

Status: Point in time view as at 02/05/2022.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 4

ENACTMENTS ETC. PROTECTED FROM MODIFICATION

Modifications etc. (not altering text)

- C1** Sch. 4 excluded by 1974 c. 53, Sch. 3 para. 9(1) (as inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 19, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 15)

PART II

GENERAL EXCEPTIONS

Restatement, etc.

- 7 (1) Part I of this Schedule does not prevent an Act of the Scottish Parliament—
- (a) restating the law (or restating it with such modifications as are not prevented by that Part), or
 - (b) repealing any spent enactment, or conferring power by subordinate legislation to do so.
- (2) For the purposes of paragraph 2, the law on reserved matters includes any restatement in an Act of the Scottish Parliament, or subordinate legislation under such an Act, of the law on reserved matters if the subject-matter of the restatement is a reserved matter.

Effect of Interpretation Act 1978

- 8 Part I of this Schedule does not prevent the operation of any provision of the ^{M1}Interpretation Act 1978.

Marginal Citations

- M1** 1978 c. 30.

Change of title etc.

- 9 (1) Part I of this Schedule does not prevent an Act of the Scottish Parliament amending, or conferring power by subordinate legislation to amend, any enactment by changing—
- (a) any of the titles referred to in sub-paragraph (2), or
 - (b) any reference to a declarator,

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in consequence of any provision made by or under an Act of the Scottish Parliament.

- (2) The titles are those of—
 - (a) any court or tribunal or any judge, chairman or officer of a court or tribunal,
 - (b) any holder of an office in the Scottish Administration which is not a ministerial office or any member of the staff of the Scottish Administration,
 - (c) any register.

Accounts and audit and maladministration

- 10 Part I of this Schedule does not prevent an Act of the Scottish Parliament modifying, or conferring power by subordinate legislation to modify, any enactment for or in connection with the purposes of section 70 or 91.

Subordinate legislation

- 11 (1) Part I of this Schedule does not prevent an Act of the Scottish Parliament modifying, or conferring power by subordinate legislation to modify, any enactment for or in connection with any of the following purposes.
 - (2) Those purposes are—
 - (a) making different provision in respect of the document by which a power to make subordinate legislation within sub-paragraph (3) is to be exercised,
 - (b) making different provision (or no provision) for the procedure, in relation to the Parliament, to which legislation made in the exercise of such a power (or the instrument or other document in which it is contained) is to be subject,
 - (c) applying any enactment comprised in or made under an Act of the Scottish Parliament relating to the documents by which such powers may be exercised.
 - (3) The power to make the subordinate legislation, or a power to confirm or approve the legislation, must be exercisable by—
 - (a) a member of the Scottish Executive,
 - (b) any Scottish public authority with mixed functions or no reserved functions,
 - (c) any other person (not being a Minister of the Crown) within devolved competence.

^{F1}(4)

Textual Amendments	
F1	Sch. 4 para. 11(4) omitted (18.5.2017) by virtue of Scotland Act 2016 (c. 11), ss. 10(3), 72(4)(a); S.I. 2017/608, reg. 2(1)(h)
Modifications etc. (not altering text)	
C1	Sch. 4 para. 11(3)(c) modified (23.3.2016) by Scotland Act 2016 (c. 11), ss. 36(12)(c), 72(1)(b)

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