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Status: Point in time view as at 04/07/2018.
Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 1998, Section 58. (See end of Document for details)
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Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministerial functions

58   Power to prevent or require action.

(1) If the Secretary of State has reasonable grounds to believe that any action proposed to be taken by a member of the [**F1**Scottish Government] would be incompatible with any international obligations, he may by order direct that the proposed action shall not be taken.

(2) If the Secretary of State has reasonable grounds to believe that any action capable of being taken by a member of the [**F1**Scottish Government] is required for the purpose of giving effect to any such obligations, he may by order direct that the action shall be taken.

(3) In subsections (1) and (2), "action" includes making, confirming or approving subordinate legislation and, in subsection (2), includes introducing a Bill in the Parliament.

(4) If any subordinate legislation made or which could be revoked by a member of the [**F1**Scottish Government] contains provisions—
   (a) which the Secretary of State has reasonable grounds to believe to be incompatible with any international obligations or the interests of defence or national security, or
   (b) which make modifications of the law as it applies to reserved matters and which the Secretary of State has reasonable grounds to believe to have an adverse effect on the operation of the law as it applies to reserved matters,
the Secretary of State may by order revoke the legislation.

(5) An order under this section must state the reasons for making the order.

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)

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