or
- (b)** to, or to any part or officer of, any government department,

(however described) is to be read, so far as the effect of this Order makes it necessary or expedient to do so, as including or being a reference to, or to any corresponding part or member of the staff of, the Scottish Administration.

**Commencement Information**

**I6** Art. 6 in force at 1.7.1999, see [art. 1\(1\)](#)

**Transitional and saving provision**

**7.—(1)** The transfer, by virtue of this Order, of any function exercisable by a Minister of the Crown to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done) by or in relation to a Minister of the Crown before the date on which the transfer takes effect.

**(2)** Anything (including legal proceedings) which, at the time when that transfer takes effect, is in the process of being done by or in relation to a Minister of the Crown may, so far as it relates to any function transferred, be continued by or in relation to the Scottish Ministers.

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(3) Anything done (or having effect as if done) by or in relation to a Minister of the Crown for the purposes of or in connection with any function transferred to the Scottish Ministers by virtue of this Order shall, if in force at the time when that transfer takes effect, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.

(4) Despite the transfer to the Scottish Ministers of functions by virtue of this Order, any function of a Minister of the Crown in relation to any matter shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the European Communities Act 1972(3)

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**Commencement Information**

**I7** Art. 7 in force at 1.7.1999, see [art. 1\(1\)](#)

*A. K. Galloway*  
Clerk of the Privy Council

## SCHEDULE 1

Article 2

ENACTMENTS CONFERRING FUNCTIONS  
TRANSFERRED TO THE SCOTTISH MINISTERS

**Commencement Information**

**I8** Sch. 1 in force at 1.7.1999, see [art. 1\(1\)](#)

## PUBLIC GENERAL ACTS

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Small Landholders (Scotland) Act 1911 (c. 49), section 4.	Only so far as the functions are exercisable in relation to matters which are reserved by virtue of Section F3 (occupational and personal pensions) of Schedule 5 to the 1998 Act.
The Pensions Appeal Tribunals Act 1943 (c. 39), paragraph 2 of the Schedule.	Functions of paying and determining remuneration only.
The Fire Services Act 1947 (c. 41), sections 26 and 27A(4)	
The Wireless Telegraphy Act 1949 (c. 54), section 5(b)(5)	Only so far as the function is exercisable for the purpose of preventing or detecting serious crime.
The Pharmacy Act 1954 (c. 61), Schedule 1C, paragraph 3(4)(b)(6)	Functions of the Secretary of State only.
The Pipe-lines Act 1962 (c. 58), sections 1, 4, 5, 9, 9A, 10, 11, 12, 13 (except subsection (7)), 15, 26A, 35, 36, 38, 39(2), 43 and 44 and Schedules 1 and 2 (except paragraph 8)(7)	
The Betting, Gaming and Lotteries Act 1963 (c. 2), section 29(2)(b) and (4) and Schedule 1, paragraph 20(1A)(8)	
The Nuclear Installations Act 1965 (c. 57)(9)	

(4) Section 27A was inserted by the Police and Firemen's Pensions Act 1997 (c. 52), section 3.

(5) Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of the Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999 (S.I. 1999/1748).

(6) Function transferred from Lord Advocate to Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678); Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. Schedule 1C was inserted by the Pharmacists (Fitness to Practice) Act 1997 (c. 19), Schedule, paragraph 4.

(7) The functions under these enactments were modified by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756). Section 26A was inserted by the Petroleum Act 1987 (c. 12), section 26(1); section 9A was inserted, and sections 1, 4, 5, 9, 10, 12, 35, 36 and 43 and Schedule 1 amended, by S.I. 1999/742; the functions of the Minister of Power under the Act were transferred to the Minister of Technology by S.I. 1969/1498 and to the Secretary of State by S.I. 1970/1537.

(8) Paragraph 20(1A) was inserted by the Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25).

(9) Section 2 was amended by the Atomic Energy Authority Act 1971 (c. 11), section 17; section 6(1) was amended by S.I. 1974/2056; sections 19(1) and 20(1) were amended by the Energy Act 1983 (c. 25), section 27.

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
(a) (a) section 2;	Functions of “the Minister” only.
(b) (b) sections 6 and 17(1) and (4);	
(c) (c) section 19(1), (3) and (4);	The requirement in section 19(1) for the consent of the Treasury will continue to apply.
(d) (d) section 20; and	
(e) (e) section 23.	Functions of “the Minister” only.
The Local Government (Scotland) Act 1966 (c. 51), section 42(2).	Only so far as the function is exercisable in relation to the enactments mentioned in paragraph 26(10) of Part II of Schedule 4.
The Superannuation (Miscellaneous Provisions) Act 1967 (c. 28), section 7.	The functions to direct under section 7(1) and (2) shall be exercised with the consent of the Treasury.
The Police (Scotland) Act 1967 (c. 77)–	
(a) (a) section 26; and	Only so far as the function is exercisable in relation to the matter specified in section 26(2) (k).
(b) (b) section 27.	Only so far as the function is exercisable in relation to matters which are reserved by virtue of Section F3 (occupational and personal pensions) of Schedule 5 to the 1998 Act.
The Abortion Act 1967 (c. 87), sections 1(3) and 2.	
The Firearms Act 1968 (c. 27), sections 5 and 12(2).	
The Gaming Act 1968 (c. 65)–	
(a) sections 22(3) and (4); and	
(b) (b) section 48(5)(11).	Only so far as the function is exercisable in relation to sub-sections (3)(a) to (c), (h) and (i) and (4) of section 48.
The Medicines Act 1968 (c. 67), section 109.	
The Taxes Management Act 1970 (c. 9)–	
(a) sections 2(3)(12), 2(6)(13) and 3(4); and	
(b) (b) sections 4(1) and (4), 4A(1), 46A(1) and 56B(1)(14).	Functions of the Secretary of State only.

(10) Paragraph 26 was repealed in part by the Lotteries Act 1975 (c. 58), section 20(3) and (4) and Schedules 4 and 5 and by the Lotteries and Amusements Act 1976 (c. 32), sections 25(3) and Schedule 5.

(11) Section 48(5) was amended by the Gaming (Amendment) Act 1990 (c. 26), section 1 and the Schedule.

(12) Section 2(3) was amended and repealed in part by the Finance Act 1975 (c. 7), sections 57 and 59(5) and Schedule 13.

(13) Section 2(6) was repealed in part by the Finance Act 1988 (c. 39) section 148 and Schedule 14.

(14) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. Sections 4 and 4A were substituted by the Finance Act 1984 (c. 43), Schedule 22, and amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 6, paragraph 36. Section 4 was further amended by Schedule 8 to that Act and by the Courts and Legal

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Misuse of Drugs Act 1971 (c. 38), Schedule 3, paragraphs 1(1)(b), 4, 13(1)(b) and 17.	
The Immigration Act 1971 (c. 77)– (a) Schedule 2, paragraph 1(2); and (b) (b) Schedule 2, paragraph 1(3).	Only the function of giving instructions to medical inspectors.
The Superannuation Act 1972 (c. 11), sections 7, 8, 9, 10, 11(2), 12, 15(5), 16 and 24.	The requirements in sections 9(1) and 10(1) for consent of the Treasury will continue to apply.
The Industry Act 1975 (c. 68), Schedule 3, paragraph 24(15).	
The Lotteries and Amusements Act 1976 (c. 32), sections 7(4), 18(1)(d) and (f).	
The Police Pensions Act 1976 (c. 35), sections 1, 2, 3, 4, 5, 6, 7, 8 and 8A(16).	
The Race Relations Act 1976 (c. 74), sections 19(5) and 57(5).	
The Aircraft and Shipbuilding Industries Act 1977 (c. 3), Schedule 7, paragraph 10(17).	
The Insurance Brokers (Registration) Act 1977 (c. 46), section 20(18).	Functions of the Secretary of State only.
The National Heritage Act 1980 (c. 17), section 9(1) to (6), as read with section 9(8) and (9)(a), (b) and (c)(19), and sections 16(20) and 16A(21).	
The Education (Scotland) Act 1980 (c. 44), section 70 as applied by the Race Relations Act 1976 (c. 74), section 19(3)(22).	
The Civil Aviation Act 1982 (c. 16) sections 38(2), 42(1), 50(2), 78, 79(1), 80 and 88(10) and (11).	

Services Act 1990 (c. 41), Schedule 10, paragraph 30. Sections 46A and 56B were inserted by the Finance (No.2) Act 1992 (c. 48), Schedule 16, paragraphs 3 and 4. They are applied, with modifications, by the Schedule to the Stamp Duty Reserve Tax Regulations 1986 (S.I. 1986/1711).

- (15) Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678.  
(16) Section 8A was inserted by the Police and Firemen's Pensions Act 1997 (c. 52), section 2.  
(17) Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678.  
(18) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678; section 20 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 41.  
(19) The function under this section was modified by S.I. 1999/1756, which added subsections (8) and (9).  
(20) Section 16 was amended by the Museums and Galleries Act 1992 (c. 44), section 10(1). The function under this section was modified by S.I. 1999/1756.  
(21) Section 16A was inserted by the Museums and Galleries Act 1992, section 10(2). The function under this section was modified by S.I. 1999/1756.  
(22) Section 19(3) of the Race Relations Act 1976 was amended by the Education (Scotland) Act 1980 (c. 44), Schedule 4, paragraph 14.

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Civic Government (Scotland) Act 1982 (c. 45), section 20(23).	
The Medical Act 1983 (c. 54), Schedule 4, paragraph 7(24).	
The Road Traffic Regulation Act 1984 (c. 27)	
(a) (a) sections 14(1), (2), (3) and (5), 15(2), (3), (5), (6) and (7), and 16(2) and (2A)(25);	Only so far as the functions are exercisable in relation to the imposition of speed limits.
(b) (b) section 17(2) and (5);	Only the function of making regulations with respect to any particular special road.
(c) (c) section 28(4)(a);	Only the function of giving authorisation for the use of signs of a description not prescribed by regulations under section 28(4)(a).
(d) (d) section 64(1)(b) and (2);	
(e) (e) section 65(1);	Only the function of giving directions other than general directions.
(f) (f) section 65(2) and (3A)(b)(ii)(26);	
(g) (g) sections 69(1), (2) and (3), 70(1), 71(1), 79(1), 82(1)(b), (2) and (3), 83(1) and 84(1), (1A) and (1B)(27);	
(h) (h) section 85(1) and (3);	
(i) (i) section 85(2); and	Only the function of giving directions other than general directions.
(j) (j) Schedule 9, Part I, paragraphs 1, 3(1), 4, 7, 8 and 9, Part II, paragraphs 13, 15, 16(1) and (2) and 17 and Part III, paragraphs 21, 24 and 26(1) and (2).	
The Data Protection Act 1984 (c. 35), section 3(3)(a) and (b)(28).	Functions of the Secretary of State only.

(23) Section 20 was amended by the Transport Act 1985 (c. 67), Schedule 7, paragraph 23(3) and the Disability Discrimination Act 1995 (c. 50), section 39(3).

(24) Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Paragraph 7 of Schedule 4 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 53 and the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 21.

(25) Section 16(2) and (2A) was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c. 26), section 1(2).

(26) Subsection 3A was inserted by the Local Government and Housing Act 1989 (c. 42) section 153(1).

(27) Subsections (1), (1A) and (1B) were substituted by the Road Traffic Act 1991 (c. 40) section 45.

(28) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. The whole Act is repealed (prospectively) by the Data Protection Act 1998 (c. 29), Schedule 16, Part I.



<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Inheritance Tax Act 1984 (c. 51), section 230 <b>(29)</b> .	
The Cinemas Act 1985 (c. 13), section 6(6) and (7).	
The Interception of Communications Act 1985 (c. 56) <b>(30)</b> —	
(a) (a) section 2; and	Only so far as the function is exercisable for the purpose of preventing or detecting serious crime.
(b) (b) sections 4(3) and (4), 5(1)(a) and (2) and 6(1).	Only so far as the functions are exercisable in relation to a warrant issued under section 2 by the Scottish Ministers by virtue of this Order.
The Transport Act 1985 (c. 67)—	
(a) section 19(7); and	
(b) (b) Schedule 4, paragraph 15 <b>(31)</b> .	Functions of the Secretary of State only.
The Airports Act 1986 (c. 32) sections 37(5), 65(2) and (6) and 68(1).	
The Building Societies Act 1986 (c. 53), section 47(2)(a) <b>(32)</b> .	Functions of the Secretary of State only.
The Financial Services Act 1986 (c. 60), section 96(2)(a) <b>(33)</b> .	Functions of the Secretary of State only.
The Banking Act 1987 (c. 22)—	
(a) (a) section 28(2)(a) <b>(34)</b> ; and	Functions of the Secretary of State only.
(b) (b) section 30(4).	
The Income and Corporation Taxes Act 1988 (c. 1), sections 79(4) and 79(8).	
The Multilateral Investment Guarantee Agency Act 1988 (c. 8), section 6 <b>(35)</b> .	
The Firearms (Amendment) Act 1988 (c. 45), sections 15 <b>(36)</b> and 19 and the Schedule (other than paragraph 3(1)(a)).	

**(29)** The function under this enactment was modified by S.I. 1999/1756.

**(30)** Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

**(31)** Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. Paragraph 15 of Schedule 4 was amended by S.I. 1989/495.

**(32)** Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

**(33)** Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

**(34)** Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

**(35)** Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678. The text of section 6 as applicable to Scotland appears in section 7(g).

**(36)** Section 15 was substituted by the Firearms (Amendment) Act 1997 (c. 5), section 45(1).

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Copyright, Designs and Patents Act 1988 (c. 48), sections 145(2) and 150(1)(37).	Functions of being consulted by the Lord Chancellor only.
The Road Traffic Act 1988 (c. 52), sections 13(2), 13A(1)(38), 27(6) and 31(2).	
The Official Secrets Act 1989 (c. 6), sections 7(5), 8(9) and 12.	
The Electricity Act 1989 (c. 29)–	
(a) section 2(2)(b) and (3)(a);	
(b) (b) section 3;	Only so far as the functions are exercisable in relation to functions exercisable by the Scottish Ministers.
(c) (c) sections 32(1) and (9), 33, 34, 35, 36, 37, 39(1)(a) and 58;	
(d) (d) section 60;	Only so far as the functions are exercisable in relation to regulations made by the Scottish Ministers.
(e) (e) section 61;	
(f) (f) Schedule 3, Part I;	
(g) (g) Schedule 3, Part III, paragraphs 15, 16, 17 and 20, including paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) as applied by those provisions;	
(h) (h) Schedule 4, paragraphs 6, 8, 9 and 10(4)(b);	
(i) (i) Schedule 5;	
(j) (j) Schedule 8; and	
(k) (k) Schedule 9, paragraphs 3 and 5.	
The Extradition Act 1989 (c. 33)–	
(a) sections 6(1) to (4) and (6) and (7);	
(b) (b) section 7(1)(39); and	Only the function of issuing an authority to proceed.
(c) (c) sections 7(4), 8(4), 9(5)(40), 11(1), 12, 13(1) and (4), 16(5) and 20(2).	

(37) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(38) Section 13A was inserted by the Road Traffic Act 1991 (c. 40), section 5.

(39) Section 7(1) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 37.

(40) Sections 7, 8 and 9 were amended by the Criminal Justice and Public Order Act 1994, section 158.

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Human Fertilisation and Embryology Act 1990 (c. 37), section 30(9).	
The Broadcasting Act 1990 (c. 42), section 183.	
The Child Support Act 1991 (c. 48)–	
(a) (a) sections 22(3), 24(9), 25(6) and 45(1) and (6) and Schedule 4, paragraph 7(41); and	Functions of the Secretary of State only.
(b) (b) Schedule 4, paragraph 2A(42).	Functions of paying allowances only.
The Social Security Administration Act 1992 (c. 5), sections 51(1), 52(3) and 189(10) and Schedule 2, paragraph 1(5)(43).	Functions of the Secretary of State only.
The Friendly Societies Act 1992 (c. 40)–	
(a) (a) section 59(2)(a)(44); and	Functions of the Secretary of State only.
(b) (b) section 60(4).	
The Finance (No.2) Act 1992 (c. 48), section 75(1)(45).	Functions of the Secretary of State only.
The Tribunals and Inquiries Act 1992 (c. 53), sections 9, 10(7) and (8), 13 and 16(2)(46).	
The National Lottery etc. Act 1993 (c. 39)–	
(a) (a) section 26(1) and (2) as read with section 26A(2)(b), section 26(3), (3A) and (4) as read with section 26A(1)(a)(47), section 29(1), (3), (4) and (5) as read with section 29(6)(c) and (d)(48), sections 35(3)(49) and 43B(1) and section 43C(1) as read with section 43CC(2)(b)(50);	The functions shall be exercisable only with the agreement of the Secretary of State.

(41) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(42) Paragraph 2A was inserted by the Child Support Act 1995 (c. 34), Schedule 3, paragraph 18(1) and amended (prospectively) by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 51.

(43) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. Paragraph 1(5) of Schedule 2 was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 6, paragraph 21(4). Sections 51, 52 and 189(10) and Schedule 2 are repealed (prospectively) by the Social Security Act 1998 (c. 14), Schedule 8.

(44) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(45) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(46) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Section 13 was amended by the Pensions Act 1995 (c. 26), Schedule 7, Part III.

(47) The functions under section 26 were modified by S.I. 1999/1756, which inserted section 26A. Section 26(3A) was inserted by the National Lottery Act 1998, section 11(2).

(48) The functions under section 29 were modified by S.I. 1999/1756, which added subsection (6).

(49) The function under this enactment was modified by S.I. 1999/1756.

(50) Sections 43B and 43C were inserted by the National Lottery Act 1998, section 7(2). The function under section 43C(1) was modified by S.I. 1999/1756, which inserted section 43CC.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
(b) (b) section 25C(1)(51) and section 26(1) as read with section 26A(1)(a);	The functions shall be exercisable only after consultation with the Secretary of State.
(c) (c) sections 26(5), 27(1) and (8) and 43C(2), (4) and (5); and	
(d) (d) Schedule 3A, paragraph 2(1) and (2)(52) as read with paragraph 2(6)(a).	The functions shall be exercisable only after consultation with the Secretary of State.
The Intelligence Services Act 1994 (c. 13)–	
(a) (a) section 5; and	Only so far as the function is exercisable– (a) in relation to an application by the Security Service which is for the purposes of the exercise of their function under section 1(4) of the Security Service Act 1989(53); and (b) in relation to an application by the Secret Intelligence Service or GCHQ so far as– (i) the application is for the purposes of the exercise of their functions by virtue of section 1(2)(c) or 3(2)(c); and (ii) the purpose of the warrant is to authorise interference with wireless telegraphy.
(b) (b) section 6(3) and (4).	Only so far as the functions are exercisable in relation to a warrant issued by the Scottish Ministers under section 5 by virtue of this Order.
The Value Added Tax Act 1994 (c. 23)–	
(a) (a) Schedule 12, paragraphs 2, 3(2), (4) and (5) and 9(54); and	Functions of the Secretary of State only.
(b) (b) Schedule 12, paragraph 7(8).	Function of paying salary and fees only.
The Trade Marks Act 1994 (c. 26), section 77(4)(55).	Functions of the Secretary of State only.
The Criminal Justice and Public Order Act 1994 (c. 33), section 128(56).	

(51) Section 25C was inserted by the National Lottery Act 1998 (c. 22), section 13. These functions were modified by S.I. 1999/1756.

(52) Schedule 3A was inserted by the National Lottery Act 1998, section 12 and Schedule 3. The functions under paragraph 2(1) and (2) were modified by S.I. 1999/1756, which added subparagraph (6).

(53) 1989 c. 5. Section 1(4) was inserted by section 1(1) of the Security Service Act 1996 (c. 35).

(54) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(55) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(56) The function under this enactment was modified by S.I. 1999/1756.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Disability Discrimination Act 1995 (c. 50), section 33.	
The Reserve Forces Act 1996 (c. 14), Schedule 5, paragraphs 10 and 12(57).	
The Police Act 1996 (c. 16), section 60.	Only so far as the function is exercisable in relation to matters which are reserved by virtue of Section F3 (occupational and personal pensions) of Schedule 5 to the 1998 Act.
The Employment Tribunals Act 1996 (c. 17), section 3(58).	The functions shall be exercisable only with the agreement of the Secretary of State.
The Employment Rights Act 1996 (c. 18), section 63A(1)(c) and (2)(59).	The functions shall be exercisable only after consultation with the Secretary of State.
The Firearms (Amendment) Act 1997 (c. 5), section 7(3).	
The Lieutenancies Act 1997 (c. 23), section 2(4).	
The Nurses, Midwives and Health Visitors Act 1997 (c. 24)–	
(a) (a) section 19(5)(60); and	Function of approving rules under section 10 only.
(b) (b) Schedule 2, paragraph 4.	
The Social Security Act 1998 (c. 14), sections 5(1) and 79(2), Schedule 1, paragraph 1(4) and Schedule 4, paragraph 8(61).	Functions of the Secretary of State only.
The Data Protection Act 1998 (c. 29), section 6(4)(a) and (b)(62).	Functions of the Secretary of State only.
The Competition Act 1998 (c. 41), Schedule 7, paragraphs 2(4) and 4(4)(63).	Only the functions of the Secretary of State of being consulted.
The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 13(1)(64).	Functions of the Secretary of State only.

(57) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(58) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. The short title of this Act was changed by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2).

(59) Section 63A was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 32.

(60) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(61) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(62) Section 63A was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 32. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(63) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(64) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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

## SUBORDINATE LEGISLATION

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The National Health Service (Transfer of Officers and Compensation) (Scotland) Regulations 1948 (S.I. <a href="#">1948/1465</a> )( <b>65</b> ).	
The National Health Service (Superannuation) (England and Scotland) Regulations 1948 (S.I. <a href="#">1948/1483</a> ).	
The Police Pensions Regulations 1971 (S.I. <a href="#">1971/232</a> )( <b>66</b> ).	
The Special Constables (Pensions) (Scotland) Regulations 1971 (S.I. <a href="#">1971/234</a> )( <b>67</b> ).	
The Police Cadets (Pensions) (Scotland) Regulations 1971 (S.I. <a href="#">1971/246</a> )( <b>68</b> ).	
The Special Constables (Pensions) (Scotland) (Lump Sum Payments to Widows etc.) Regulations 1972 (S.I. <a href="#">1972/1847</a> ).	
The Special Constables (Pensions) (Scotland) Regulations 1973 (S.I. <a href="#">1973/433</a> )( <b>69</b> ).	
The Police Cadets (Pensions) (Scotland) Regulations 1973 (S.I. <a href="#">1973/434</a> )( <b>70</b> ).	
The Special Constables (Pensions) (Scotland) (Lump Sum Payments to Widows) Regulations 1973 (S.I. <a href="#">1973/1835</a> ).	
The National Health Service Reorganisation (Retirement of Senior Officers) (Scotland) Regulations 1974 (S.I. <a href="#">1974/182</a> )( <b>71</b> ).	
The National Health Service (Compensation) (Scotland) Regulations 1974 (S.I. <a href="#">1974/1869</a> )( <b>72</b> ).	
The Special Constables (Pensions) (Scotland) (Lump Sum Payments to Widows) Regulations 1974 (S.I. <a href="#">1974/1902</a> ).	

(65) Amended by S.I. [1960/799](#).

(66) Amended by S.I. [1971/583](#), [1327](#) and [1466](#), [1972/1642](#), [1974/1533](#) and [1796](#), [1975/1718](#), [1976/1707](#), [1977/1705](#), [1978/1578](#), [1979/1287](#), [1980/1616](#), [1986/1380](#); restricted to “old cases” by S.I. [1987/256](#).

(67) Amended by S.I. [1971/585](#), [1402](#) and [1501](#); restricted to “old cases” by S.I. [1973/433](#).

(68) Restricted to “old cases” by S.I. [1973/434](#).

(69) Amended by S.I. [1974/1630](#); [1979/784](#), [1980/1411](#).

(70) Amended by S.I. [1974/1629](#), [1979/783](#), [1980/1410](#), [1982/1660](#), [1987/1699](#).

(71) Amended by S.I. [1975/7](#).

(72) Amended by S.I. [1981/1785](#).

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Local Government (Compensation) (Scotland) Regulations 1975 (S.I. <a href="#">1975/734</a> )( <b>73</b> ).	
The Fire Services (Compensation) (Scotland) Regulations 1975 (S.I. <a href="#">1975/1800</a> )( <b>74</b> ).	
The Scottish Development Agency (Compensation) Regulations 1976 (S.I. <a href="#">1976/2182</a> )( <b>75</b> ).	
The Grant-Aided Colleges (Compensation) (Scotland) Regulations 1977 (S.I. <a href="#">1977/1777</a> )( <b>76</b> ).	
The National Health Service (Superannuation) (War Service, etc.) (Scotland) Regulations 1977 (S.I. <a href="#">1977/2138</a> )( <b>77</b> ).	
The New Town (Stonehouse) (Revocation of Designation) (Compensation) Regulations 1979 (S.I. <a href="#">1979/98</a> ).	
The Police Pensions (War Service) Regulations 1979 (S.I. <a href="#">1979/1259</a> )( <b>78</b> ).	
The National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981 (S.I. <a href="#">1981/1785</a> )( <b>79</b> ).	
The Merchant Shipping (Section 52 Inquiries) Rules 1982 (S.I. <a href="#">1982/1752</a> ), rule 5(1)( <b>80</b> ).	
The National Health Service (Superannuation – Special Provisions) (Scotland) Regulations 1984 (S.I. <a href="#">1984/1970</a> )( <b>81</b> ).	
The Merchant Shipping (Formal Investigations) Functions of appointing assessors only. Rules 1985 (S.I. <a href="#">1985/1001</a> ), rule 4(1)( <b>82</b> ).	
The Police Pensions (War Service) (Transferees) Regulations 1985 (S.I. <a href="#">1985/2029</a> )( <b>83</b> ).	
The Police (Injury Benefit) Regulations 1987 (S.I. <a href="#">1987/156</a> )( <b>84</b> ).	

(73) Amended by S.I. [1975/1864](#) and [1983/264](#).

(74) Amended by S.I. [1983/263](#).

(75) Amended by S.I. [1983/265](#).

(76) Amended by S.I. [1981/1054](#).

(77) Amended by S.I. [1981/1018](#).

(78) Amended by S.I. [1987/256](#).

(79) Amended by S.I. [1985/2036](#) and [1992/3046](#).

(80) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).

(81) Amended by S.I. [1986/701](#).

(82) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).

(83) Amended by S.I. [1987/256](#) and [1907](#).

(84) Amended by S.I. [1987/256](#) and [341](#), [1992/2349](#).

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Police Pensions Regulations 1987 (S.I. <a href="#">1987/257</a> )( <b>85</b> ).	
The Building Societies Appeal Tribunal Regulations 1987 (S.I. <a href="#">1987/891</a> ), regulation 6( <b>86</b> ).	Functions of the Secretary of State only.
The Banking Appeal Tribunal (Scottish Appeals) Regulations 1987 (S.I. <a href="#">1987/1336</a> ), regulation 6( <b>87</b> ).	Functions of the Secretary of State only.
The Special Constables (Injury Benefit) (Scotland) Regulations 1987 (S.I. <a href="#">1987/1698</a> ).	
The Police Cadets (Injury Benefit) (Scotland) Regulations 1987 (S.I. <a href="#">1987/1700</a> ).	
The Local Government Superannuation (Scotland) Regulations 1987 (S.I. <a href="#">1987/1850</a> )( <b>88</b> ).	
The Police Pensions (Purchase of Increased Benefits) Regulations 1987 (S.I. <a href="#">1987/2215</a> ).	
The Environmental Assessment (Scotland) Regulations 1988 (S.I. <a href="#">1988/1221</a> ), Part III( <b>89</b> ).	
The Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990 (S.I. <a href="#">1990/442</a> )( <b>90</b> ).	
The Electricity (Applications for Consent) Regulations 1990 (S.I. <a href="#">1990/455</a> ).	
The Overhead Lines (Exemption) Regulations 1990 (S.I. <a href="#">1990/2035</a> ).	
The Police Pensions (Additional Voluntary Contributions) Regulations 1991 (S.I. <a href="#">1991/1304</a> ).	
The Firemen's Pension Scheme Order 1992 (S.I. <a href="#">1992/129</a> )( <b>91</b> ).	
The Teachers' Superannuation (Scotland) Regulations 1992 (S.I. <a href="#">1992/280</a> )( <b>92</b> ).	

(85) Amended by S.I. [1987/2215](#), [1988/1339](#), [1989/733](#), [1990/805](#), [1991/1517](#), [1992/1343](#) and [2349](#), [1994/641](#), [1996/867](#), [1997/1429](#) and [2852](#) and [1998/577](#).

(86) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#). Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. [1999/1748](#).

(87) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).

(88) Amended by S.I. [1988/625](#), [1989/422](#), [802](#) and [967](#), [1990/422](#) and [1284](#), [1991/78](#), [1992/1220](#), [1597](#) and [3025](#), [1993/1593](#), [2013](#) and [3044](#), [1994/5311](#), [1995/214](#), [750](#), [2865](#) and [3294](#), [1996/414](#) and [1241](#) and [1997/674](#), [1143](#), [1373](#), [1435](#) and [3048](#), restricted by S.I. [1998/364](#).

(89) Part III was amended by S.I. [1990/526](#) and [1994/2012](#).

(90) Amended by S.I. [1996/422](#), [1997/629](#). Functions under this enactment were modified by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. [1999/1756](#)).

(91) Amended by S.I. [1997/2309](#) and [2851](#) and [1998/1010](#).

(92) Amended by S.I. [1992/1025](#) and [1597](#), [1993/490](#) and [2513](#), [1994/1715](#) and [2699](#), [1995/840](#) and [1670](#), [1997/676](#), [1998/718](#).



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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Road Traffic (Temporary Restrictions) (Procedure) Regulations 1992 (S.I. <a href="#">1992/1215</a> ).	Only so far as the functions are exercisable in relation to the imposition of speed limits.
The Traffic Signs Regulations and General Directions 1994 (S.I. <a href="#">1994/1519</a> ).	
The Roads (Traffic Calming) (Scotland) Regulations 1994 (S.I. <a href="#">1994/2488</a> ).	
The National Health Service Superannuation Scheme (Scotland) Regulations 1995 (S.I. <a href="#">1995/365</a> )(93).	
The Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995 (S.I. <a href="#">1995/2814</a> ).	
The Welfare Food Regulations 1996 (S.I. <a href="#">1996/1434</a> ), regulations 12(2), 15(2), 16 and 20.	
The Deregulation (Model Appeal Provisions) Order 1996 (S.I. <a href="#">1996/1678</a> ), in the Schedule, rules 6(2), (3) and (9) and 33(3)(94).	
The Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 (S.I. <a href="#">1996/2317</a> )(95).	
The Merchant Shipping (Section 63 Inquiries) Rules 1997 (S.I. <a href="#">1997/347</a> ), rule 5(1)(96).	
The Local Government Superannuation (Scotland) Amendment (No. 3) Regulations 1997 (S.I. <a href="#">1997/1435</a> )(97).	
The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions 1997 (S.I. <a href="#">1997/2400</a> ).	
The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (S.I. <a href="#">1998/192</a> ).	
The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998 (S.I. <a href="#">1998/364</a> ).	
The Local Government Pension Scheme (Scotland) Regulations 1998 (S.I. <a href="#">1998/366</a> ).	

(93) Amended by S.I. [1997/1434](#) and [1916](#), [1998/1593](#).

(94) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#). The Deregulation (Model Appeal Provisions) Order 1996 was applied by the Chemical Weapons (Licence Appeal Provisions) Order 1996 (S.I. [1996/3030](#)).

(95) Amended by S.I. [1997/675](#), [1998/719](#).

(96) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).

(97) Restricted by S.I. [1998/364](#), regulation 4(3).

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Road Humps (Scotland) Regulations 1998 (S.I. <a href="#">1998/1448</a> ).	
The National Health Service Superannuation Scheme (Scotland) (Additional Voluntary Contributions) Regulations 1998 (S.I. <a href="#">1998/1451</a> ).	
The National Health Service (Scotland) (Injury Benefits) Regulations 1998 (S.I. <a href="#">1998/1594</a> ).	

## SCHEDULE 2

Article 3

ENACTMENTS CONFERRING FUNCTIONS EXERCISABLE CONCURRENTLY  
BY THE SCOTTISH MINISTERS AND MINISTERS OF THE CROWN

**Commencement Information**

**19** Sch. 2 in force at 1.7.1999, see [art. 1\(1\)](#)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Police (Scotland) Act <a href="#">1967 (c. 77)</a> , section 32A( <b>98</b> ).	
The Sewerage (Scotland) Act <a href="#">1968 (c. 47)</a> , sections 37B and 55(4)( <b>99</b> ).	The functions shall be exercisable only after consultation with the Secretary of State.
The European Communities Act <a href="#">1972 (c. 68)</a> , section 2(2) and the European Communities (Designation) Order 1988 (S.I. <a href="#">1988/785</a> ).	Only so far as the functions are exercisable in relation to the subject matter of Part III (electricity applications) of the Environmental Assessment (Scotland) Regulations 1988 (S.I. <a href="#">1988/1221</a> )( <b>100</b> ).
The Control of Pollution Act <a href="#">1974 (c. 40)</a> , sections 36(2B), 42A(1), 42A(2), 42A(4) and 105(3C)( <b>101</b> ).	The functions shall be exercisable only after consultation with the Secretary of State.
The Water (Scotland) Act <a href="#">1980 (c. 45)</a> , section 110A(4)( <b>102</b> ).	The functions shall be exercisable only after consultation with the Secretary of State.
The Electricity Act <a href="#">1989 (c. 29)</a> , section 98(1) and (2).	

(98) Section 32A was inserted by the Police and Magistrates' Courts Act [1994 \(c. 29\)](#), section 56.

(99) Section 37B was inserted by the Local Government etc. (Scotland) Act [1994 \(c. 39\)](#), section 103; section 55(4) is substituted by the Environment Act [1995 \(c. 25\)](#), Schedule 21, paragraph 2; it has not yet been commenced.

(100) Part III was amended by S.I. [1990/526](#) and [1994/2012](#).

(101) Sections 36(2B) and 42A were added by the Environment Act [1995 \(c. 25\)](#), Schedule 22 and section 105(3C) was added by Schedule 21 to that Act.

(102) Section 110A(4) was inserted by the Environment Act [1995 \(c. 25\)](#), Schedule 21, paragraph 5. It has not yet been commenced.

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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](#)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Broadcasting Act 1990 (c. 42), Schedule 1, paragraph 15(1), Schedule 8, paragraph 15(1) and Schedule 19, paragraph 12(3)(103).	
The Environmental Protection Act 1990 (c. 43), sections 21(1), 21(2), 21(4), 65(1), 65(2), 65(4) and 159(4).	The functions shall be exercisable only after consultation with the Secretary of State.
The Social Security Administration Act 1992 (c. 5), paragraph 7(1)(b) of Schedule 2(104).	Function of paying allowances only.
The Radioactive Substances Act 1993 (c. 12), sections 25(1), 25(2) and 39(1).	The functions shall be exercisable only after consultation with the Secretary of State.
The National Lottery etc. Act 1993 (c. 39)– (a) section 14(105); (b) (b) section 25C(5)(c) and (d) and (6)(106); (c) (c) sections 34, 35(4) and 39(3)(107); and (d) (d) section 43D(3)(108).	
The Railways Act 1993 (c. 43)– (a) sections 74(1) and (3), 75(1) and (2), 76(6)(a) and 79(1); (b) (b) section 137; and (c) (c) section 139(1), (2), (3), (5) and (6).	The functions shall be exercisable only after consultation with the Secretary of State. The functions shall be exercisable only after consultation with the Secretary of State.
The Local Government etc. (Scotland) Act 1994 (c. 39), section 117(1), (2) and (5).	The functions shall be exercisable only after consultation with the Secretary of State.
The Environment Act 1995 (c. 25), sections 113(2), 113(3) and 115(5).	The functions shall be exercisable only after consultation with the Secretary of State.
The Broadcasting Act 1996 (c. 55), section 125(1)(109).	

(103) The functions under these enactments were modified by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756).

(104) Schedule 2 is repealed (prospectively) by the Social Security Act 1998 (c. 14), Schedule 8.

(105) Section 14 was amended by the National Lottery Act 1998 (c. 22), Schedule 1, paragraph 13. The functions under this enactment were modified by S.I. 1999/1756.

(106) Section 25C was inserted by the National Lottery Act 1998, section 13; and section 25D by S.I. 1999/1756. These functions under section 25C were modified by S.I. 1999/1756.

(107) The functions under these enactments were modified by S.I. 1999/1756.

(108) Section 43D was inserted by the National Lottery Act 1998, section 7(2). The function under this enactment was modified by S.I. 1999/1756, which added subsection (6).

(109) The function under this enactment was modified by S.I. 1999/1756.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. 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

## SCHEDULE 3

Article 4

## ENACTMENTS CONFERRING FUNCTIONS TO BE EXERCISED SUBJECT TO AGREEMENT OF OR CONSULTATION WITH THE SCOTTISH MINISTERS

**Commencement Information**

**110** Sch. 3 in force at 1.7.1999, see [art. 1\(1\)](#)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Nuclear Installations Act 1965 (c. 57), sections 1(1)(b) and (2), 16(1) and (1A), 18(1B), 21(1A) and (3) and 22(1) and (2), and in section 26(1) the definitions of “excepted matter” and “nuclear matter”(110).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Medicines Act 1968 (c. 67), sections 2(2) and (4) and 4(5)(111).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Employment and Training Act 1973 (c. 50), section 2(3A)(112).	The power to give, vary or revoke directions shall be exercisable only with the agreement of the Scottish Ministers.
The Offshore Petroleum Development (Scotland) Act 1975 (c. 8), section 3.	The function shall be exercisable only after consultation with the Scottish Ministers.
The Sex Discrimination Act 1975 (c. 65), section 53(1), as read with section 53(1A)(113).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The Race Relations Act 1976 (c. 74), section 43(1), as read with section 43(1A)(114).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The National Heritage Act 1980 (c. 17), section 9(1) to (5), as read with section 9(8) and (9)(d)(115).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The Road Traffic Regulation Act 1984 (c. 27)– (a) section 17(2);  (b) (b) sections 25(1) and 64(1)(a);	The functions other than those exercisable by the Scottish Ministers by virtue of article 2 of this Order shall be exercisable only after consultation with the Scottish Ministers.  The functions shall be exercisable only after consultation with the Scottish Ministers.

(110) Section 16(1) was amended and section 16(1A) inserted by the Energy Act 1983 (c. 25), section 27; section 18(1B) was inserted by that Act, section 28(2); section 21(1A) was inserted by that Act, section 29(2); section 26(1) was amended by that Act, section 32.

(111) Functions under this enactment are treated as Exercisable in or as Regards Scotland for the purposes of section 63 of the 1998 Act by virtue of the Scotland Act 1998 (Functions exercisable in or as regards Scotland) Order 1999 (S.I. 1999/1756).

(112) Subsection (3A) was inserted in section 2 by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(1).

(113) The function under this enactment was modified by the Scotland Act 1998 (Modification of Functions) Order 1999 S.I. 1999/1756 which inserted subsection (1A).

(114) The function under this enactment was modified by S.I. 1999/1756, which inserted subsection (1A).

(115) The function under this section was modified by S.I. 1999/1756, which added subsections (8) and (9).

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
(c) (c) section 65(1);	The function of giving general directions with respect to traffic signs shall be exercisable only after consultation with the Scottish Ministers.
(d) (d) section 81(2);	The function shall be exercisable only after consultation with the Scottish Ministers.
(e) (e) section 85(2)(a); and	The function of giving general directions with respect to traffic signs to indicate speed limits shall be exercisable only after consultation with the Scottish Ministers.
(f) (f) sections 86(2) and 88(1) and (4).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Food and Environment Protection Act 1985 (c. 48), sections 5, 6, 7 and 10(1) and Schedule 3(116).	(a) (a) The functions of the licensing authority described in paragraph (b) (i) of the definition of “licensing authority” in section 24(1) shall, so far as they are exercisable in relation to the deposit of a marine structure, be exercisable only after consultation with the Scottish Ministers; and (b) the functions of the licensing authority described in paragraph(b) (ii)(117) of the definition of “licensing authority” in section 24(1) shall be exercisable only after consultation with the Scottish Ministers.
The Road Traffic Act 1988 (c. 52), section 36(5).	The function shall be exercisable only after consultation with the Scottish Ministers.
The Electricity Act 1989 (c. 29), sections 5(1) and 6(1) and (2).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Enterprise and New Towns (Scotland) Act 1990 (c. 35), section 14A(118).	The power to give a direction shall be exercisable only with the agreement of the Scottish Ministers.
The Broadcasting Act 1990 (c. 42)– (a) section 1(2)(b), as read with paragraph 2(3) of Schedule 1; and	The function of appointing a member of the Independent Television Commission suited to make the interests of Scotland his special care shall be exercisable only after consultation with the Scottish Ministers.
(b) (b) section 83(2)(b), as read with paragraph 2(1A) of Schedule 8(119).	The functions shall be exercisable only after consultation with the Scottish Ministers.

(116) Sections 5 and 6 were amended by the Environmental Protection Act 1990 (c. 43), section 146(2) and (3). The functions under sections 7 and 10 of the 1985 Act were modified by S.I. 1999/1756.

(117) Paragraph (b)(i) and (ii) was inserted by S.I. 1999/1756.

(118) Section 14A was inserted by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(5).

(119) The function under this enactment was modified by S.I. 1999/1756 which inserted paragraph 2(1A) of Schedule 8.

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The National Lottery etc. Act 1993 (c. 39)– (a) section 26(1) and (2) as read with section 26A(2)(a), section 26(3A) as read with section 26A(1)(b)(120), section 28, section 43C(1) as read with section 43CC(2)(a)(121), and Schedule 3A, paragraph 2(1) and (2) as read with paragraph 2(6)(b)(122);  (b) (b) section 29(1), (3), (4) and (5) as read with section 29(6)(a) and (b)(123); and  (c) (c) Schedule 6A, paragraph 1(1) and (2)(124).	The functions shall be exercisable only after consultation with the Scottish Ministers.  The functions shall be exercisable only with the agreement of the Scottish Ministers.  The function shall be exercisable only with the agreement of the Scottish Ministers as regards appointment of a member of the New Opportunities Fund suited to make the interests of Scotland his special care.
The Merchant Shipping Act 1995 (c. 21), section 10(2)(f)(125).	The function, so far as exercisable in relation to fishing vessels, shall be exercisable only after consultation with the Scottish Ministers.
The Disability Discrimination Act 1995 (c. 50), paragraph 3(3), as read with paragraph 3(3A) of Schedule 5(126).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The Reserve Forces Act 1996 (c. 14), sections 90(1) and (3) and 91(1) and (3)(127).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Broadcasting Act 1996 (c. 55), section 106(2)(c), as read with paragraph 3(1A) of Schedule 3(128).	The function shall be exercisable only after consultation with the Scottish Ministers.
The Petroleum Act 1998 (c. 17), sections 32(1), 33(1), 34(7), 35(1), 37(1) and 39(1).	The functions, so far as exercisable in relation to the abandonment of offshore installations in relevant waters in Scotland or in relevant waters which are adjacent to Scotland (within the meaning of the Food and Environment Protection Act 1985), shall be exercisable only after consultation with the Scottish Ministers.

(120) The functions under section 26 were adapted by S.I. 1999/1756, which inserted section 26A.

(121) Section 43C was inserted by the National Lottery Act 1998, section 7(2). The function under section 43C(1) was adapted by S.I. 1999/1756, which inserted section 43CC.

(122) Schedule 3A was inserted by the National Lottery Act 1998, section 12 and Schedule 3. The functions under paragraph 2(1) and (2) were adapted by S.I. 1999/1756, which added subparagraph (6).

(123) The functions under section 29 were adapted by the S.I. 1999/1756 Order, which added subsection (6).

(124) Schedule 6A was inserted by the National Lottery Act 1998, section 7 and Schedule 2.

(125) The function under this enactment was modified by S.I. 1999/1756.

(126) The function under this enactment was modified by S.I. 1999/1756.

(127) Function transferred from Lord Advocate to Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678). Functions under this enactment are treated as Exercisable in or as Regards Scotland for the purposes of section 63 of the 1998 Act by virtue of the Scotland Act 1998 (Functions exercisable in or as regards Scotland) Order 1999 (S.I. 1999/1748).

(128) The function under this enactment was modified by S.I. 1999/1756, which inserted paragraph 3(1A).

## SCHEDULE 4

Article 5

### NON-STATUTORY FUNCTIONS TRANSFERRED TO THE SCOTTISH MINISTERS

#### Functions in relation to the radio spectrum

1.—(1) Functions in relation to the assignment of radio frequencies within the radio spectrum in relation to activities (other than the excepted activities described in sub-paragraph (2) below) undertaken—

- (a) by or on behalf of the Crown and which, as such, would not require to be licensed or authorised under any provision of the Wireless Telegraphy Act 1949(**129**);
- (b) by a police force maintained under the Police (Scotland) Act 1967(**130**);
- (c) by a fire brigade maintained by a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(**131**), or a joint board for fire services constituted by virtue of the Fire Services Act 1947(**132**) or the Local Government (Scotland) Act 1973(**133**); or
- (d) by a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in connection with civil defence functions.

(2) The excepted activities referred to in sub-paragraph (1) are activities in connection with any matter which is a reserved matter by virtue of paragraph 9 of Part I of Schedule 5 to the 1998 Act.

#### Commencement Information

**111** Sch. 4 para. 1 in force at 1.7.1999, see [art. 1\(1\)](#)

#### Functions in relation to tribunals etc.

2. Functions relating to—

- (a) the provision of premises for the purposes of carrying out the functions of—
  - (i) Child Support Commissioners (appointed under section 22 of the Child Support Act 1991(**134**));
  - (ii) Social Security Commissioners (appointed under section 52 of the Social Security Administration Act 1992(**135**) or paragraph 1 of Schedule 4 to the Social Security Act 1998(**136**));
  - (iii) a VAT and duties tribunal (established under paragraph 1 of Schedule 12 to the Value Added Tax Act 1994(**137**));
  - (iv) a Pensions Appeal Tribunal (constituted under the Schedule to the Pensions Appeal Tribunals Act 1943(**138**));
- (b) the provision of staff to assist any person or tribunal specified in sub-paragraph (a) (other than a VAT and duties tribunal) to carry out their functions; and

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(**129**) 1949 c. 54.

(**130**) 1967 c. 77.

(**131**) 1994 c. 39.

(**132**) 1947 c. 41.

(**133**) 1973 c. 65.

(**134**) 1991 c. 48.

(**135**) 1992 c. 5.

(**136**) 1998 c. 14.

(**137**) 1994 c. 23.

(**138**) 1943 c. 39.

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- (c) the funding of payments made by a Pensions Appeal Tribunal under rules 26 to 28 of the Pensions Appeal Tribunals (Scotland) Rules 1981(139).

**Commencement Information**

**I12** Sch. 4 para. 2 in force at 1.7.1999, see [art. 1\(1\)](#)

**Functions in relation to welfare foods**

3.—(1) Any function of—

- (a) reimbursing an NHS Trust or a Health Board for tokens exchanged for dried milk and for dried milk sold to family credit beneficiaries at a reduced price in connection with the Welfare Foods Regulations 1996 (referred to in this paragraph as “the 1996 Regulations”)(140); or
- (b) paying suppliers' invoices for the supply of vitamins to such a Trust or Health Board in connection with the 1996 Regulations.

(2) In sub-paragraph (1), “NHS Trust”, “Health Board”, “dried milk”, “family credit”, “beneficiaries”, “suppliers” and “vitamins” have the same meaning as they have for the purposes of the 1996 Regulations.

**Commencement Information**

**I13** Sch. 4 para. 3 in force at 1.7.1999, see [art. 1\(1\)](#)

SCHEDULE 5

Article 6(1)

MODIFICATIONS OF ENACTMENTS

**Post Office Act 1953 (c. 36)**

1.—(1) The Post Office Act 1953 is amended as follows.

(2) In section 58 (opening or delaying of postal packets by officers of the Post Office), in subsection (1), after “Secretary of State” there is inserted “or the Scottish Ministers”.

**Commencement Information**

**I14** Sch. 5 para. 1 in force at 1.7.1999, see [art. 1\(1\)](#)

**Police (Scotland) Act 1967 (c. 77)**

2.—(1) The Police (Scotland) Act 1967 is amended as follows.

(2) In section 32A (grants for expenditure on safeguarding national security)(141), for subsection (3), there is substituted the following—

(139) S.I. 1981/500.

(140) S.I. 1996/1434.

(141) Section 32A was inserted by the Police and Magistrates' Courts Act 1994 (c. 29), section 56.



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“(3) Subject to subsection (4), the Secretary of State shall exercise his powers under this section only with the approval of the Treasury.

(4) Where the powers under this section are exercised by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), subsection (3) shall not apply.”.

#### Commencement Information

**I15** Sch. 5 para. 2 in force at 1.7.1999, see [art. 1\(1\)](#)

### Firearms Act 1968 (c. 27)

**3.**—(1) The Firearms Act 1968 is amended as follows.

(2) In section 5 (weapons subject to general prohibition)—

- (a) in subsection (1)(**142**), after “Defence Council” there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
- (b) in subsection (1A)(**143**), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
- (c) in subsection (3)(**144**), after “Defence Council”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
- (d) in subsection (4)(**145**) after “Defence Council”, there is inserted “or, where the authority is given by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”.

(3) In section 5A (exemption from requirement of authority under section 5)(**146**)—

- (a) in subsections (1), (2), (3), (4)(**147**), (5) and (7)(**148**), after “Secretary of State” in each place where they occur, insert “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
- (b) in subsection (6)—
  - (i) after “Secretary of State” in the first place where it occurs there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
  - (ii) after “Secretary of State” in the second place where it occurs there is inserted “or, in the case of an authority which they may give (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”.

#### Commencement Information

**I16** Sch. 5 para. 3 in force at 1.7.1999, see [art. 1\(1\)](#)

**(142)**Section 5(1) is to be read with S.I. 1968/1200; section 5(1) was amended by the Firearms (Amendment) 1988 (c. 45), section 1(2) and (3), by the Firearms (Amendment) Act 1997 (c. 5), section 1(2), (3), (4) and (5) and Schedule 3 and by the Firearms Amendment (No.2) Act 1997 (c. 64), section 1.

**(143)**Section 5(1A) was inserted by S.I. 1992/2823 and amended by the Firearms (Amendment) Act 1997 (c. 5), section 9.

**(144)**Section 5(3) is to be read with S.I. 1968/1200.

**(145)**Section 5(4) is to be read with S.I. 1968/1200.

**(146)**Section 5A was inserted by S.I. 1992/2823.

**(147)**Section 5A(4) was amended by the Firearms (Amendment) Act 1997 (c. 5), section 10(2).

**(148)**Section 5A(7) was substituted by the Firearms (Amendment) Act 1997 (c. 5), section 10(3).

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### Police Pensions Act 1976 (c. 35)

4. In section 7 of the Police Pensions Act 1976, at the end there is inserted—

“(4) Where regulations are made under section 1 above by the Scottish Ministers by reason of a transfer of functions under the Scotland Act 1998, this section shall have effect with the following modifications:—

- (a) in each of subsections (1) and (2), for “into the Consolidated Fund or out of money provided by Parliament” substitute “into or out of the Scottish Consolidated Fund”;
- (b) in subsection (3), for “money provided by Parliament” substitute “the Scottish Consolidated Fund”.

#### Commencement Information

**I17** Sch. 5 para. 4 in force at 1.7.1999, see [art. 1\(1\)](#)

### Telecommunications Act 1984 (c. 12)

5.—(1) The Telecommunications Act 1984 is amended as follows.

(2) In section 45 (interception and disclosure of messages etc.), in subsection (2)(b), after “Secretary of State”, there is inserted “or the Scottish Ministers”.

#### Commencement Information

**I18** Sch. 5 para. 5 in force at 1.7.1999, see [art. 1\(1\)](#)

### Interception of Communications Act 1985 (c. 56)

6.—(1) The Interception of Communications Act 1985 is amended as follows.

(2) In section 1 (prohibition on interception)—

- (a) in subsection (2)(a), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”; and
- (b) in subsection (3)(b), after “Secretary of State”, there is inserted “or the Scottish Ministers (or by virtue of provision made under section 63 of the Scotland Act 1998)”.

(3) In section 4 (issue and duration of warrants)—

(a) in subsection (1)—

- (i) in paragraph (a), after “Secretary of State”, there is inserted “or, in the case of a warrant issued by the Scottish Ministers by virtue of provision made under section 63 of the Scotland Act 1998) a member of the Scottish Executive”; and

(ii) after paragraph (b), there is inserted the following:—

“or

- (c) in an urgent case where (by virtue of provision made under section 63 of the Scotland Act 1998) the Scottish Ministers have expressly authorised its issue and a statement of that fact is endorsed thereon, under the hand of a member of the staff of the Scottish Administration who is in the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand a warrant may be issued in such a case.”;

- (b) in subsection (5), after “Secretary of State”, there is inserted “or, in a case of a warrant issued by them by virtue of provision made under section 63 of the Scotland Act 1998, the Scottish Ministers”.
- (4) In section 5 (modification of warrants etc.)—
  - (a) after subsection (4) there is inserted the following subsection:—
    - “(4A) A warrant issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) shall not be modified under subsection (1)(a) above except by an instrument under the hand of a member of the Scottish Executive or, in an urgent case—
      - (a) under the hand of a person holding office under the Crown who is expressly authorised by the warrant to modify it on behalf of the Scottish Ministers; or
      - (b) where the Scottish Ministers have expressly authorised the modification and a statement of that fact is endorsed on the instrument, under the hand of a member of the staff of the Scottish Administration who is in the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand a warrant may be issued in such a case.”; and
  - (b) in subsection (5), after “subsection (4)(a) or (b)”, there is inserted “or (4A)(a) or (b)”.
- (5) In section 7 (the Tribunal)—
  - (a) in subsection (4)(b), after “Minister”, there is inserted “and, where the relevant warrant had been issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), to the First Minister”; and
  - (b) in subsection (5)(c), after “Secretary of State”, there is inserted “or, where the relevant warrant had been issued by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”.
- (6) In section 8 (the Commissioner)—
  - (a) in subsection (5), after “Prime Minister”, there is inserted “and, where the report relates to any warrant issued or any arrangements made by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), to the First Minister”;
  - (b) after subsection (7), there is inserted the following subsection:—
    - “(7A) The Prime Minister shall also send a copy of every annual report together with a copy of the statement referred to in subsection (7) which he says in terms of that subsection to the First Minister who shall forthwith lay that copy report and statement before the Scottish Parliament.”; and
  - (c) in subsection (8), after “Commissioner”, there is inserted “and, if it appears relevant to do so, with the First Minister”.

#### Commencement Information

**I19** Sch. 5 para. 6 in force at 1.7.1999, see [art. 1\(1\)](#)

### Firearms (Amendment) Act 1988 (c. 45)

- 7.—(1) The Firearms (Amendment) Act 1988 is amended as follows.
- (2) In section 15 (approved rifle clubs and muzzle-loading pistol clubs)(**149**)—

(149) Section 15 was substituted by the Firearms (Amendment) Act 1997 (c. 5), section 45(1).

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- (a) in subsection (1), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
- (b) in subsection (5)–
  - (i) in paragraph (a), after “thinks”, there is inserted “or, as the case may be, the Scottish Ministers think”;
  - (ii) in paragraph (b), after “Secretary of State”, there is inserted “or, as the case may be, the Scottish Ministers”.
- (3) In the Schedule (firearms and ammunition in museums)(150)–
  - (a) in paragraph 1(2)(b), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
  - (b) in paragraph 1(3)–
    - (i) after “Secretary of State” in the first place where it occurs, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
    - (ii) after “he”, there is inserted “or they”;
  - (c) in paragraph 1(4), after “necessary”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998) think necessary”;
  - (d) in paragraph 2(2), after “Secretary of State”, there is inserted “or, in the case of a notice given by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”;
  - (e) in paragraph 2(4)–
    - (i) after “Secretary of State”, there is inserted “or, in the case of a revocation made by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”;
    - (ii) after “him”, there is inserted “or them”;
  - (f) in paragraph 5–
    - (i) in sub-paragraph (2), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;
    - (ii) in sub-paragraph (3), after “Secretary of State”, there is inserted “or, as the case may be, the Scottish Ministers”.

#### Commencement Information

**I20** Sch. 5 para. 7 in force at 1.7.1999, see [art. 1\(1\)](#)

#### Electricity Act 1989 (c. 29)

**8.**—(1) Section 62 of the Electricity Act 1989 is amended as follows.

(2) In subsection (1), at the end there is added “or a matter relating to a function which is exercisable by the Scottish Ministers”.

(3) After subsection (1), there is inserted:–

“(1A) The Scottish Ministers may cause an inquiry to be held in any case where they consider it advisable to do so in connection with any matter relating to the exercise by them of a function under this Part.”.

(150) Schedule 1 was amended by the Firearms (Amendment) Act 1997 (c. 5), section 47.

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(4) In subsection 3(a), for “held” there is substituted “caused to be held by the Secretary of State”.

(5) After subsection (4) there is added:–

“(5) Where–

(a) an inquiry is to be caused to be held by the Scottish Ministers under this Part in connection with any matter; and

(b) in the case of some other matter required or authorised (whether by this Part or by any other enactment) to be the subject of an inquiry which is to be caused to be held by the Scottish Ministers, it appears to the Scottish Ministers that the matters are so far cognate that they should be considered together,

the Scottish Ministers may direct that the two inquiries be held concurrently or combined as one inquiry.”.

#### Commencement Information

**I21** Sch. 5 para. 8 in force at 1.7.1999, see [art. 1\(1\)](#)

#### Extradition Act 1989 (c. 33)

**9.**—(1) The Extradition Act 1989 is amended as follows.

(2) In section 6–

(a) after “Secretary of State” in each place where it occurs insert “or the Scottish Ministers”;

(b) in subsection (6) after “him” insert “or them”;

(c) for subsection (9)(a) substitute–

“(a) the Secretary of State, or, except in section 25(1), in the case of a function that is exercisable in or as regards Scotland, the Scottish Ministers”.

(3) In section 7–

(a) in subsection (1) after “Secretary of State” in the first place where it occurs insert “or the Scottish Ministers”;

(b) in subsections (4) and (5) after “Secretary of State” insert “or the Scottish Ministers”;

(c) in subsection (4) after “him” insert “or them”.

(4) In section 8(4)–

(a) after “Secretary of State” in both places where it occurs there is inserted “or the Scottish Ministers”;

(b) after “him” where it first occurs there is inserted “or them”;

(c) after “he decides” there is inserted “or, they decide”.

(5) In section 9(5) after “Secretary of State”, there is inserted “or the Scottish Ministers”.

(6) In section 9(8)–

(a) in subsection (i) after “Secretary of State's” there is inserted “or the Scottish Ministers”;

(b) in subsection (ii) after “decides” there is inserted “or the Scottish Ministers decide”.

(7) In section 10(6) after “Secretary of State has” there is inserted “or the Scottish Ministers have”.

(8) In section 11(1) after “Secretary of State” there is inserted “or the Scottish Ministers”.

(9) In section 12–

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- (a) in subsection (1)–
    - (i) after “Secretary of State” where it first occurs there is inserted “or the Scottish Ministers”;
    - (ii) after “decides” there is inserted “or the Scottish Ministers decide”; and
  - (b) in subsections (2) and (5) after “Secretary of State” in each place where it occurs there is inserted “or the Scottish Ministers”.
- (10) In subsections (1) and (4) of section 13 after “Secretary of State” in each place where it occurs there is inserted “or the Scottish Ministers”.
- (11) In section 13(6) after “Secretary of State's” there is inserted “or the Scottish Ministers”.
- (12) In section 13(9) after “Secretary of State has” there is inserted “or the Scottish Ministers have”.
- (13) In section 20(2) after “he thinks fit” there is inserted “or the Scottish Ministers may if they think fit”.
- (14) After section 28(1) insert–  
“(1A) Any warrant or order to be issued or made by the Scottish Ministers under this Act shall be given under the hand of a member of the Scottish Executive.”.

**Commencement Information**

**I22** Sch. 5 para. 9 in force at 1.7.1999, see [art. 1\(1\)](#)

**Broadcasting Act 1990 (c. 42)**

- 10.**—(1) The Broadcasting Act 1990 is amended as follows.
- (2) In paragraph 15 of Schedule 1 (Independent Television Commission: supplementary provisions) at the end add–  
“(4) Where a report is transmitted by the Commission under sub-paragraph (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.”.
- (3) In paragraph 15 of Schedule 8 (Radio Authority: supplementary provisions) at the end add–  
“(3) Where a report is transmitted by the Authority under sub-paragraph (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.”.
- (4) In paragraph 12 of Schedule 19 (Gaelic Television Committee: supplementary provisions) at the end add–  
“(4) Where an annual report is sent by the Commission under sub-paragraph (3) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.”.

**Commencement Information**

**I23** Sch. 5 para. 10 in force at 1.7.1999, see [art. 1\(1\)](#)

## Tribunals and Inquiries Act 1992 (c. 53)

11. In the Tribunals and Inquiries Act 1992, the words “and the Lord Advocate” wherever they appear in sections 10, 13 and 16(2)(151) are omitted.

### Commencement Information

I24 Sch. 5 para. 11 in force at 1.7.1999, see [art. 1\(1\)](#)

## National Lottery etc. Act 1993 (c. 39)

12.—(1) The National Lottery etc. Act 1993 is amended as follows.

(2) In section 14 (annual reports of the National Lottery Commission) at the end add—

“(4) Where a report is made by the National Lottery Commission under sub-section (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.”.

(3) In section 34 (annual reports of distributing bodies) at the end add—

“(6) Where a report is made under subsection (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.”.

### Commencement Information

I25 Sch. 5 para. 12 in force at 1.7.1999, see [art. 1\(1\)](#)

## Railways Act 1993 (c. 43)

13.—(1) The Railways Act 1993 is amended as follows.

(2) In section 74 (annual and other reports of the Regulator), after subsection (3) insert—

“(3A) Where a report is made by the Regulator under subsection (1) above to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament and shall arrange for copies to be published in such manner as they consider appropriate.”.

(3) In section 75 (annual reports of the Franchising Director), after subsection (2) insert—

“(2A) Where a report is made by the Franchising Director under subsection (1) above to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament and shall arrange for copies to be published in such manner as they consider appropriate.”.

### Commencement Information

I26 Sch. 5 para. 13 in force at 1.7.1999, see [art. 1\(1\)](#)

(151) The functions of the Lord Advocate under the Act were transferred to the Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678); section 13 was amended by the Pensions Act 1995 (c. 26), Schedule 7, Part III, and by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 120.

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## Intelligence Services Act 1994 (c. 13)

14.—(1) The Intelligence Services Act 1994 is amended as follows.

(2) In section 6 (warrants: procedure and duration, etc.)—

(a) in subsection (1)—

(i) in paragraph (a), after the words “Secretary of State”, there are inserted the words “or, in the case of a warrant by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive”???”; and

(ii) at the end of paragraph (b) there is inserted—

“; or

(c) in an urgent case where, the Scottish Ministers have (by virtue of provision made under section 63 of the Scotland Act 1998) expressly authorised its issue and a statement of that fact is endorsed thereon, under the hand of a member of the staff of the Scottish Administration who is in the Senior Civil Service and is designated by the Scottish Ministers as a person under whose hand a warrant may be issued in such a case.”;

(b) in subsection (2), after “Secretary of State”, there is inserted “or, in the case of a warrant issued by the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), a member of the Scottish Executive”.

(3) In section 8 (the Commissioner)—

(a) in subsection (3), after “sections 5 to 7 above”, there is inserted “and the exercise by the Scottish Ministers of their powers under sections 5 and 6 above (by virtue of provision made under section 63 of the Scotland Act 1998)”;

(b) in subsection (4)—

(i) the word “and” at the end of paragraph (b) is repealed; and

(ii) after paragraph (c), there is inserted—

“and

(d) every member of the staff of the Scottish Administration,”;

(c) in subsection (5), for the words from “to him” to the end, there is substituted— “–

(a) to the Prime Minister on any matter relating to his discharge of those functions; and

(b) to the First Minister on any matter relating to his discharge of those functions so far as concerned with the exercise by the Scottish Ministers of their powers under sections 5 and 6 above (by virtue of provision made under section 63 of the Scotland Act 1998).”.

(d) after subsection (6), there is inserted—

“(6A) The Prime Minister shall send a copy of every annual report together with a copy of the statement referred to in subsection (6) above which he lays in terms of that subsection to the First Minister who shall forthwith lay that copy report and statement before the Scottish Parliament.”.

(4) In Schedule 1 (investigation of complaints)—

(a) in paragraph 5(2), after “Secretary of State was”, there is inserted “or, in the case of a warrant issued by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers were”;



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- (b) in paragraph 6(1)(b), after “Secretary of State”, there is inserted “or, in the case of a warrant issued by them (by virtue of provision under section 63 of the Scotland Act 1998), the Scottish Ministers”;
- (c) paragraph 7(2), at the end, there is inserted –  
“or, in any case which relates to a warrant which was issued by them (by virtue of provision made under section 63 of the Scotland Act 1998), to the Scottish Ministers”;
- (d) in paragraph 8(1)(b), after “Secretary of State”, there is inserted “or, if the determination relates to activities in respect of which a warrant was issued under section 5 of this Act by them (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers”.

.....  
**Commencement Information**

**I27** Sch. 5 para. 14 in force at 1.7.1999, see [art. 1\(1\)](#)

**Local Government etc. (Scotland) Act 1994 (c. 39)**

**15.**—(1) Section 117 (directions in the interests of national security) of the Local Government etc. (Scotland) Act 1994 is amended as follows.

(2) In subsection (4), after “given” there is inserted “by him”.

(3) After subsection (4) there is inserted—

“(4A) The Scottish Ministers shall lay before the Scottish Parliament a copy of—

(a) any direction given by them under this section (by virtue of provision made under section 63 of the Scotland Act 1998); and

(b) any direction given by the Secretary of State under this section,

unless the Secretary of State is of the opinion that disclosure of the direction is against the interests of national security.”.

.....  
**Commencement Information**

**I28** Sch. 5 para. 15 in force at 1.7.1999, see [art. 1\(1\)](#)

**Reserve Forces Act 1996 (c. 14)**

**16.** In the Reserve Forces Act 1996, the words “and the Lord Advocate” wherever they appear in sections 90 and 91(**152**) are omitted.

.....  
**Commencement Information**

**I29** Sch. 5 para. 16 in force at 1.7.1999, see [art. 1\(1\)](#)

**Broadcasting Act 1996 (c. 55)**

**17.**—(1) The Broadcasting Act 1996 is amended as follows.

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(152) The functions of the Lord Advocate under sections 90 and 91 were transferred to the Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678).

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(2) In section 125 (annual reports of the Broadcasting Standards Commission), after subsection (1) insert—

“(1A) Where a report is transmitted by the BSC under subsection (1) to the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998), the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.”

**Commencement Information**

**I30** Sch. 5 para. 17 in force at 1.7.1999, see [art. 1\(1\)](#)

**Firearms (Amendment) Act 1997 (c. 5)**

**18.**—(1) The Firearms (Amendment) Act 1997 is amended as follows.

(2) In section 2 (slaughtering instruments), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

(3) In section 3 (firearms used for humane killing of animals), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

(4) In section 4 (shot pistols used for shooting vermin), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

(5) In section 5 (races at athletic meetings), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

(6) In section 6 (trophies of war), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

(7) In section 7 (firearms of historic interest)—

(a) in subsection (1), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”;

(b) in subsection (3), after “Secretary of State” where they occur in both places, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

(8) In section 8 (weapons and ammunition used for treating animals), after “Secretary of State”, there is inserted “or the Scottish Ministers (by virtue of provision made under section 63 of the Scotland Act 1998)”.

**Commencement Information**

**I31** Sch. 5 para. 18 in force at 1.7.1999, see [art. 1\(1\)](#)

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, made under the Scotland Act 1998 (“the 1998 Act”), provides for certain specified functions of a Minister of the Crown, so far as they are exercisable by him in or as regards Scotland, to be exercisable by the Scottish Ministers instead of, or concurrently with the Minister concerned, or to be exercisable by him in or as regards Scotland subject to a requirement as to agreement of or consultation with the Scottish Ministers.

Article 2 of the Order provides that the functions conferred on a Minister of the Crown by the enactments specified in Schedule 1 shall be exercisable, in or as regards Scotland, by the Scottish Ministers instead of by a Minister of the Crown, subject, in certain cases, to specified restrictions and requirements (being requirements which would otherwise cease to apply by virtue of section 63(2) of the 1998 Act or additional requirements imposed under section 63(3) of that Act).

Article 3 provides that the functions conferred on a Minister of the Crown by the enactments specified in Schedule 2 shall be exercisable, in or as regards Scotland, by the Scottish Ministers concurrently with the Minister of the Crown concerned subject, in certain cases, to specified restrictions or requirements.

Article 4 provides that the functions conferred on a Minister of the Crown by the enactments specified in Schedule 3 shall be exercisable by him, in or as regards Scotland, subject to the requirements as to agreement or consultation with the Scottish Ministers which are specified in the Schedule in relation to each of the specified functions.

Article 5 and Schedule 4 provide for certain non-statutory functions of a Minister of the Crown in relation to the radio spectrum, tribunals and welfare foods to be exercisable in or as regards Scotland by the Scottish Ministers instead.

Article 6(1) introduces Schedule 5 which makes modifications of enactments. Article 6(2) applies with modifications sections 94 and 117 to 121 of the 1998 Act (which make certain general modifications of enactments) in relation to the exercise of functions by the Scottish Ministers by virtue of the Order.

Article 7 makes transitional and saving provision.

### Changes to legislation:

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### Changes and effects yet to be applied to :

- Sch. 1 entries revoked by [S.I. 2008/2833 Sch. 3 para. 228\(v\)](#)
- Sch. 1 entry omitted by [2016 c. 11 Sch. 2 para. 28\(a\)](#)
- Sch. 1 entry omitted by [2016 c. 11 Sch. 2 para. 28\(b\)](#)
- Sch. 1 entry omitted by [2016 c. 11 Sch. 2 para. 28\(c\)](#)
- Sch. 1 entry omitted by [S.I. 2001/1283 art. 4\(2\)](#)
- Sch. 1 entry revoked by [2005 c. 13 Sch. 2](#)
- Sch. 1 entry revoked by [2007 c. 15 Sch. 23](#)
- Sch. 1 words omitted by [2012 c. 11 s. 17\(10\)\(a\)](#)
- Sch. 1 words omitted by [2014 c. 12 s. 109\(4\)\(a\)](#)
- Sch. 1 words omitted by [S.I. 2000/1563 art. 6\(2\)](#)
- Sch. 1 words omitted by [S.I. 2000/3253 art. 4\(3\)\(a\)\(ii\)](#)
- Sch. 1 Column 1 words omitted by [S.I. 2006/3258 art. 3\(1\)](#)
- Sch. 1 words omitted by [S.I. 2007/289 Sch. 1 para. 23\(a\)](#)
- Sch. 1 words omitted by [S.I. 2007/289 Sch. 1 para. 23\(b\)](#)
- Sch. 1 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(2\)\(a\)](#)
- Sch. 1 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(2\)\(b\)](#)
- Sch. 1 words omitted by [S.I. 2020/267 reg. 26\(a\)](#)
- Sch. 1 words repealed by [2012 c. 19 Sch. 9 para. 17](#)
- Sch. 1 words repealed by [2012 c. 19 Sch. 9 para. 17](#)
- Sch. 1 words revoked by [2013 c. 32 Sch. 12 para. 30](#)
- Sch. 1 words revoked by [S.I. 2013/686 Sch. 2](#)
- Sch. 1 words substituted by [2006 c. 34 s. 12\(1\)](#)
- Sch. 1 words substituted by [S.I. 2000/3253 art. 4\(3\)\(a\)\(i\)](#)
- Sch. 2 words omitted by [2012 c. 11 s. 17\(10\)\(b\)](#)
- Sch. 2 words omitted by [S.I. 2013/602 Sch. 2 para. 78\(2\)](#)
- Sch. 3 entry omitted by [2016 c. 11 Sch. 2 para. 29\(a\)](#)
- Sch. 3 entry omitted by [2016 c. 11 Sch. 2 para. 29\(b\)](#)
- Sch. 3 words omitted by [2012 c. 11 s. 22\(2\)\(a\)](#)
- Sch. 3 words omitted by [2012 c. 11 s. 22\(2\)\(b\)](#)
- Sch. 3 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(3\)](#)
- Sch. 3 words revoked by [2013 c. 32 Sch. 12 para. 30](#)
- Sch. 4 para. 3 omitted by [S.I. 2020/267 reg. 26\(b\)](#)
- Sch. 4 para. 1(1)(b)(c) substituted by [S.I. 2013/602 Sch. 2 para. 78\(3\)](#)
- Sch. 4 para. 3(1)(a) words omitted by [S.I. 2006/3258 art. 3\(2\)\(a\)](#)
- Sch. 4 para. 3(1)(b) words omitted by [S.I. 2006/3258 art. 3\(2\)\(b\)](#)
- Sch. 4 para. 3(2) words omitted by [S.I. 2006/3258 art. 3\(2\)\(c\)](#)
- Sch. 5 para. 10(4) omitted by [2012 c. 11 s. 17\(10\)\(c\)](#)
- Sch. 5 para. 3 omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 18(2)-(6) omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 18(7)(a) omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 18(8) omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 6 omitted by [S.I. 2000/3253 art. 4\(3\)\(b\)](#)
- Sch. 5 para. 14(3)(4) omitted by [S.I. 2000/3253 art. 4\(3\)\(b\)](#)
- Sch 5 para. 1 revoked by [S.I. 2001/1149 Sch. 2](#)
- art. 2 restricted by [1984 c. 27, Sch. 9 para. 12A \(as inserted\) by 2004 c. 36 Sch. 2 para. 16\(4\)\(b\)](#)

**Commencement Orders yet to be applied to the The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999**

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2007/598 art. 2Sch. 1](#) commences (2006 c. 34)