
STATUTORY INSTRUMENTS

1999 No. 1512

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Agency
Arrangements) (Specification) Order 1999**

Made - - - - 2nd June 1999
Laid before Parliament 10th June 1999
*Laid before the Scottish
Parliament - - - - 10th June 1999*
Coming into force in accordance with article 1(2)

At the Court at Buckingham Palace, the 2nd day of June 1999
Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 93(3) and 113 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 (Agency Arrangements) (Specification) Order 1999.

(2) This Order shall come into force on the principal appointed day(2).

(3) In this Order—

“the 1998 Act” means the Scotland Act 1998; and

“NHS Trust”, “Health Board”, “dried milk”, “family credit”, “beneficiaries”, “suppliers” and “vitamins” have the same meaning as they have in the Welfare Food Regulations 1996(3).

(1) 1998 c. 46.

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

(3) S.I. 1996/1434, to which there are amendments not relevant to this Order.

Specification of functions

2.—(1) The functions conferred on a Minister of the Crown by the enactments specified in Schedule 1 to this Order are hereby specified for the purposes of section 93(1) of the 1998 Act.

(2) The functions exercisable by the Scottish Ministers under the enactments mentioned in Schedule 2 to this Order are hereby specified for the purposes of section 93(1) of the 1998 Act.

(3) The functions of the Scottish Ministers described in Schedule 3 to this Order are hereby specified for the purposes of section 93(1) of the 1998 Act.

A. K Galloway
Clerk of the Privy Council

SCHEDULE 1

Article 2(1)

FUNCTIONS CONFERRED ON A MINISTER OF THE CROWN

1. Section 4 of the Sea Fish (Conservation) Act 1967(4) and the Sea Fish Licensing Order 1992(5) (functions in relation to the licensing of fishing boats).
2. Sections 18(5), 29(4A), 29(5), 29(6) and 29(7) of the Representation of the People Act 1983(6) (functions relating to funding arrangements for, and the conduct of, parliamentary elections).
3. Sections 29(4A), 29(5), 29(6) and 29(7) of the Representation of the People Act 1983 as applied by regulation 3(1) of, and Schedule 1 to, the European Parliamentary Elections Regulations 1999(7) (functions relating to funding arrangements for elections to the European Parliament).
4. Sections 29(4A), 29(5), 29(6) and 29(7) of the Representation of the People Act 1983 as applied by article 18 of the Scottish Parliament (Elections etc.) Order 1999(8) (functions relating to funding arrangements for elections to the Scottish Parliament).
5. Section 47(1) of the Representation of the People Act 1983(9) (function relating to determining terms and conditions for loans of equipment for local government elections).
6. Regulations 43(2) and 55(2) of the Representation of the People (Scotland) Regulations 1986(10) (functions of directing an adaptation of the electors lists and electoral register in force in consequence of an alteration of parliamentary polling districts).
7. Regulation 51(2) of the Representation of the People (Scotland) Regulations 1986 (function of receiving copies of electoral register).
8. Regulation 12(4) of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997(11) (function of approving a packaging waste scheme).
9. Regulation 17(2) of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (function of withdrawal of approval of a packaging waste scheme).
10. Regulation 18 of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (function in relation to appeal by an operator of a scheme against refusal or cancellation of registration).
11. Regulation 19 of, and Schedule 5 to, the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (function in relation to the procedure of appeals).
12. Regulation 20 of the Producer Responsibility Obligations (Packaging Waste) Regulations 1997 (function in relation to the determination of appeals).
13. Article 20(1) of the Scottish Parliament (Elections etc.) Order 1999 (function relating to determining terms and conditions for loans of equipment for Scottish parliamentary elections).
14. Article 23(1) of the Scottish Parliament (Elections etc.) Order 1999 (function relating to the giving of directions to the discharge of registration duties).

(4) 1967 c. 84; section 4 was amended by the Fishery Limits Act 1976 (c. 86), section 3, the Fisheries Act 1991 (c. 29), section 20 and the Sea Fish (Conservation) Act 1992 (c. 60), section 1.

(5) S.I. 1992/2633 as amended by S.I. 1993/188 and S.I. 1993/2291.

(6) 1983 c. 2; section 18(5) was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), section 142; section 29(4A) was substituted by the Representation of the People Act 1991 (c. 11), sections 1 and 2 and amended by S.I.1986/1111, S.I. 1991/1634 and S.I. 1991/1728.

(7) S.I. 1999/1214.

(8) S.I. 1999/787.

(9) Section 47(1) was amended by S.I. 1991/1728.

(10) S.I. 1986/1111.

(11) S.I. 1997/648.

15. Articles 39(4), 40(3)(a), 40(5), 47(1), 47(6), 49(2) and 49(3)(b) of the Scottish Parliament (Elections etc.) Order 1999 (functions relating to the receipt of various returns and declarations in relation to election expenses).

16. Article 55(2) and (3) of the Scottish Parliament (Elections etc.) Order 1999 (functions relating to the publication of notice of time and place of inspection of returns and declarations in relation to election expenses).

17. Article 57(1) and (4) of the Scottish Parliament (Elections etc.) Order 1999 (functions relating to the making available for inspection various returns and declarations in relation to election expenses).

18. Paragraph 20(4) of Schedule 4 to the Scottish Parliament (Elections etc.) Order 1999 (function in relation to the receipt of returns relating to postal ballot papers).

19. Paragraph 1(2) of Schedule 7 to the Scottish Parliament (Elections etc.) Order 1999 (function in relation to the determination of questions about the use of rooms in school premises for election meetings).

SCHEDULE 2

Article 2(2)

FUNCTIONS EXERCISABLE BY THE SCOTTISH MINISTERS

1. Section 4 of the Sea Fish (Conservation) Act 1967 and the Sea Fish Licensing Order 1992 (functions in relation to the licensing of fishing boats).

2. Section 16(9)(b) of the Food and Environment Protection Act 1985(**12**) (function of consulting the Advisory Committee on Pesticides in relation to the giving, revoking or suspending of pesticide approvals).

3. Section 16(9)(c) of the Food and Environment Protection Act 1985 (function of consulting the Advisory Committee on Pesticides in relation to conditions to which approvals shall be made subject).

4. Section 16(11) of the Food and Environment Protection Act 1985 (functions of requiring the provision of information by importers, exporters, manufacturers, distributors or users of a pesticide).

5. Section 16(13A) of the Food and Environment Protection Act 1985(**13**) (function in relation to the recovery of expenses).

6. Section 18 of the Food and Environment Protection Act 1985(**14**) (functions in relation to approval fees and other payments).

7. Regulation 5 of the Control of Pesticides Regulations 1986(**15**) (functions in relation to approvals for the advertisement, sale, supply, storage and use of pesticides).

8. Regulation 6 of, and Schedules 1 to 4 to, the Control of Pesticides Regulations 1986(**16**) (functions in relation to consents to the advertisement, sale, supply, storage and use of pesticides and in relation to conditions to which such consents are made subject).

(12) 1985 c. 48.

(13) Subsection (13A) was inserted by the Pesticides (Fees and Enforcement) Act 1989 (c. 27) (“1999 Act”), section 1(2).

(14) Section 18 was substituted by section 1(1) of the 1989 Act.

(15) S.I. 1986/1510; regulation 5(2) was substituted by S.I. 1997/188, regulation 5.

(16) Regulation 6 was substituted by S.I. 1997/188, regulation 6.

9. Section 30 of the Jobseekers Act 1995⁽¹⁷⁾ (function of paying grants to such persons as are considered appropriate in relation to expenditure in connection with the provision or maintenance of resettlement places).

10. Regulations 12(2) and 15(2) of the Welfare Food Regulations 1996⁽¹⁸⁾ (function of making payments to beneficiaries).

11. Regulations 16 and 20 of the Welfare Food Regulations 1996 (function of reimbursing suppliers of milk to Scottish beneficiaries and to children in day care).

12. Regulation 5 of the Plant Protection Products (Basic Conditions) Regulations 1997⁽¹⁹⁾ (functions in relation to approvals for the advertisement of prescribed plant protection products).

13. Regulation 6 of the Plant Protection Products (Basic Conditions) Regulations 1997 (functions in relation to approvals for the storage of prescribed plant protection products).

14. Regulation 7 of, and Schedules 1 to 4 to, the Plant Protection Products (Basic Conditions) Regulations 1997 (functions in relation to consents to the advertisement, sale, supply, storage and use of prescribed plant protection products and in relation to conditions to which such consents are made subject).

15. Section 2(2) of the Road Traffic (NHS Charges) Act 1999⁽²⁰⁾ (function relating to the issue of certificates of NHS charges for the treatment of road traffic accident victims).

16. Sections 5(2), 5(3), 13(1) and 13(2) of the Road Traffic (NHS Charges) Act 1999 (functions relating to the recovery and payment to hospitals of, NHS charges for treatment of road traffic accident victims).

SCHEDULE 3

Article 2(3)

FUNCTIONS OF THE SCOTTISH NIINISTERS

1. Function of 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 Food Regulations 1996.

2. Function of paying suppliers' invoices for the supply of vitamins to an NHS Trust or Health Board in connection with the Welfare Food Regulations 1996.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies certain functions of a Minister of the Crown and of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) allows a Minister of the Crown

⁽¹⁷⁾ 1995 c. 18.

⁽¹⁸⁾ S.I. 1996/1434.

⁽¹⁹⁾ S.I. 1997/189.

⁽²⁰⁾ 1999 c. 3.

Status: *This is the original version (as it was originally made).*

to make arrangements for any of his specified functions to be exercised on his behalf by the Scottish Ministers and allows the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown.

The functions of a Minister of the Crown which may be exercised by the Scottish Ministers on his behalf are those conferred by the enactments specified in Schedule 1 to this Order.

The statutory functions of the Scottish Ministers which may be exercised by a Minister of the Crown on their behalf are those exercisable by the Scottish Ministers under the enactments specified in Schedule 2 to this Order.

The non-statutory functions of the Scottish Ministers which may be exercised by a Minister of the Crown on their behalf are described in Schedule 3 to this Order.

This Order will come into force on the principal appointed day. That day is 1st July 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998 (S.I.1998/3178).