
STATUTORY INSTRUMENTS

1999 No. 737

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scottish Parliament (Letters
Patent and Proclamations) Order 1999**

Made - - - - - *10th March 1999*
Laid before Parliament *22nd March 1999*
Coming into force - - - *6th May 1999*

At the Court at Buckingham Palace, the 10th day of March 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 38(3) and 113 of the Scotland Act 1998(1), 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 Scottish Parliament (Letters Patent and Proclamations) Order 1999 and shall come into force on 6th May 1999.

(2) In this Order—

“the 1998 Act” means the Scotland Act 1998;

“Letters Patent” means Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Scottish Parliament; and

“proclamations” means royal proclamations under sections 2(5) and 3(2) of the 1998 Act.

Form of Letters Patent and proclamations

2. The form of words to be used—

(a) in Letters Patent shall be that set out in Part I of the Schedule to this Order;

(1) 1998 c. 46. Article 6 of the Scotland Act 1998 (Transitional and Transitory Provisions)(Subordinate Legislation under the Act) Order 1998 (S.I.1998/3216) modified the procedure to which this Order is subject.

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- (b) in royal proclamations under section 2(5) of the 1998 Act shall be that set out in Part II of that Schedule; and
- (c) in royal proclamations under section 3(2) of the 1998 Act shall be that set out in Part III of that Schedule,

subject only to such variations as are necessitated by the circumstances.

Preparation of Letters Patent and proclamations

3. Letters Patent and proclamations may be printed or written or partly printed and partly written, and may be prepared on paper or parchment.

Publication of Letters Patent and proclamations

4.—(1) As soon as is reasonably practicable after intimation of the date of their recording in the Register of the Great Seal is received by the Clerk of the Parliament, Letters Patent shall be notified by the Presiding Officer to the Parliament at a meeting of the Parliament, or by such other means as the Presiding Officer may consider appropriate, and shall be published in the London, Edinburgh and Belfast Gazettes.

(2) Proclamations shall be published in the London, Edinburgh and Belfast Gazettes.

A K Galloway
Clerk of the Privy Council

SCHEDULE

Article 3

FORM OF DOCUMENTS

PART I

Letters Patent

“ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith To Our trusty and well beloved the members of the Scottish Parliament GREETING:

FORASMUCH as various Bills have been passed by the Scottish Parliament and have been submitted to Us for Our Royal Assent by the Presiding Officer of the Scottish Parliament in accordance with the Scotland Act 1998 the short Titles of which Bills are set forth in the Schedule hereto but those Bills by virtue of the Scotland Act 1998 do not become Acts of the Scottish Parliament nor have effect in the Law without Our Royal Assent signified by Letters Patent under Our Scottish Seal (that is Our Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland) signed with Our own hand and recorded in the Register of the Great Seal We have therefore caused these Our Letters Patent to be made and have signed them and by them do give Our Royal Assent to those Bills COMMANDING ALSO the Keeper of Our Scottish Seal to seal these Our Letters with that Seal.

IN WITNESS WHEREOF we have caused these Our Letters to be made Patent.

WITNESS Ourselves at the day of in the year of Our Reign .

By The Queen Herself Signed with Her Own Hand.”

PART II

Royal proclamations under section 2(5) of the 1998 Act

“BY THE QUEENA PROCLAMATION

DISSOLVING THE SCOTTISH PARLIAMENT, SETTING THE DATE OF THE POLL AT THE SUBSEQUENT ORDINARY GENERAL ELECTION AND REQUIRING THE PARLIAMENT TO MEET WITHIN SEVEN DAYS THEREOF.

Whereas, under section 2(5) of the Scotland Act 1998, if the Presiding Officer of the Scottish Parliament proposes to Us a day for the holding of the poll at an ordinary general election for membership of the Parliament which is not more than one month earlier, nor more than one month later, than the first Thursday in May in the fourth calendar year following that in which the previous ordinary general election was held, We have power by proclamation under Our Scottish Seal (that is Our Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland) to dissolve the Scottish Parliament, to require the poll at the ordinary general election for membership of the Parliament to be held on the day proposed, and to require the Parliament to meet within the period of seven days beginning immediately after the day of the poll:

And Whereas the said Presiding Officer has, in accordance with the said section 2(5), proposed [*insert the day proposed by the Presiding Officer*] as a day for the holding of the poll:

We, therefore, in pursuance of the said section 2(5) and of all other powers enabling Us in that behalf do hereby proclaim, direct and ordain as follows—

1. The Scottish Parliament is hereby dissolved.

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2. The poll at the ordinary general election for membership of the Parliament shall be held on *[insert the day proposed by the Presiding Officer]*.

3. The Parliament shall meet within the period of seven days beginning immediately after that date.

4. The Keeper of Our Scottish Seal is commanded to seal this proclamation with Our Scottish Seal.

Given at Our Court at _____, this _____ day of _____ in the year of our Lord and in the _____ year of Our Reign.”

PART III

Royal proclamations under section 3(2) of the 1998 Act

“BY THE QUEENA PROCLAMATION

DISSOLVING THE SCOTTISH PARLIAMENT, REQUIRING AN EXTRAORDINARY GENERAL ELECTION TO BE HELD, SETTING THE DATE OF THE POLL AT THAT ELECTION AND REQUIRING THE PARLIAMENT TO MEET WITHIN SEVEN DAYS THEREAFTER.

Whereas, under section 3(2) of the Scotland Act 1998, if the Presiding Officer of the Scottish Parliament proposes to Us a day for the holding of a poll in the circumstances set out in section 3(1) of that Act, We have power by proclamation under Our Scottish Seal (that is Our Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland) to dissolve the Scottish Parliament, to require an extraordinary general election for membership of the Parliament to be held, to require the poll at the election to be held on the day proposed, and to require the Parliament to meet within the period of seven days beginning immediately after the day of the poll:

And Whereas the said Presiding Officer has, in accordance with the said section 3(1), proposed *[insert the day proposed by the Presiding Officer]* as a day for the holding of the poll:

We, therefore, in pursuance of the said section 3(2) and of all other powers enabling Us in that behalf do hereby proclaim, direct and ordain as follows—

1. The Scottish Parliament is hereby dissolved.
2. An extraordinary general election for membership of the Parliament shall be held.
3. The poll at that election shall be held on *[insert the day proposed by the Presiding Officer]*.
4. The Parliament shall meet within the period of seven days beginning immediately after that date.
5. The Keeper of Our Scottish Seal is commanded to seal this proclamation with Our Scottish Seal.

Given at Our Court at _____, this _____ day of _____ in the year of our Lord and in the _____ year of Our Reign.”

EXPLANATORY NOTE

(This note is not part of the Order)

Section 28 of the Scotland Act 1998 (c. 46) (“the 1998 Act”) provides that Bills of the Scottish Parliament receive Royal Assent at the beginning of the day on which Letters Patent under Her Majesty’s Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal of Scotland (“the Scottish Seal”) signed with Her Majesty’s own hand signifying Her Assent are recorded in the Register of the Great Seal. Sections 2(5) and 3(2) of the 1998 Act also confer power on Her Majesty in certain circumstances by proclamation to dissolve the Scottish Parliament, to require a general election to be held, to set the date of the poll at the election and to require the Parliament to meet within seven days of the poll.

This Order prescribes the form of words to be used in Letters Patent signifying Royal Assent to Bills passed by the Scottish Parliament and in royal proclamations made under sections 2(5) and 3(2) of the Scotland Act 1998. It also makes provision as to the preparation and publication of those documents.