
STATUTORY INSTRUMENTS

1999 No. 1096

The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999

Application

4.—(1) This Order shall apply in relation to—

- (a) the exercise by a member of the Scottish Executive of a function to make, confirm or approve subordinate legislation conferred by an enactment;
- (b) the exercise by a relevant Scottish public authority of a function to make, confirm or approve subordinate legislation conferred by an enactment; or
- (c) the exercise, within devolved competence, by a person other than a Minister of the Crown, a member of the Scottish Executive or a relevant Scottish public authority of a function to make, confirm or approve subordinate legislation conferred by an enactment,

where the document by which that function is exercised is (whether by virtue of this Order or otherwise) a statutory instrument and is not an excepted instrument.

(2) A statutory instrument by which such a function is so exercised and which is not an excepted instrument shall be known as a Scottish statutory instrument.

(3) An excepted instrument is one—

- (a) which is made by a Minister of the Crown with the agreement of a member of the Scottish Executive or of a relevant Scottish public authority;
- (b) which is made jointly by a Minister of the Crown and by a member of the Scottish Executive or by a relevant Scottish public authority; or
- (c) which is an Order in Council made by Her Majesty under section 1 of the United Nations Act 1946⁽¹⁾.

(4) Articles 10 to 15 as they apply (or will, as from the principal appointed day, apply) to a Scottish statutory instrument shall also apply where any enactment provides, or has the effect of providing, that any other statutory instrument is—

- (a) to be laid before the Scottish Parliament after being made; or
- (b) to be subject to annulment in pursuance of a resolution of the Scottish Parliament,

or that any draft of any other statutory instrument is to be laid before the Scottish Parliament.

(5) Article 14 as it applies to a Scottish statutory instrument shall also apply where any enactment provides, or has the effect of providing, that any other instrument or document is to be laid before the Scottish Parliament.

^{F1}(6)

F1 Art. 4(6) revoked (S.) (6.4.2011) by Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), ss. 55(3), 58(3); S.S.I. 2011/17, art. 3(d)

(1) 1946 c. 45. Section 1 is amended by the Scotland Act 1998, Schedule 8, paragraph 6 with effect from 1st July 1999.

Changes to legislation: *The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999, Section 4 is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

Commencement Information

- I1** Art. 4(1)-(3)(5)(6) in force at 1.7.1999 in so far as not already in force, see [art. 1\(b\)](#)
- I2** Art. 4(4) in force at 6.5.1999 for specified purposes, see [art. 1\(a\)](#)

Changes to legislation:

The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999, Section 4 is up to date with all changes known to be in force on or before 17 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- art. 4(1)-(5) ceases to have effect by [S.I. 1999/1096 art. 4\(6\)](#)