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STATUTORY INSTRUMENTS

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**1999 No. 678**

**The Transfer of Functions (Lord Advocate  
and Secretary of State) Order 1999**

**Citation and commencement**

1. This Order may be cited as the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 and shall come into force on 19th May 1999.

**Transfer of functions**

2.—(1) The functions of the Lord Advocate under the enactments specified in the Schedule to this Order are hereby transferred to the Secretary of State.

(2) The functions of the Lord Advocate which are mentioned in Article 2(b) of the Transfer of Functions (Treasury and Lord Advocate) Order 1981(1) are hereby transferred to the Secretary of State.

**Supplementary and consequential**

3. All property, rights and liabilities to which the Lord Advocate is entitled or subject at the coming into force of this Order in connection with any function transferred by this Order are hereby transferred to the Secretary of State for Scotland.

4. In section 34 of the Conveyancing (Scotland) Act 1924(2), for “the Lord Advocate at the Crown Office” there is substituted “the Secretary of State at St Andrew’s House”.

5. Paragraph 1(2)(b) of Schedule 5 to the Reserve Forces Act 1996(3) shall be repealed.

6. In section 91(3)(b) of the Arbitration Act 1996(4) the words “with the concurrence of the Lord Advocate” shall be repealed.

7.—(1) This Order shall not affect the validity of anything done (or having effect as if done) by or in relation to the Lord Advocate before the coming into force of this Order.

(2) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Lord Advocate may, so far as it relates to anything transferred by this Order, be continued by or in relation to the Secretary of State or, as the case may be, the Secretary of State for Scotland.

(3) Anything done (or having effect as if done) by or in relation to the Lord Advocate for the purposes of or in connection with anything transferred by this Order shall, if in force at the coming into force of this Order, have effect as if done by or in relation to the Secretary of State or, as the case may be, the Secretary of State for Scotland in so far as that is required for continuing its effect after the coming into force of this Order.

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(1) S.I.1981/239.

(2) 1924 c. 27. Section 34 was amended by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), section 34.

(3) 1996 c. 14.

(4) 1996 c. 23.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(4) Subject to any express repeal or amendment made by this Order, any enactment, instrument or other document passed or made before the coming into force of this Order shall have effect, so far as may be necessary for the purposes of or in consequence of any transfer effected by this Order, as if for any references to the Lord Advocate there were substituted references to the Secretary of State or, as the case may be, the Secretary of State for Scotland.

*A K Galloway*  
Clerk of the Privy Council