



Scotland Act 1998

1998 CHAPTER 46

PART V

MISCELLANEOUS AND GENERAL

Supplementary powers

104 Power to make provision consequential on legislation of, or scrutinised by, the Parliament.

- (1) Subordinate legislation may make such provision as the person making the legislation considers necessary or expedient in consequence of any provision made by or under any Act of the Scottish Parliament or made by legislation mentioned in subsection (2).
- (2) The legislation is subordinate legislation under an Act of Parliament made by—
 - (a) a member of the [^{F1}Scottish Government],
 - (b) a Scottish public authority with mixed functions or no reserved functions, or
 - (c) any other person (not being a Minister of the Crown) if the function of making the legislation is exercisable within devolved competence.

[^{F2}(3) For the purposes of subsection (2)(c), the function of Her Majesty of making an Order in Council under section 15(1) or (2) (power to specify persons disqualified from membership of the Parliament) is to be regarded as being exercisable within devolved competence.]

Textual Amendments

F1 Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 12(2)(a)**, 44(5) (with s. 12(3)); [S.I. 2012/1710](#), art. 2(f)

F2 [S. 104\(3\)](#) inserted (31.10.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 13(4)**, 44(5); [S.I. 2012/2516](#), art. 2(b)

Status:

Point in time view as at 31/10/2012. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 104.