



# Scotland Act 1998

## 1998 CHAPTER 46

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Supplementary powers*

#### **108 Agreed redistribution of functions exercisable by the Scottish Ministers etc.**

- (1) Her Majesty may by Order in Council provide for any functions exercisable by a member of the [F1Scottish Government] to be exercisable—
  - (a) by a Minister of the Crown instead of by the member of the [F1Scottish Government],
  - (b) by a Minister of the Crown concurrently with the member of the [F1Scottish Government], or
  - (c) by the member of the [F1Scottish Government] only with the agreement of, or after consultation with, a Minister of the Crown.
- (2) Where an Order is made under subsection (1)(a) or (b) in relation to a function of the Scottish Ministers, the First Minister or the Lord Advocate which is exercisable only with the agreement of, or after consultation with, any other of those persons, the function shall, unless the Order provides otherwise, be exercisable by the Minister of the Crown free from any such requirement.
- (3) An Order under this section may, in particular, provide for any function exercisable by a Minister of the Crown by virtue of an Order under subsection (1)(a) or (b) to be exercisable subject to a requirement for the function to be exercised with the agreement of, or after consultation with, another person.
- (4) This section does not apply to any retained functions of the Lord Advocate which fall within section 52(6)(a).

---

*Status: Point in time view as at 03/07/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 108. (See end of Document for details)*

---

**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)**

**Modifications etc. (not altering text)**

- C1** S. 108 modified (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), **ss. 8(2)(3)**, 53(1); [S.I. 2005/1126](#), **art. 2(2)(e)**

**Status:**

Point in time view as at 03/07/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 108.