



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministerial functions

53 General transfer of functions.

- (1) The functions mentioned in subsection (2) shall, so far as they are exercisable within devolved competence, be exercisable by the Scottish Ministers instead of by a Minister of the Crown.
- (2) Those functions are—
 - (a) those of Her Majesty's prerogative and other executive functions which are exercisable on behalf of Her Majesty by a Minister of the Crown,
 - (b) other functions conferred on a Minister of the Crown by a prerogative instrument, and
 - (c) functions conferred on a Minister of the Crown by any pre-commencement enactment,but do not include any retained functions of the Lord Advocate.
- (3) In this Act, "pre-commencement enactment" means—
 - (a) an Act passed before or in the same session as this Act and any other enactment made before the passing of this Act,
 - (b) an enactment made, before the commencement of this section, under such an Act or such other enactment,
 - (c) subordinate legislation under section 106, to the extent that the legislation states that it is to be treated as a pre-commencement enactment.
- (4) This section and section 54 are modified by Part III of Schedule 4.

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 53. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 53 restricted (1.7.1999) by S.I. 1999/1592, arts. 1, 3, **Sch. 1**; S.I. 1998/3178, **art. 3**
S. 53 excluded (30.6.1999) by S.I. 1999/1746, **arts. 1, 3**; S.I. 1998/3178, **art. 3**
- C2** S. 53 explained (6.5.1999) (*temp.* until 1.7.1999) by S.I. 1999/1042, **art. 2**
- C3** S. 53 extended (6.5.1999) (*temp.*) by S.I. 1999/901, **art. 3(3)**
- C4** S. 53 extended (30.6.1999) by S.I. 1999/1748, **arts. 4-8**
- C5** S. 53 excluded (15.11.2004) by Children Act 2004 (c. 31), **ss. 6(9), 67(1)**
- C6** S. 53(2)(a) modified (1.7.1999) by S.I. 1999/1756, **arts. 5-7**

Status:

Point in time view as at 22/07/2004.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 53.