

---

*Status:* Point in time view as at 13/07/2000. This version of this cross heading contains provisions that are not valid for this point in time.  
*Changes to legislation:* There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: This Act. (See end of Document for details)

---

## SCHEDULES

### SCHEDULE 4

#### ENACTMENTS ETC. PROTECTED FROM MODIFICATION

##### PART I

##### THE PROTECTED PROVISIONS

###### *This Act*

- 4 (1) An Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, this Act.
- (2) This paragraph does not apply to modifying sections 1(4), 17(5), 19(7), 21(5), 24(2), 28(5), 39(7), 40 to 43, 50, 69(3), 85 [<sup>F1</sup>, 93 and 97] and paragraphs 4(1) to (3) and 6(1) of Schedule 2.
- (3) This paragraph does not apply to modifying any provision of this Act (other than sections 64(7), 66(2), 71(7), 77, 78 and 119) which—
- (a) charges any sum on the Scottish Consolidated Fund,
  - (b) requires any sum to be paid out of that Fund without further approval, <sup>F2</sup> . . .
  - [<sup>F3</sup>(c) requires any sum to be payable out of that Fund, or
  - (d)] requires or authorises the payment of any sum into that Fund.
- (4) This paragraph does not apply to any modifications of Part III which are necessary or expedient for the purpose or in consequence of the establishment of a new fund, in addition to the Scottish Consolidated Fund, out of which loans may be made by the Scottish Ministers.
- (5) This paragraph does not apply to—
- (a) modifying so much of any enactment as is modified by this Act,
  - (b) repealing so much of any provision of this Act as amends any enactment, if the provision ceases to have effect in consequence of any enactment comprised in or made under an Act of the Scottish Parliament.

#### Textual Amendments

- F1** Words in Sch. 4 Pt. I para. 4(2) substituted (1.7.1999) by S.I. 1999/1749, arts. 1, 2(1); S.I. 1998/3178, art. 3
- F2** Words in Sch. 4 Pt. I para. 4(3)(b)(c) left out (13.7.2000) by virtue of S.I. 2000/1831, art. 3
- F3** Sch. 4 Pt. I para. 4(c) and word “(d)” inserted (13.7.2000) by S.I. 2000/1831, art. 3

*Status: Point in time view as at 13/07/2000. This version of this cross heading contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: This Act. (See end of Document for details)

VALID FROM 11/06/2009

- [<sup>F4</sup>4A (1) Paragraph 4 does not apply to prevent an Act of the Scottish Parliament modifying this Act to make provision requiring any proceedings to which this paragraph applies to be brought before the end of the relevant period.
- (2) This paragraph applies to any proceedings against the Scottish Ministers or a member of the Scottish Executive that may, by virtue of this Act, be brought in any court or tribunal by any person (other than a person mentioned in sub-paragraph (3)) on the ground that an act of the Scottish Ministers or of a member of the Scottish Executive is incompatible with the Convention rights.
- (3) This paragraph does not apply to proceedings brought by the Lord Advocate, the Advocate General, the Attorney General, the Attorney General for Northern Ireland or the Advocate General for Northern Ireland.
- (4) In sub-paragraph (1) “relevant period” in relation to any proceedings to which this paragraph applies means–
- (a) the period of one year beginning with the date on which the act complained of took place; or
  - (b) such longer period as the court or tribunal considers equitable having regard to all the circumstances.
- (5) An Act of the Scottish Parliament may provide for the provision mentioned in sub-paragraph (1) to have effect subject to any rule imposing a stricter time limit in relation to the procedure in question.
- (6) In this paragraph “act” does not include the making of any legislation but it does include any other act or failure to act (including a failure to make legislation).]

#### Textual Amendments

**F4** Sch. 4 para. 4A inserted (S.) (11.6.2009) by [The Scotland Act 1998 \(Modification of Schedule 4\) Order 2009 \(S.I. 2009/1380\)](#), arts. 1(1), 2

**Status:**

Point in time view as at 13/07/2000. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: This Act.