
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Scotland Act 1998 (Transfer of Functions
to the Scottish Ministers etc.) Order 2019**

Functions to be treated as being exercisable in or as regards Scotland

2.—(1) The functions described in paragraph (2) are, for the purposes of section 63 (power to transfer functions) of the Scotland Act 1998, to be treated as being functions which are exercisable in or as regards Scotland.

(2) The functions are those conferred on the Secretary of State by—

- (a) section 2(2) of the European Communities Act 1972(1), and
- (b) the European Communities (Designation) Order 2008(2),

so far as they are exercisable by that person in relation to the assessment of the effects on the environment in connection with applications for consent under section 36 of the Electricity Act 1989(3), or for the variation of such consents under section 36C of that Act(4), for the construction, extension or operation of generating stations in the area designated by the Renewable Energy Zone (Designation of Area) (Scottish Ministers) Order 2005(5) as the area in relation to which the Scottish Ministers are to have functions.

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- (1) [1972 c.68](#). Section 2(2) is amended by the Legislative and Regulatory Reform Act [2006 \(c.51\)](#) section 27(1)(a) and the European Union (Amendment) Act [2008 \(c.7\)](#) section 3(3) and is modified by paragraph 15 of Schedule 8 to the Scotland Act 1998.
- (2) [S.I. 2008/301](#).
- (3) [1989 c.29](#). Section 36 is amended by the Energy Act [2004 \(c.20\)](#) section 93(1) and (3), the Planning Act [2008 \(c.29\)](#) Schedule 2, paragraph 32, the Marine and Coastal Access Act [2009 \(c.23\)](#) section 12(7)(a) and (8), the Energy Act [2016 \(c.20\)](#) section 78 and the Wales Act [2017 \(c.4\)](#) section 39 and Schedule 6, paragraph 47, and [S.I. 2006/1054](#).
- (4) Section 36C is inserted into the Electricity Act 1989 by the Growth and Infrastructure Act [2013 \(c.27\)](#) section 20(1) and (2).
- (5) [S.I. 2005/3153](#).