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SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUENCIES, REGIONS AND REGIONAL MEMBERS

General

- 1 The constituencies for the purposes of this Act are—
- the Orkney Islands,
 - the Shetland Islands, and
 - the parliamentary constituencies in Scotland, except a parliamentary constituency including either of those islands.
- 2 (1) There shall be eight regions for the purposes of this Act.
- (2) Those regions shall be the eight European Parliamentary constituencies which were provided for by the^{M1}European Parliamentary Constituencies (Scotland) Order 1996.
- (3) Seven regional members shall be returned for each region.
- (4) Sub-paragraphs (2) and (3) are subject to any Order in Council under the^{M2}Parliamentary Constituencies Act 1986 (referred to in this Schedule as the 1986 Act), as that Act is extended by this Schedule.

Marginal Citations

- M1** S.I. 1996/1926.
M2 1986 c. 56.

Reports of Boundary Commission

[^{F1}Proposed recommendations by Boundary Committee for Scotland]

Textual Amendments

- F1** Sch. 1 para. 4A and preceding cross-heading inserted (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 19 (with s. 156(6))

- ^{F2}4A (1) When the Boundary Committee for Scotland provisionally determine (in pursuance of the 1986 Act) proposed recommendations which they are minded to include in

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a report under section 3A(2) of that Act and which would involve any alteration in any parliamentary constituencies in Scotland, the Committee shall consider whether any alteration within paragraph 3(2) would be required to be made in order to give effect to the rules in paragraph 7.

- (2) Any such report by the Committee as is mentioned in sub-paragraph (1) shall contain, in addition, the recommendations which the Committee propose should be included in the Electoral Commission's section 3 report in the light of the Committee's consideration of the question mentioned in that sub-paragraph.
- (3) In section 3A of the 1986 Act—
- (a) subsection (3) shall apply with any necessary modifications in relation to any such proposed recommendations as they apply in relation to any proposed recommendations of a Boundary Committee under section 3A(2) of that Act; and
 - (b) in subsection (4), the first reference to that Act shall include a reference to this Schedule, and the reference to the rules set out as there mentioned shall include a reference to the rules set out in paragraph 7.

- (4) In this paragraph—

“the Boundary Committee for Scotland” means the Committee of that name established by the Electoral Commission under section 14 of the Political Parties, Elections and Referendums Act 2000;

“the Electoral Commission's section 3 report” means the report of the Electoral Commission under section 3 of the 1986 Act for the purposes of which the proposed recommendations mentioned in sub-paragraph (1) would be made.

Textual Amendments

- F2** Sch. 1 para. 4A and preceding cross-heading inserted (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 19 (with s. 156(6))

Notices

- 5 (1) Where the Commission have provisionally determined to make recommendations affecting any region, they shall publish in at least one newspaper circulating in the region a notice stating—
- (a) the effect of the proposed recommendations and (except in a case where they propose to recommend that no alteration within paragraph 3(2) be made) that a copy of the recommendations is open to inspection at a specified place or places within the region, and
 - (b) that representations with respect to the proposed recommendations may be made to the Commission within one month after the publication of the notice; and the Commission shall take into consideration any representations duly made in accordance with any such notice.
- (2) Where the Commission revise any proposed recommendations after publishing notice of them under sub-paragraph (1), the Commission shall comply again with that sub-paragraph in relation to the revised recommendations, as if no earlier notice had been published.

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Local inquiries

- 6 (1) The Commission may, if they think fit, cause a local inquiry to be held in respect of any region.
- (2) If, on the publication of a notice under paragraph 5(1) of a recommendation for any alteration within paragraph 3(2), the Commission receive any representation objecting to the proposed recommendation—
- (a) from an interested authority, or
 - (b) from a body of electors numbering 500 or more,
- the Commission shall not make the recommendation unless a local inquiry has been held in respect of the region since the publication of the notice.
- (3) If a local inquiry was held in respect of the region before the publication of the notice under paragraph 5(1), sub-paragraph (2) shall not apply if the Commission, after considering the matters discussed at the local inquiry, the nature of the representations received on the publication of the notice and any other relevant circumstances, are of the opinion that a further local inquiry would not be justified.
- (4) In this paragraph, in relation to any recommendation—
- “interested authority” means the council for an area which is wholly or partly included in the region affected by the recommendation, and
 - “elector” means an elector for the purposes of an election for membership of the Parliament in any constituency included in the region.
- (5) Sections 210(4) and (5) of the ^{M3}Local Government (Scotland) Act 1973 (attendance of witnesses at inquiries) shall apply in relation to any local inquiry held under this paragraph.

Marginal Citations

M3 1973 c. 65.

The rules

- 7 (1) The rules referred to in paragraph 3 are:
- 1. A constituency shall fall wholly within a region.
 - 2. The regional electorate of any region shall be as near the regional electorate of each of the other regions as is reasonably practicable having regard, where appropriate, to special geographical considerations.
 - 3. So far as reasonably practicable, the ratio which the number of regional member seats bears to the number of constituency member seats shall be 56 to 73.
 - 4. The number of regional member seats for a region shall be—
 - (a) one eighth of the total number of regional member seats, or
 - (b) (if that total number is not exactly divisible by eight) either one eighth of the highest number which is less than that total number and exactly divisible by eight or

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the number produced by adding one to one eighth of that highest number (as provided by sub-paragraphs (2) to (4)).

- (2) If the total number of regional member seats is not exactly divisible by eight, the Commission shall calculate the difference between—
- (a) the total number of regional member seats, and
 - (b) the highest number which is less than that total number and exactly divisible by eight,
- and that is the number of residual seats to be allocated by the Commission.
- (3) The Commission shall not allocate more than one residual seat for a region.
- (4) The Commission shall divide the regional electorate for each region by the aggregate of—
- (a) the number of constituencies in the region, and
 - (b) one eighth of the highest number which is less than the total number of regional member seats and exactly divisible by eight,
- and, in allocating the residual seat or seats for a region or regions, shall have regard to the desirability of allocating the residual seat or seats to the region or regions for which that calculation produces the highest number or numbers.
- 8 (1) For the purposes of any report of the Commission in relation to a region, the regional electorate is the number of persons—
- (a) whose names appear on the enumeration date on the registers of local government electors, and
 - (b) who are registered at addresses within a constituency included in the region.
- (2) In sub-paragraph (1), “the enumeration date” means the date on which the notice about the report is published in accordance with section 5(1) of the 1986 Act.

[^{F3} Interpretation]

Textual Amendments

F3 Sch. 1 para. 9 and preceding cross-heading added (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 24 (with s. 156(6))

F49

In this Schedule—

- “the 1986 Act” means the Parliamentary Constituencies Act 1986;
- “the Committee” means the Boundary Committee for Scotland (as defined by paragraph 4A(4));
- “recommendations” includes (unless the context otherwise requires) a recommendation that no alteration is required.

Textual Amendments

F4 Sch. 1 para. 9 and preceding cross-heading added (*prosp.*) by 2000 c. 41, ss. 16(2), 163(2), Sch. 3 Pt. II para. 24 (with s. 156(6))

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SCHEDULE 2

Section 21.

SCOTTISH PARLIAMENTARY CORPORATE BODY

VALID FROM 06/05/1999

Membership

- 1 A person appointed under section 21(2)(b) shall hold office until another member of the Parliament is appointed in his place unless he previously resigns, ceases to be a member of the Parliament otherwise than by virtue of a dissolution or is removed from office by resolution of the Parliament.

Property

- 2 (1) The corporation may hold property.
- (2) Subordinate legislation may provide—
- (a) for the transfer to the corporation of any property belonging to a Minister of the Crown or government department, or
 - (b) for the corporation to have such rights or interests in relation to any property belonging to a Minister of the Crown or government department as the person making the legislation considers appropriate (whether in connection with a transfer or otherwise).
- (3) Subordinate legislation under sub-paragraph (2) in relation to any property may provide for the transfer to the corporation of any liabilities relating to the property to which a Minister of the Crown or government department is subject and which subsist immediately before the subordinate legislation comes into force.
- (4) Subordinate legislation under sub-paragraph (2) may only be made if the person making the legislation considers it appropriate to do so to enable the corporation to exercise its functions or to facilitate their exercise or in connection with their exercise or proposed exercise.

Commencement Information

- II** [Sch. 1 para. 2\(2\)-\(4\)\(7\)](#) in force for certain purposes at 25.1.1999; and [Sch. 1 para. 2](#) in force at 6.5.1999 so far as not already in force by [S.I. 1998/3178](#), [art. 2\(2\)](#)

VALID FROM 06/05/1999

Staff

- 3 (1) The corporation shall appoint Assistant Clerks and may appoint other staff.
- (2) The Clerk and other persons appointed by the corporation are referred to in this Act as the staff of the Parliament.
- (3) It is for the corporation to determine the terms and conditions of appointment of the staff of the Parliament, including arrangements for the payment of pensions,

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gratuities or allowances to, or in respect of, any person who has ceased to be a member of the staff of the Parliament.

- (4) In particular, the corporation may—
- (a) make contributions or payments towards provision for such pensions, gratuities or allowances,
 - (b) establish and administer one or more pension schemes.

VALID FROM 06/05/1999

Powers

- 4 (1) Subject to sub-paragraph (4), the corporation may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions.
- (2) That includes, in particular—
- (a) entering into contracts,
 - (b) charging for goods or services,
 - (c) investing sums not immediately required in relation to the discharge of its functions, and
 - (d) accepting gifts.
- (3) The corporation may sell goods or provide services, and may make arrangements for the sale of goods or provision of services, to the public.
- (4) The corporation may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.
- (5) The corporation may borrow money only under sub-paragraph (4) and may borrow under that sub-paragraph only in accordance with the special or general approval of the Parliament.

VALID FROM 06/05/1999

Delegation

- 5 The corporation may delegate any of its functions to the Presiding Officer or the Clerk.

VALID FROM 06/05/1999

Proceedings and business

- 6 (1) The validity of any act of the corporation shall not be affected by any vacancy among the members, or by any defect in the appointment, or qualification for membership, of any member.

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- (2) The corporation may determine its own procedure.
- (3) The Presiding Officer shall preside at meetings of the corporation, but the corporation may appoint another of its members to preside if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.

Crown status

- 7
- (1) Her Majesty may by Order in Council provide for the corporation to be treated to any extent as a Crown body for the purposes of any enactment.
 - (2) In particular, the Order may for the purposes of any enactment provide—
 - (a) for employment under the corporation to be treated as employment under the corporation as a Crown body,
 - (b) for land held, used or managed by the corporation, or operations carried out by or on behalf of the corporation, to be treated (as the case may be) as land held, used or managed, or operations carried out by or on behalf of, the corporation as a Crown body.
 - (3) For the purposes of this paragraph, “Crown body” means a body which is the servant or agent of the Crown, and includes a government department.

Commencement Information
I2 [Sch. 2 para. 7](#) in force for certain purposes at 25.1.1999 and at 6.5.1999 for all remaining purposes by [S.I. 1998/3178, art. 2\(2\)](#)

VALID FROM 06/05/1999

SCHEDULE 3 Section 22.

STANDING ORDERS – FURTHER PROVISION

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VALID FROM 06/05/1999

SCHEDULE 4 Sections 29 and 53(4).

ENACTMENTS ETC. PROTECTED FROM MODIFICATION

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VALID FROM 06/05/1999

SCHEDULE 5

Section 30.

RESERVED MATTERS

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VALID FROM 06/05/1999

SCHEDULE 6

Section 98.

DEVOLUTION ISSUES

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SCHEDULE 7

Section 115.

PROCEDURE FOR SUBORDINATE LEGISLATION

General provision

- 1 (1) Subordinate legislation (or a statutory instrument containing it) under a provision listed in the left-hand column is subject to the type of procedure in the right-hand column.
- (2) This paragraph is subject to paragraphs 3 and 4.

<i>Provision of the Act</i>	<i>Type of procedure</i>
Section 2(1)	Type C
Section 12(1)	Type C
Section 15	Type D
Section 18(5)	Type J
Section 30	Type A
Section 35	Type I
Section 38	Type J
Section 56(2)	Type G
Section 58	Type I
Section 60	Type G

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Section 62	Type G
Section 63	Type A
Section 64(5)	Type K
Section 67(3)	Type E
Section 71(6)	Type K
Section 79	Type E
Section 88	Type I
Section 89	Type F
Section 90	Type F
Section 93	Type H
Section 97	Type A
Section 103(3)(a) and (b)	Type I
Section 104	Type G
Section 105	Type G
Section 106	Type G
Section 107	Type G
Section 108	Type A
Section 109	Type H
Section 110(1)	Type C
Section 110(2)	Type I
Section 111	Type A
Section 116(9)	Type G
Section 124(1)	Type G
Section 126(2)	Type B
Section 126(8)	Type H
Section 129(1)	Type G
Schedule 2, paragraph 2	Type G
Schedule 2, paragraph 7	Type H

Notes

The entry for section 58 does not apply to an instrument containing an order merely revoking an order under subsection (1) of that section.

The entry for section 79, in relation to an instrument containing an order which makes only such provision as is mentioned in section 79(3), is to be read as referring to type K instead of type E.

Types of procedure

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Type A: No recommendation to make the legislation is to be made to Her Majesty in Council unless a draft of the instrument —

(a) has been laid before, and approved by resolution of, each House of Parliament, and

(b) has been laid before, and approved by resolution of, the Parliament.

Type B: No recommendation to make the legislation is to be made to Her Majesty in Council unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

Type C: No Minister of the Crown is to make the legislation unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.

Type D: No recommendation to make the legislation is to be made to Her Majesty in Council unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

Type E: No Minister of the Crown is to make the legislation unless a draft of the instrument has been laid before, and approved by resolution of, the House of Commons.

Type F: The instrument containing the legislation, if made without a draft having been approved by resolution of each House of Parliament and of the Parliament, shall be subject to annulment in pursuance of—

(a) a resolution of either House, or

(b) a resolution of the Parliament.

Type G: The instrument containing the legislation, if made without a draft having been approved by resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House.

Type H: The instrument containing the legislation shall be subject to annulment in pursuance of—

(a) a resolution of either House of Parliament, or

(b) a resolution of the Parliament.

Type I: The instrument containing the legislation shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Type J: The instrument containing the legislation shall be subject to annulment in pursuance of a resolution of the Parliament.

Type K: The instrument containing the legislation shall be subject to annulment in pursuance of a resolution of the House of Commons.

Special cases

- 3 (1) This paragraph applies if—
- (a) the instrument containing the legislation would, apart from this paragraph, be subject to the type F, G, H, I or K procedure, and
 - (b) the legislation contains provisions which add to, replace or omit any part of the text of an Act.
- (2) Where this paragraph applies—
- (a) instead of the type F procedure, the type A procedure shall apply,

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- (b) instead of the type G procedure, the type B or (as the case may be) C procedure shall apply,
 - (c) instead of the type H procedure, the type A procedure shall apply,
 - (d) instead of the type I procedure, the type B or (as the case may be) C procedure shall apply,
 - (e) instead of the type K procedure, the type E procedure shall apply.
- 4 If legislation under section 129(1) makes provision as mentioned in section 112(2) then, instead of the type G procedure, the type D procedure shall apply.
- 5 (1) An instrument containing an Order in Council or order under an open power which revokes, amends or re-enacts subordinate legislation under an open power may (in spite of section 14 of the ^{M14}Interpretation Act 1978) be subject to a different procedure under this Schedule from the procedure to which the instrument containing the original legislation was subject.
- (2) An instrument containing an Order in Council under section 89 or 90 which revokes, amends or re-enacts an Order under either section may (in spite of section 14 of the ^{M15}Interpretation Act 1978) be subject to a different procedure under this Schedule from the procedure to which the instrument containing the original Order was subject.

Marginal Citations

M14 1978 c. 30.

M15 1978 c. 30.

SCHEDULE 8

Section 125.

MODIFICATIONS OF ENACTMENTS

Commencement Information

I3 Sch. 8 wholly in force at 1.4.2000: Sch. 8 partly in force at Royal Assent see s. 130(1); specified provisions of Sch. 8 in force at 6.5.1999, 20.5.1999, 1.7.1999 and 1.4.2000 by S.I. 1998/3178, arts. 2(2), 3.

VALID FROM 01/07/1999

Public Revenue (Scotland) Act 1833 (c.13)

- 1 In section 2 of the Public Revenue (Scotland) Act 1833 (regulation of Queen's and Lord Treasurer's Remembrancer), for "Treasury" in both places there is substituted " Scottish Ministers ".

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VALID FROM 20/05/1999

Crown Suits (Scotland) Act 1857 (c.44)

- 2 (1) The Crown Suits (Scotland) Act 1857 is amended as follows.
- (2) In section 1 (Crown suits may be brought by or against Lord Advocate)—
- (a) after “Crown” there is inserted “ (including the Scottish Administration) ”, and
 - (b) for “Her Majesty’s Advocate for the time being” there is substituted “ the appropriate Law Officer ”.
- (3) In section 2 (authority of Crown required)—
- (a) for “Her Majesty’s Advocate” there is substituted “ the appropriate Law Officer ”, and
 - (b) after “Majesty” there is inserted “ of the part of the Scottish Administration ”.
- (4) In section 3 (absence of authority cannot be founded upon), for “Her Majesty’s Advocate” there is substituted “ the appropriate Law Officer ”.
- (5) After section 4 there is inserted—
- “4A Meaning of “the appropriate Law Officer”.**
- In this Act “the appropriate Law Officer” means—
- (a) the Lord Advocate, where the action, suit or proceeding is on behalf of or against any part of the Scottish Administration, and
 - (b) the Advocate General for Scotland, in any other case.”
- (6) In section 5 (change of Lord Advocate not to affect proceedings)—
- (a) for “Her Majesty’s Advocate” there is substituted “ the Lord Advocate or the Advocate General for Scotland ”, and
 - (b) for “the office of Her Majesty’s Advocate” there is substituted “ that office ”.

VALID FROM 01/07/1999

Sheriff Courts and Legal Officers (Scotland) Act 1927 (c.35)

- 3 (1) The Sheriff Courts and Legal Officers (Scotland) Act 1927 is amended as follows.
- (2) In section 1(2) (appointment etc. of procurator fiscal), “with the consent of the Treasury” is omitted.
- (3) In section 2 (appointment of sheriff clerk and procurator fiscal deputes), “with the consent of the Treasury as to numbers and salaries” is omitted.
- (4) In section 3 (whole-time sheriff clerks and procurators fiscal and deputes), “and in either case with the consent of the Treasury” is omitted.

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- (5) In section 5 (whole-time clerks), “with the consent of the Treasury as to numbers and salaries” is omitted.
- (6) In section 12 (prosecutions at instance of procurator fiscal), “after consultation with the Treasury” is omitted.

VALID FROM 01/07/1999

Administration of Justice (Scotland) Act 1933 (c.41)

- 4 In the Administration of Justice (Scotland) Act 1933, in sections 24(7) and 25 (officers of Court of Session etc.), “and shall be exercised on nomination by the Lord Advocate” is omitted.

VALID FROM 01/07/1999

Private Legislation Procedure (Scotland) Act 1936 (c.52)

- 5 In section 1 of the Private Legislation Procedure (Scotland) Act 1936 (application for provisional order: notices), after subsection (4) there is added—
- “(5) This section shall not apply where any public authority or any persons desire to obtain parliamentary powers the conferring of which is wholly within the legislative competence of the Scottish Parliament.”

Modifications etc. (not altering text)

- C4 Sch. 8 para. 5 restricted (19.5.1999) by S.I. 1999/1334, art. 4

VALID FROM 01/07/1999

United Nations Act 1946 (c.45)

- 6 In section 1 of the United Nations Act 1946 (measures to give effect to decisions of Security Council), in subsection (4), for the words following “shall” there is substituted “forthwith after it is made be laid—
- (a) before Parliament; and
- (b) if any provision made by the Order would, if it were included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament, before that Parliament.”

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VALID FROM 20/05/1999

Crown Proceedings Act 1947 (c.44)

- 7 (1) The Crown Proceedings Act 1947 is amended as follows.
- (2) In section 38(2) (interpretation)—
- (a) in the definition of “His Majesty’s aircraft”, after “Kingdom” there is inserted “ or the Scottish Administration ”,
 - (b) in the definition of “His Majesty’s ships”, after “Kingdom” there is inserted “ or the Scottish Administration ” and after “said Government” there is inserted “ or Administration ”, and
 - (c) in the definition of “officer”, after “Minister of the Crown” there is inserted “ and a member of the Scottish Executive ”.
- (3) In section 40 (savings)—
- (a) in subsection (2), after “in the United Kingdom”, in each place where those words appear, there is inserted “ or the Scottish Administration ”, and
 - (b) after subsection (3) there is inserted—

“(3A) A certificate of the Scottish Ministers to the effect that—

 - (a) any alleged liability of the Crown arises otherwise than in respect of the Scottish Administration,
 - (b) any proceedings by the Crown are proceedings otherwise than in right of the Scottish Administration,

shall, for the purposes of this Act, be conclusive as to that matter.”
- (4) In the proviso to section 44 (remit from sheriff court to Court of Session on Lord Advocate’s certificate)—
- (a) for “Lord Advocate” there is substituted “ appropriate Law Officer ”, and
 - (b) at the end there is inserted—

“In this proviso, “the appropriate Law Officer” means—

 - (a) the Lord Advocate, where the proceedings are against any part of the Scottish Administration, and
 - (b) the Advocate General for Scotland, in any other case.”

(5) In section 50 (application to Scotland of section 35), subsection (2) of section 35 as substituted for Scotland is amended as follows—

 - (a) in paragraph (d)—
 - (i) after “Crown” there is inserted “ in right of Her Majesty’s Government in the United Kingdom ”,
 - (ii) for “Lord Advocate” there is substituted “ Advocate General for Scotland ”, and
 - (iii) after “department”, in the second place where it appears, there is inserted—

“(i) shall not be entitled to avail itself of any set-off or counterclaim if the subject matter thereof relates to the Scottish Administration, and

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(ii)",
and

(b) after that paragraph there is inserted—

“(e) a part of the Scottish Administration, in any proceedings against that part or against the Lord Advocate on its behalf, shall not be entitled to avail itself of any set-off or counterclaim if the subject matter thereof relates to another part of the Scottish Administration or to the Crown in right of Her Majesty’s Government in the United Kingdom.”

(6) In section 51(2) (application to Scotland of section 38), in paragraph (ii), after “Lord Advocate” there is inserted “ or the Advocate General for Scotland ”.

VALID FROM 01/07/1999

Public Registers and Records (Scotland) Act 1948 (c.57)

8 In section 1(1) of the Public Registers and Records (Scotland) Act 1948 (appointment etc. of Keeper of the Registers and Keeper of the Records), for “Secretary of State” there is substituted “ Scottish Ministers ”.

VALID FROM 01/07/1999

Lands Tribunal Act 1949 (c.42)

9 In section 2 of the Lands Tribunal Act 1949 (members etc. of Lands Tribunal for Scotland)—

(a) in subsection (9)—

(i) after “effect” there is inserted “ with the omission of subsection (8) and ”, and

(ii) in paragraph (a), for “(8)” there is substituted “ (7) ”, and

(b) after that subsection there is inserted—

“(10) The remuneration of members of the Lands Tribunal for Scotland shall be charged on the Scottish Consolidated Fund.”

Defamation Act 1952 (c.66)

10 In section 10 of the Defamation Act 1952 (limitation on privilege at elections), after “local government authority” there is inserted “ to the Scottish Parliament ”.

Defamation Act (Northern Ireland) 1955 (c.11 (N.I.))

11 In section 10(2) of the Defamation Act (Northern Ireland) 1955 (limitation on privilege at elections), after “Parliament of the United Kingdom” there is inserted “ or to the Scottish Parliament ”.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Scotland Act 1998 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/07/1999

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)

- 12 In section 1(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (power of Secretary of State to appoint Registrar General), for “Secretary of State” there is substituted “ Scottish Ministers ”.

VALID FROM 06/05/1999

Pensions (Increase) Act 1971 (c.56)

- 13 In Part II of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions out of local funds), before paragraph 39 there is inserted—

“ Scottish Parliament and Scottish Executive

- 38AB A pension payable under a scheme established by virtue of section 81(4)(b) of, or paragraph 3(4)(b) of Schedule 2 to, the Scotland Act 1998.”

VALID FROM 06/05/1999

Superannuation Act 1972 (c.11)

- 14 In section 1(6) of the Superannuation Act 1972 (superannuation as respects civil servants etc.), for “or the Consolidated Fund” there is substituted “ the Consolidated Fund or the Scottish Consolidated Fund ”.

VALID FROM 01/07/1999

European Communities Act 1972 (c.68)

- 15 (1) The European Communities Act 1972 is amended as follows.
- (2) In section 2 (general implementation of Treaties)—
- (a) references to a statutory power or duty include a power or duty conferred by an Act of the Scottish Parliament or an instrument made under such an Act, and
 - (b) references to an enactment include an enactment within the meaning of this Act.
- (3) In relation to regulations made by the Scottish Ministers, or an Order in Council made on the recommendation of the First Minister, under section 2—

Status: Point in time view as at 01/04/1999.

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- (a) in subsection (2), “designated” in the first sentence, and the second sentence, shall be disregarded,
 - (b) references to an Act of Parliament shall be read as references to an Act of the Scottish Parliament, and
 - (c) paragraph 2(2) of Schedule 2 shall have effect as if the references to each, or either, House of Parliament were to the Scottish Parliament.
- (4) In section 3(4) (evidence), references to a government department include any part of the Scottish Administration.

Modifications etc. (not altering text)

- C5 Sch. 8 para. 15(3)(c) applied (18.11.2004) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 260(5)(b), 263(10)(a)

VALID FROM 01/07/1999

Interpretation Act 1978 (c.30)

16 (1) The Interpretation Act 1978 is amended as follows.

(2) After section 23 there is inserted—

“23A Acts of the Scottish Parliament etc.

- (1) This Act applies in relation to an Act of the Scottish Parliament and an instrument made under such an Act only to the extent provided in this section.
 - (2) Except as provided in subsection (3) below, sections 15 to 18 apply to—
 - (a) an Act of the Scottish Parliament as they apply to an Act,
 - (b) an instrument made under an Act of the Scottish Parliament as they apply to subordinate legislation.
 - (3) In the application of those sections to an Act and to subordinate legislation—
 - (a) references to an enactment include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
 - (b) the reference in section 17(2)(b) to subordinate legislation includes an instrument made under an Act of the Scottish Parliament.
 - (4) In the application of section 20 to an Act and to subordinate legislation, references to an enactment include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”
- (3) In Schedule 1 (words and expressions defined), the following definitions are inserted in the appropriate places—
- ““Act” means an Act of Parliament.”
 - ““Enactment” does not include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”

Status: Point in time view as at 01/04/1999.

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VALID FROM 01/07/1999

Education (Scotland) Act 1980 (c.44)

- 17 In section 135(1) of the Education (Scotland) Act 1980 (interpretation), in the definition of “Her Majesty’s inspectors”, “on the recommendation of the Secretary of State” is omitted.

VALID FROM 06/05/1999

Civil Jurisdiction and Judgments Act 1982 (c.27)

- 18 (1) Section 46 of the Civil Jurisdiction and Judgments Act 1982 (domicile and seat of the Crown) is amended as follows.
- (2) In subsection (3), after paragraph (a) there is inserted—
- “(aa) the Crown in right of the Scottish Administration has its seat in, and in every place in, Scotland.”.
- (3) In subsection (7), after “Kingdom” there is inserted “ , the Scottish Administration ”.

Mental Health Act 1983 (c.20)

- 19 In section 141 of the Mental Health Act 1983 (members of the House of Commons suffering from mental illness), after subsection (7), there is added—
- “(8) This section also has effect in relation to members of the Scottish Parliament but as if—
- (a) any references to the House of Commons or the Speaker were references to the Scottish Parliament or (as the case may be) the Presiding Officer, and
- (b) subsection (7) were omitted.”

VALID FROM 01/04/2000

National Audit Act 1983 (c.44)

- 20 Sections 6 and 7 of the National Audit Act 1983 (value for money studies) shall not apply in relation to—
- (a) the Scottish Administration or any part of it, or
- (b) any Scottish public authority with mixed functions or no reserved functions.

Status: Point in time view as at 01/04/1999.

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VALID FROM 01/07/1999

Tourism (Overseas Promotion) (Scotland) Act 1984 (c.4)

- 21 In section 1 of the Tourism (Overseas Promotion) (Scotland) Act 1984 (power of Scottish Tourist Board to promote tourism in Scotland outside UK), subsection (2) is omitted.

VALID FROM 01/07/1999

Bankruptcy (Scotland) Act 1985 (c.66)

- 22 For section 1 of the Bankruptcy (Scotland) Act 1985 there is substituted—

“1 Accountant in Bankruptcy.

- (1) The Accountant in Bankruptcy shall be appointed by the Scottish Ministers.
- (2) The Scottish Ministers may appoint a member of the staff of the Accountant in Bankruptcy to be Depute Accountant in Bankruptcy to exercise all of the functions of the Accountant in Bankruptcy at any time when the Accountant in Bankruptcy is unable to do so.”

Insolvency Act 1986 (c.45)

- 23 (1) The Insolvency Act 1986 is amended as follows.
- (2) Anything directed to be done, or which may be done, to or by—
 - (a) the registrar of companies in Scotland by virtue of any of the provisions mentioned in sub-paragraph (3), or
 - (b) the assistant registrar of friendly societies for Scotland by virtue of any of those provisions as applied (with or without modification) in relation to friendly societies, industrial and provident societies or building societies,shall, or (as the case may be) may, also be done to or by the Accountant in Bankruptcy.
 - (3) Those provisions are: sections 53(1), 54(3), 61(6), 62(5) (so far as relating to the giving of notice), 67(1), 69(2), 84(3), 94(3), 106(3) and (5), 112(3), 130(1), 147(3), 170(2) and 172(8).
 - (4) Anything directed to be done to or by—
 - (a) the registrar of companies in Scotland by virtue of any of the provisions mentioned in sub-paragraph (5), or
 - (b) the assistant registrar of friendly societies for Scotland by virtue of any of those provisions as applied (with or without modification) in relation to friendly societies, industrial and provident societies or building societies,shall instead be done to or by the Accountant in Bankruptcy.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Scotland Act 1998 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Those provisions are: sections 89(3), 109(1), 171(5) and (6), 173(2)(a) and 192(1).
- (6) In section 427 (members of the House of Commons whose estates are sequestrated etc.), after subsection (6) there is inserted—
- “(6A) Subsections (4) to (6) have effect in relation to a member of the Scottish Parliament but as if—
- (a) references to the House of Commons were to the Parliament and references to the Speaker were to the Presiding Officer, and
 - (b) in subsection (4), for “under this section” there were substituted “under section 15(1)(b) of the Scotland Act 1998 by virtue of this section”.”

Commencement Information

- I4** Sch. 8 para. 23 wholly in force at 1.7.1999: Sch. 8 para. 23(1)(6) in force at Royal Assent see s. 130(1); Sch. 8 para. 23(2)-(5) in force at 1.7.1999 by S.I. 1998/3178, art. 3.

VALID FROM 06/05/1999

Public Order Act 1986 (c.64)

- 24 In section 26(1) of the Public Order Act 1986 (savings for reports of parliamentary proceedings), after “Parliament” there is inserted “ or in the Scottish Parliament ”.

VALID FROM 06/05/1999

Copyright, Designs and Patents Act 1988 (c.48)

- 25 (1) The Copyright, Designs and Patents Act 1988 is amended as follows.
- (2) In section 12(9) (duration of copyright in literary, dramatic, musical or artistic works), for “166” there is substituted “ 166A ”.
- (3) In section 153(2) (qualification for copyright protection), for “166” there is substituted “ 166A ”.
- (4) In section 163(6) (Crown copyright), for “and 166” there is substituted “ to 166A ”.
- (5) In section 164(1) (Crown copyright in Acts of Parliament etc.), after “Parliament” there is inserted “ Act of the Scottish Parliament ”.
- (6) After section 166 there is inserted—

“166A Copyright in Bills of the Scottish Parliament.

- (1) Copyright in every Bill introduced into the Scottish Parliament belongs to the Scottish Parliamentary Corporate Body.

Status: Point in time view as at 01/04/1999.

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- (2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Parliament for introduction—
- (a) until the Bill receives Royal Assent, or
 - (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further parliamentary proceedings may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Parliament.”
- (7) In section 178 (minor definitions)—
- (a) in the definition of “the Crown”, after “of” there is inserted “ the Scottish Administration or of ”, and
 - (b) in the definition of “parliamentary proceedings”, after “Assembly” there is inserted “ of the Scottish Parliament ”.
- (8) In section 179 (index of defined expressions), in column 2 of the entry for “Parliamentary copyright”, for “and 166(6)” there is substituted “ 166(6) and 166A(3) ”.

VALID FROM 06/05/1999

Official Secrets Act 1989 (c.6)

- 26 (1) Section 12 of the Official Secrets Act 1989 (meaning of “Crown servant” and “government contractor” for the purposes of that Act) is amended as follows.
- (2) In subsection (1), after paragraph (a) there is inserted—
- “(aa) a member of the Scottish Executive or a junior Scottish Minister;”.
- (3) In subsection (2)(a), after “above,” there is inserted “ of any office-holder in the Scottish Administration, ”.
- (4) After subsection (3) there is inserted—
- “(4) In this section “office-holder in the Scottish Administration” has the same meaning as in section 126(7)(a) of the Scotland Act 1998.”.

VALID FROM 01/07/1999

Prisons (Scotland) Act 1989 (c.45)

- 27 (1) The Prisons (Scotland) Act 1989 is amended as follows.

Status: Point in time view as at 01/04/1999.

Changes to legislation: Scotland Act 1998 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Section 2 of that Act (appointment of officers etc.) is omitted.
- (3) In section 3(1) (prison officers), for the words following “Secretary of State” there is substituted—
- “(1A) Every prison shall have a governor and such other officers as may be necessary.”
- (4) In section 3A (medical services)—
- (a) in subsection (2), for “appointing” there is substituted “providing” and for “appointment” there is substituted “provision”, and
 - (b) in subsection (4), for “appointed” there is substituted “provided”.

VALID FROM 01/07/1999

- 28 *European Communities (Amendment) Act 1993 (c.32)*
- In section 6 of the European Communities (Amendment) Act 1993 (persons who may be proposed for membership of the Committee of the Regions), after “he is” there is inserted “a member of the Scottish Parliament”.

VALID FROM 01/07/1999

- 29 *Scottish Land Court Act 1993 (c.45)*
- In section 1 of the Scottish Land Court Act 1993 (the Scottish Land Court)—
- (a) in subsection (2), for “Secretary of State” there is substituted “First Minister”, and
 - (b) after subsection (2) there is inserted—
- “(2A) Before recommending the appointment of a person as Chairman, the First Minister shall consult the Lord President of the Court of Session.”

VALID FROM 06/05/1999

- 30 *Value Added Tax Act 1994 (c.23)*
- In section 41 of the Value Added Tax Act 1994 (application to the Crown), in subsection (6), after “includes” there is inserted “the Scottish Administration”.

Status: Point in time view as at 01/04/1999.

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VALID FROM 06/05/1999

Requirements of Writing (Scotland) Act 1995 (c.7)

- 31 In section 12(1) of the Requirements of Writing (Scotland) Act 1995 (interpretation)—
- (a) in the definition of “Minister”, after “1975” there is inserted “ and also includes a member of the Scottish Executive ”, and
 - (b) in paragraph (a) of the definition of “officer”, after “Department” there is inserted “ or, as the case may be, as a member of the staff of the Scottish Ministers or the Lord Advocate ”.

VALID FROM 20/05/1999

Criminal Procedure (Scotland) Act 1995 (c.46)

- 32 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) After section 288 there is inserted—

“ Devolution issues

288A Rights of appeal for Advocate General: devolution issues.

- (1) This section applies where—
 - (a) a person is acquitted or convicted of a charge (whether on indictment or in summary proceedings), and
 - (b) the Advocate General for Scotland was a party to the proceedings in pursuance of paragraph 6 of Schedule 6 to the Scotland Act 1998 (devolution issues).
- (2) The Advocate General for Scotland may refer any devolution issue which has arisen in the proceedings to the High Court for their opinion; and the Clerk of Justiciary shall send to the person acquitted or convicted and to any solicitor who acted for that person at the trial, a copy of the reference and intimation of the date fixed by the Court for a hearing.
- (3) The person may, not later than seven days before the date so fixed, intimate in writing to the Clerk of Justiciary and to the Advocate General for Scotland either—
 - (a) that he elects to appear personally at the hearing, or
 - (b) that he elects to be represented by counsel at the hearing,but, except by leave of the Court on cause shown, and without prejudice to his right to attend, he shall not appear or be represented at the hearing other than by and in conformity with an election under this subsection.
- (4) Where there is no intimation under subsection (3)(b), the High Court shall appoint counsel to act at the hearing as *amicus curiae*.

Status: Point in time view as at 01/04/1999.

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(5) The costs of representation elected under subsection (3)(b) or of an appointment under subsection (4) shall, after being taxed by the Auditor of the Court of Session, be paid by the Advocate General for Scotland out of money provided by Parliament.

(6) The opinion on the point referred under subsection (2) shall not affect the acquittal or (as the case may be) conviction in the trial.

288B Appeals to Judicial Committee of the Privy Council.

(1) This section applies where the Judicial Committee of the Privy Council determines an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998 against a determination of a devolution issue by the High Court in the ordinary course of proceedings.

(2) The determination of the appeal shall not affect any earlier acquittal or earlier quashing of any conviction in the proceedings.

(3) Subject to subsection (2) above, the High Court shall have the same powers in relation to the proceedings when remitted to it by the Judicial Committee as it would have if it were considering the proceedings otherwise than as a trial court.”

(3) In section 307(1) (interpretation), after the definition of “crime” there is inserted—
““devolution issue” has the same meaning as in Schedule 6 to the Scotland Act 1998;”.

VALID FROM 06/05/1999

Defamation Act 1996 (c.31)

33 (1) The Defamation Act 1996 is amended as follows.

(2) In section 17(1) (interpretation), in the definition of “statutory provision”, after “1978” there is inserted—

“(aa) a provision contained in an Act of the Scottish Parliament or in an instrument made under such an Act.”.

(3) In paragraph 11(1)(c) of Schedule 1 (qualified privilege), after “Minister of the Crown” there is inserted “ a member of the Scottish Executive ”.

VALID FROM 01/07/1999

Damages Act 1996 (c.48)

34 In section 6 of the Damages Act 1996 (guarantees for public sector settlements), after subsection (8) there is inserted—

“(8A) In the application of subsection (3) above to Scotland, for the words from “guidelines” to the end there shall be substituted “the Minister”.”

Status: Point in time view as at 01/04/1999.

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VALID FROM 20/05/1999

SCHEDULE 9

Section 125.

REPEALS

Commencement Information

I5 Sch. 9 in force for certain purposes at 20.5.1999 and for all remaining purposes at 1.7.1999 by S.I. 1998/3178, arts. 2(2), 3

Chapter	Short title	Extent of repeal
1927 c. 35.	The Sheriff Courts and Legal Officers (Scotland) Act 1927.	In section 1(2), “with the consent of the Treasury”. In section 2, “with the consent of the Treasury as to numbers and salaries”. In section 3, “and in either case with the consent of the Treasury”. In section 5, “with the consent of the Treasury as to numbers and salaries”. In section 12, “after consultation with the Treasury”.
1933 c. 41.	The Administration of Justice (Scotland) Act 1933.	In sections 24(7) and 25, “and shall be exercised on nomination by the Lord Advocate”.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 2, the entries for the Lord Advocate and the Solicitor General for Scotland.
1975 c. 27.	The Ministerial and other Salaries Act 1975.	In Part III of Schedule 1, the entries for the Lord Advocate and the Solicitor General for Scotland.
1980 c. 44.	The Education (Scotland) Act 1980.	In section 135(1), in the definition of “Her Majesty’s inspectors”, “on the recommendation of the Secretary of State”.

Status: Point in time view as at 01/04/1999.

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1984 c. 4.	The Tourism (Overseas Promotion) (Scotland) Act 1984.	Section 1(2).
1986 c. 56.	The Parliamentary Constituencies Act 1986.	In Schedule 2, rule 1(2).
1989 c. 45.	The Prisons (Scotland) Act 1989.	Section 2.

Status:

Point in time view as at 01/04/1999.

Changes to legislation:

Scotland Act 1998 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.