
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Scotland Act 1998 (c.46) (“the 1998 Act”), provides for certain functions of the Secretary of State, so far as they are exercisable by that Minister in or as regards Scotland, to be exercisable concurrently by the Scottish Ministers.

Article 2, made under section 30(3) of the 1998 Act, specifies that certain functions of the Secretary of State are to be regarded as exercisable in or as regards Scotland so that they are transferable under section 63 of the 1998 Act.

These are the Secretary of State’s power to make regulations under section 2(2) of the European Communities Act 1972 (c.68) as designated by the European Communities (Designation) Order 2008 (S.I. 2008/301). This designates the Secretary of State in respect of the environment to implement Directive 2014/52/EU (OJ L 124, 25.4.2014, p.1) of the European Parliament and of the Council of 16 April 2014 (as it amends Directive 2011/92/EU (OJ L 26, 18.1.2012, p.1)), on the assessment of the effects of certain public and private projects on the environment, as regards the construction etc. of generating stations consented under section 36 of the 1989 Act in respect of the Scottish part of the REZ. The “Scottish part” of the REZ was designated by the Renewable Energy Zone (Designation of Area) (Scottish Ministers) Order 2005 (S.I. 2005/3153).

Article 3, made under section 63(1)(b) of the 1998 Act, confirms that the functions defined in article 2 are to be exercisable by the Scottish Ministers concurrently with the Secretary of State.

Article 4, made under section 124(2) of the 1998 Act, provides for the general modification of enactments in connection with provision made by this Order.

An impact assessment has not been produced for this instrument as no, or no significant, additional impact on the private, voluntary or public sectors is foreseen.