

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

## SCHEDULE 1

Article 2

ENACTMENTS CONFERRING FUNCTIONS  
TRANSFERRED TO THE SCOTTISH MINISTERS

**Commencement Information**

**II** Sch. 1 in force at 1.7.1999, see [art. 1\(1\)](#)

## PUBLIC GENERAL ACTS

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Small Landholders (Scotland) Act 1911 (c. 49), section 4.	Only so far as the functions are exercisable in relation to matters which are reserved by virtue of Section F3 (occupational and personal pensions) of Schedule 5 to the 1998 Act.
The Pensions Appeal Tribunals Act 1943 (c. 39), paragraph 2 of the Schedule.	Functions of paying and determining remuneration only.
The Fire Services Act 1947 (c. 41), sections 26 and 27A(1)	
[ <sup>F1</sup> The Wireless Telegraphy Act 1949 (c. 54), section 5(1)(b).	Only so far as the function is exercisable for the purpose of preventing or detecting crime (within the meaning of the Regulation of Investigatory Powers Act 2000) or of preventing disorder]
<b>F2</b> ...	<b>F3</b> ...
The Pipe-lines Act 1962 (c. 58), sections 1, 4, 5, 9, 9A, 10, 11, 12, 13 (except subsection (7)), 15, 26A, 35, 36, 38, 39(2), 43 and 44 and Schedules 1 and 2 (except paragraph 8)(2)	
The Betting, Gaming and Lotteries Act 1963 (c. 2), section 29(2)(b) and (4) and Schedule 1, paragraph 20(1A)(3)	
The Nuclear Installations Act 1965 (c. 57)(4)	
(a) (a) section 2;	Functions of “the Minister” only.
<b>F4</b> ...	

(1) Section 27A was inserted by the Police and Firemen’s Pensions Act 1997 (c. 52), section 3.

(2) The functions under these enactments were modified by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756). Section 26A was inserted by the Petroleum Act 1987 (c. 12), section 26(1); section 9A was inserted, and sections 1, 4, 5, 9, 10, 12, 35, 36 and 43 and Schedule 1 amended, by S.I. 1999/742; the functions of the Minister of Power under the Act were transferred to the Minister of Technology by S.I. 1969/1498 and to the Secretary of State by S.I. 1970/1537.

(3) Paragraph 20(1A) was inserted by the Betting, Gaming and Lotteries (Amendment) Act 1984 (c. 25).

(4) Section 2 was amended by the Atomic Energy Authority Act 1971 (c. 11), section 17; section 6(1) was amended by S.I. 1974/2056; sections 19(1) and 20(1) were amended by the Energy Act 1983 (c. 25), section 27.

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
F4	F5
...	...
F4	
...	
F4	F5
...	...
The Local Government (Scotland) Act 1966 (c. 51), section 42(2).	Only so far as the function is exercisable in relation to the enactments mentioned in paragraph 26(5) of Part II of Schedule 4.
The Superannuation (Miscellaneous Provisions) Act 1967 (c. 28), section 7.	The functions to direct under section 7(1) and (2) shall be exercised with the consent of the Treasury.
The Police (Scotland) Act 1967 (c. 77)–	
(a) (a) section 26; and	Only so far as the function is exercisable in relation to the matter specified in section 26(2) (k).
(b) (b) section 27.	Only so far as the function is exercisable in relation to matters which are reserved by virtue of Section F3 (occupational and personal pensions) of Schedule 5 to the 1998 Act.
The Abortion Act 1967 (c. 87), sections 1(3) and 2.	
The Firearms Act 1968 (c. 27), sections 5 and 12(2).	
The Gaming Act 1968 (c. 65)–	
(a) sections 22(3) and (4); and	
(b) (b) section 48(5)(6).	Only so far as the function is exercisable in relation to sub-sections (3)(a) to (c), (h) and (i) and (4) of section 48.
The Medicines Act 1968 (c. 67), section 109.	
The Taxes Management Act 1970 (c. 9)–	
(a) sections 2(3)(7), 2(6)(8) and 3(4); and	
(b) (b) sections 4(1) and (4), 4A(1), Functions of the Secretary of State only. 46A(1) and 56B(1)(9).	

- (5) Paragraph 26 was repealed in part by the Lotteries Act 1975 (c. 58), section 20(3) and (4) and Schedules 4 and 5 and by the Lotteries and Amusements Act 1976 (c. 32), sections 25(3) and Schedule 5.
- (6) Section 48(5) was amended by the Gaming (Amendment) Act 1990 (c. 26), section 1 and the Schedule.
- (7) Section 2(3) was amended and repealed in part by the Finance Act 1975 (c. 7), sections 57 and 59(5) and Schedule 13.
- (8) Section 2(6) was repealed in part by the Finance Act 1988 (c. 39) section 148 and Schedule 14.
- (9) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. Sections 4 and 4A were substituted by the Finance Act 1984 (c. 43), Schedule 22, and amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 6, paragraph 36. Section 4 was further amended by Schedule 8 to that Act and by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 30. Sections 46A and 56B were inserted by the Finance (No.2) Act 1992

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Misuse of Drugs Act 1971 (c. 38), Schedule 3, paragraphs 1(1)(b), 4, 13(1)(b) and 17.	
The Immigration Act 1971 (c. 77)– (a) Schedule 2, paragraph 1(2); and (b) (b) Schedule 2, paragraph 1(3).	Only the function of giving instructions to medical inspectors.
The Superannuation Act 1972 (c. 11), sections 7, 8, 9, 10, 11(2), 12, 15(5), 16 and 24.	The requirements in sections 9(1) and 10(1) for consent of the Treasury will continue to apply.
The Industry Act 1975 (c. 68), Schedule 3, paragraph 24(10).	
The Lotteries and Amusements Act 1976 (c. 32), sections 7(4), 18(1)(d) and (f).	
The Police Pensions Act 1976 (c. 35), sections 1, 2, 3, 4, 5, 6, 7, 8 and 8A(11).	
The Race Relations Act 1976 (c. 74), sections 19(5) and 57(5).	
F6 ...	
F7 ...	F7 ...
The National Heritage Act 1980 (c. 17), section 9(1) to (6), as read with section 9(8) and (9)(a), (b) and (c)(12), and sections 16(13) and 16A(14).	
The Education (Scotland) Act 1980 (c. 44), section 70 as applied by the Race Relations Act 1976 (c. 74), section 19(3)(15).	
The Civil Aviation Act 1982 (c. 16) sections [ <sup>F8</sup> 38(4) and (5), 38B(2)(a) and (5), 42(1), 50(2), 78, 78B(1), (2) and (4),] 79(1), 80 and 88(10) and (11).	

(c. 48), Schedule 16, paragraphs 3 and 4. They are applied, with modifications, by the Schedule to the Stamp Duty Reserve Tax Regulations 1986 (S.I. 1986/1711).

(10) Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(11) Section 8A was inserted by the Police and Firemen's Pensions Act 1997 (c. 52), section 2.

(12) The function under this section was modified by S.I. 1999/1756, which added subsections (8) and (9).

(13) Section 16 was amended by the Museums and Galleries Act 1992 (c. 44), section 10(1). The function under this section was modified by S.I. 1999/1756.

(14) Section 16A was inserted by the Museums and Galleries Act 1992, section 10(2). The function under this section was modified by S.I. 1999/1756.

(15) Section 19(3) of the Race Relations Act 1976 was amended by the Education (Scotland) Act 1980 (c. 44), Schedule 4, paragraph 14.

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Civic Government (Scotland) Act 1982 (c. 45), section 20(16).	
The Medical Act 1983 (c. 54), Schedule 4, paragraph 7(17).	
F9 ...	
The Data Protection Act 1984 (c. 35), section 3(3)(a) and (b)(18).	Functions of the Secretary of State only.
The Inheritance Tax Act 1984 (c. 51), section 230(19).	
The Cinemas Act 1985 (c. 13), section 6(6) and (7).	
F10 ...	
The Transport Act 1985 (c. 67)– (a) section 19(7); and (b) (b) Schedule 4, paragraph 15(20).	Functions of the Secretary of State only.
The Airports Act 1986 (c. 32) sections F11 ... 65(2) and (6) and 68(1).	
The Building Societies Act 1986 (c. 53), section 47(2)(a)(21).	Functions of the Secretary of State only.
The Financial Services Act 1986 (c. 60), section 96(2)(a)(22).	Functions of the Secretary of State only.
The Banking Act 1987 (c. 22)– (a) (a) section 28(2)(a)(23); and (b) (b) section 30(4).	Functions of the Secretary of State only.

(16) Section 20 was amended by the Transport Act 1985 (c. 67), Schedule 7, paragraph 23(3) and the Disability Discrimination Act 1995 (c. 50), section 39(3).

(17) Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Paragraph 7 of Schedule 4 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 53 and the Medical (Professional Performance) Act 1995 (c. 51), Schedule, paragraph 21.

(18) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. The whole Act is repealed (prospectively) by the Data Protection Act 1998 (c. 29), Schedule 16, Part I.

(19) The function under this enactment was modified by S.I. 1999/1756.

(20) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748. Paragraph 15 of Schedule 4 was amended by S.I. 1989/495.

(21) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(22) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(23) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Income and Corporation Taxes Act 1988 (c. 1), sections 79(4) and 79(8).	
The Multilateral Investment Guarantee Agency Act 1988 (c. 8), section 6(24).	
The Firearms (Amendment) Act 1988 (c. 45), sections 15(25) and 19 and the Schedule (other than paragraph 3(1)(a)).	
The Copyright, Designs and Patents Act 1988 (c. 48), sections 145(2) and 150(1)(26).	Functions of being consulted by the Lord Chancellor only.
The Road Traffic Act 1988 (c. 52), sections 13(2), 13A(1)(27), 27(6) and 31(2).	
The Official Secrets Act 1989 (c. 6), sections 7(5), 8(9) and 12.	
The Electricity Act 1989 (c. 29)–	
(a) section 2(2)(b) and (3)(a);	
(b) (b) section 3;	Only so far as the functions are exercisable in relation to functions exercisable by the Scottish Ministers.
(c) (c) sections <sup>F12</sup> ... 33, 34, 35, 36, 37, 39(1)(a) and 58;	
(d) (d) section 60;	Only so far as the functions are exercisable in relation to regulations made by the Scottish Ministers.
(e) (e) section 61;	
(f) (f) Schedule 3, Part I;	
(g) (g) Schedule 3, Part III, paragraphs 15, 16, 17 and 20, including paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) as applied by those provisions;	
(h) (h) Schedule 4, paragraphs 6, 8, 9 and 10(4)(b);	
(i) (i) Schedule 5;	
(j) (j) Schedule 8; and	
(k) (k) Schedule 9, paragraphs 3 and 5.	

(24) Functions transferred from Lord Advocate to Secretary of State by S.I. 1999/678. The text of section 6 as applicable to Scotland appears in section 7(g).

(25) Section 15 was substituted by the Firearms (Amendment) Act 1997 (c. 5), section 45(1).

(26) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(27) Section 13A was inserted by the Road Traffic Act 1991 (c. 40), section 5.

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Extradition Act 1989 (c. 33)– (a) sections 6(1) to (4) and (6) and (7); (b) (b) section 7(1)(28); and (c) (c) sections 7(4), 8(4), 9(5)(29), 11(1), 12, 13(1) and (4), 16(5) and 20(2).	Only the function of issuing an authority to proceed.
The Human Fertilisation and Embryology Act 1990 (c. 37), section 30(9).	
The Broadcasting Act 1990 (c. 42), section 183.	
The Child Support Act 1991 (c. 48)– (a) (a) sections <sup>F13</sup> ... 45(1) and (6) <sup>F13</sup> ... (b) (b) <sup>F13</sup> ...	Functions of the Secretary of State only.  F13 ...
The Social Security Administration Act 1992 (c. 5), sections 51(1), 52(3) and 189(10) and Schedule 2, paragraph 1(5)(30).	Functions of the Secretary of State only.
The Friendly Societies Act 1992 (c. 40)– (a) (a) section 59(2)(a)(31); and (b) (b) section 60(4).	Functions of the Secretary of State only.
The Finance (No.2) Act 1992 (c. 48), section 75(1)(32).	Functions of the Secretary of State only.
The Tribunals and Inquiries Act 1992 (c. 53), sections 9, 10(7) and (8), 13 and 16(2)(33).	
The National Lottery etc. Act 1993 (c. 39)– (a) (a) section 26(1) and (2) as read with section 26A(2)(b), section 26(3), (3A) and (4) as read with section 26A(1)(a)(34), section 29(1), (3), (4) and (5) as read with section 29(6)(c) and	The functions shall be exercisable only with the agreement of the Secretary of State.

(28) Section 7(1) was amended by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 37.

(29) Sections 7, 8 and 9 were amended by the Criminal Justice and Public Order Act 1994, section 158.

(30) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue S.I. 1999/1748. Paragraph 1(5) of Schedule 2 was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 6, paragraph 21(4). Sections 51, 52 and 189(10) and Schedule 2 are repealed (prospectively) by the Social Security Act 1998 (c. 14), Schedule 8.

(31) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(32) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(33) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Section 13 was amended by the Pensions Act 1995 (c. 26), Schedule 7, Part III.

(34) The functions under section 26 were modified by S.I. 1999/1756, which inserted section 26A. Section 26(3A) was inserted by the National Lottery Act 1998, section 11(2).

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
(d)(35), sections 35(3)(36) and 43B(1) and section 43C(1) as read with section 43CC(2)(b)(37);	
(b) (b) section 25C(1)(38) and section 26(1) as read with section 26A(1)(a);	The functions shall be exercisable only after consultation with the Secretary of State.
(c) (c) sections 26(5), 27(1) and (8) and 43C(2), (4) and (5); and	
(d) (d) Schedule 3A, paragraph 2(1) and (2)(39) as read with paragraph 2(6)(a).	The functions shall be exercisable only after consultation with the Secretary of State.
The Intelligence Services Act 1994 (c. 13)–	
(a) (a) section 5; and	Only so far as the function is exercisable– (a) in relation to an application by the Security Service which is for the purposes of the exercise of their function under section 1(4) of the Security Service Act 1989(40); and (b) in relation to an application by the Secret Intelligence Service or GCHQ so far as– (i) the application is for the purposes of the exercise of their functions by virtue of section 1(2)(c) or 3(2)(c); and (ii) the purpose of the warrant is to authorise interference with wireless telegraphy.
(b) (b) section 6(3) and (4).	Only so far as the functions are exercisable in relation to a warrant issued by the Scottish Ministers under section 5 by virtue of this Order.
The Value Added Tax Act 1994 (c. 23)–	
(a) (a) Schedule 12, paragraphs 2, 3(2), (4) and (5) and 9(41); and	Functions of the Secretary of State only.
(b) (b) Schedule 12, paragraph 7(8).	Function of paying salary and fees only.

(35) The functions under section 29 were modified by S.I. 1999/1756, which added subsection (6).

(36) The function under this enactment was modified by S.I. 1999/1756.

(37) Sections 43B and 43C were inserted by the National Lottery Act 1998, section 7(2). The function under section 43C(1) was modified by S.I. 1999/1756, which inserted section 43CC.

(38) Section 25C was inserted by the National Lottery Act 1998 (c. 22), section 13. These functions were modified by S.I. 1999/1756.

(39) Schedule 3A was inserted by the National Lottery Act 1998, section 12 and Schedule 3. The functions under paragraph 2(1) and (2) were modified by S.I. 1999/1756, which added subparagraph (6).

(40) 1989 c. 5. Section 1(4) was inserted by section 1(1) of the Security Service Act 1996 (c. 35).

(41) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Trade Marks Act 1994 (c. 26), section 77(4)(42).	Functions of the Secretary of State only.
The Criminal Justice and Public Order Act 1994 (c. 33), section 128(43).	
The Disability Discrimination Act 1995 (c. 50), section 33.	
The Reserve Forces Act 1996 (c. 14), Schedule 5, paragraphs 10 and 12(44).	
The Police Act 1996 (c. 16), section 60.	Only so far as the function is exercisable in relation to matters which are reserved by virtue of Section F3 (occupational and personal pensions) of Schedule 5 to the 1998 Act.
The Employment Tribunals Act 1996 (c. 17), section 3(45).	The functions shall be exercisable only with the agreement of the Secretary of State.
The Employment Rights Act 1996 (c. 18), section 63A(1)(c) and (2)(46).	The functions shall be exercisable only after consultation with the Secretary of State.
The Firearms (Amendment) Act 1997 (c. 5), section 7(3).	
The Lieutenancies Act 1997 (c. 23), section 2(4).	
The Nurses, Midwives and Health Visitors Act 1997 (c. 24)–	
(a) (a) section 19(5)(47); and	Function of approving rules under section 10 only.
(b) (b) Schedule 2, paragraph 4.	
The Social Security Act 1998 (c. 14), sections 5(1) and 79(2), Schedule 1, paragraph 1(4) and Schedule 4, paragraph 8(48).	Functions of the Secretary of State only.
The Data Protection Act 1998 (c. 29), section 6(4)(a) and (b)(49).	Functions of the Secretary of State only.

(42) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(43) The function under this enactment was modified by S.I. 1999/1756.

(44) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(45) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. The short title of this Act was changed by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 1(2).

(46) Section 63A was inserted by the Teaching and Higher Education Act 1998 (c. 30), section 32.

(47) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678.

(48) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(49) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.



**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Competition Act 1998 (c. 41), Schedule 7, paragraphs 2(4) and 4(4)(50).	Only the functions of the Secretary of State of being consulted.
The Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 13(1)(51).	Functions of the Secretary of State only.

### Textual Amendments

- F1** Words in Sch. 1 substituted (15.12.2000) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253), arts. 1(1), 4(3)(a)(i) (with art. 6)
- F2** Words in Sch. 1 omitted (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by virtue of The Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), Sch. 1 para. 23(a)
- F3** Words in Sch. 1 omitted (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by virtue of The Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), Sch. 1 para. 23(b)
- F4** Words in Sch. 1 omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), art. 1(2), Sch. 2 para. 8(2)(a) (with art. 40)
- F5** Words in Sch. 1 omitted (coming into force in accordance with art. 1(2)-(5) of the amending S.I.) by virtue of The Nuclear Installations (Liability for Damage) Order 2016 (S.I. 2016/562), art. 1(2), Sch. 2 para. 8(2)(b) (with art. 40)
- F6** Words in Sch. 1 revoked (22.3.2013) by The Public Bodies (Abolition of the Aircraft and Shipbuilding Industries Arbitration Tribunal) Order 2013 (S.I. 2013/686), art. 1(2), Sch. 2
- F7** Words in Sch. 1 omitted (30.4.2001) by virtue of The Financial Services and Markets Act 2000 (Dissolution of the Insurance Brokers Registration Council) (Consequential Provisions) Order 2001 (S.I. 2001/1283), arts. 1(1), 4(2)
- F8** Words in Sch. 1 substituted (1.3.2007) by Civil Aviation Act 2006 (c. 34), ss. 12(1), 14(3) (with s. 12(2)); S.I. 2007/598, art. 2, Sch. 1
- F9** Words in Sch. 1 omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), s. 72(7), Sch. 2 para. 28(a)
- F10** Words in Sch. 1 omitted (15.12.2000) by virtue of The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253), arts. 1(1), 4(3)(a)(ii) (with art. 6)
- F11** Words in Sch. 1 repealed (1.4.2014) by Civil Aviation Act 2012 (c. 19), s. 110(1), Sch. 9 para. 17 (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 5(1)(b)
- F12** Words in Sch. 1 omitted (15.12.2006) by virtue of The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006 (S.I. 2006/3258), arts. 1(2), 3(1) (with art. 5)
- F13** Words in Sch. 1 revoked (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), Sch. 3 para. 228(v)

(50) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

(51) Function transferred from Lord Advocate to Secretary of State by S.I. 1999/678. Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. 1999/1748.

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

## SUBORDINATE LEGISLATION

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The National Health Service (Transfer of Officers and Compensation) (Scotland) Regulations 1948 (S.I. <a href="#">1948/1465</a> )( <b>52</b> ).	
The National Health Service (Superannuation) (England and Scotland) Regulations 1948 (S.I. <a href="#">1948/1483</a> ).	
The Police Pensions Regulations 1971 (S.I. <a href="#">1971/232</a> )( <b>53</b> ).	
The Special Constables (Pensions) (Scotland) Regulations 1971 (S.I. <a href="#">1971/234</a> )( <b>54</b> ).	
The Police Cadets (Pensions) (Scotland) Regulations 1971 (S.I. <a href="#">1971/246</a> )( <b>55</b> ).	
The Special Constables (Pensions) (Scotland) (Lump Sum Payments to Widows etc.) Regulations 1972 (S.I. <a href="#">1972/1847</a> ).	
The Special Constables (Pensions) (Scotland) Regulations 1973 (S.I. <a href="#">1973/433</a> )( <b>56</b> ).	
The Police Cadets (Pensions) (Scotland) Regulations 1973 (S.I. <a href="#">1973/434</a> )( <b>57</b> ).	
The Special Constables (Pensions) (Scotland) (Lump Sum Payments to Widows) Regulations 1973 (S.I. <a href="#">1973/1835</a> ).	
The National Health Service Reorganisation (Retirement of Senior Officers) (Scotland) Regulations 1974 (S.I. <a href="#">1974/182</a> )( <b>58</b> ).	
The National Health Service (Compensation) (Scotland) Regulations 1974 (S.I. <a href="#">1974/1869</a> )( <b>59</b> ).	
The Special Constables (Pensions) (Scotland) (Lump Sum Payments to Widows) Regulations 1974 (S.I. <a href="#">1974/1902</a> ).	

(52) Amended by S.I. [1960/799](#).

(53) Amended by S.I. [1971/583](#), [1327](#) and [1466](#), [1972/1642](#), [1974/1533](#) and [1796](#), [1975/1718](#), [1976/1707](#), [1977/1705](#), [1978/1578](#), [1979/1287](#), [1980/1616](#), [1986/1380](#); restricted to “old cases” by S.I. [1987/256](#).

(54) Amended by S.I. [1971/585](#), [1402](#) and [1501](#); restricted to “old cases” by S.I. [1973/433](#).

(55) Restricted to “old cases” by S.I. [1973/434](#).

(56) Amended by S.I. [1974/1630](#); [1979/784](#), [1980/1411](#).

(57) Amended by S.I. [1974/1629](#), [1979/783](#), [1980/1410](#), [1982/1660](#), [1987/1699](#).

(58) Amended by S.I. [1975/7](#).

(59) Amended by S.I. [1981/1785](#).

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Local Government (Compensation) (Scotland) Regulations 1975 (S.I. <a href="#">1975/734</a> )( <b>60</b> ).	
The Fire Services (Compensation) (Scotland) Regulations 1975 (S.I. <a href="#">1975/1800</a> )( <b>61</b> ).	
The Scottish Development Agency (Compensation) Regulations 1976 (S.I. <a href="#">1976/2182</a> )( <b>62</b> ).	
The Grant-Aided Colleges (Compensation) (Scotland) Regulations 1977 (S.I. <a href="#">1977/1777</a> )( <b>63</b> ).	
The National Health Service (Superannuation) (War Service, etc.) (Scotland) Regulations 1977 (S.I. <a href="#">1977/2138</a> )( <b>64</b> ).	
The New Town (Stonehouse) (Revocation of Designation) (Compensation) Regulations 1979 (S.I. <a href="#">1979/98</a> ).	
The Police Pensions (War Service) Regulations 1979 (S.I. <a href="#">1979/1259</a> )( <b>65</b> ).	
The National Health Service (Compensation for Premature Retirement) (Scotland) Regulations 1981 (S.I. <a href="#">1981/1785</a> )( <b>66</b> ).	
The Merchant Shipping (Section 52 Inquiries) Rules 1982 (S.I. <a href="#">1982/1752</a> ), rule 5(1)( <b>67</b> ).	
The National Health Service (Superannuation – Special Provisions) (Scotland) Regulations 1984 (S.I. <a href="#">1984/1970</a> )( <b>68</b> ).	
F14	F14
...	...
The Police Pensions (War Service) (Transferees) Regulations 1985 (S.I. <a href="#">1985/2029</a> )( <b>69</b> ).	
The Police (Injury Benefit) Regulations 1987 (S.I. <a href="#">1987/156</a> )( <b>70</b> ).	

**(60)** Amended by S.I. [1975/1864](#) and [1983/264](#).**(61)** Amended by S.I. [1983/263](#).**(62)** Amended by S.I. [1983/265](#).**(63)** Amended by S.I. [1981/1054](#).**(64)** Amended by S.I. [1981/1018](#).**(65)** Amended by S.I. [1987/256](#).**(66)** Amended by S.I. [1985/2036](#) and [1992/3046](#).**(67)** Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).**(68)** Amended by S.I. [1986/701](#).**(69)** Amended by S.I. [1987/256](#) and [1907](#).**(70)** Amended by S.I. [1987/256](#) and [341](#), [1992/2349](#).

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Police Pensions Regulations 1987 (S.I. <a href="#">1987/257</a> )(71).	
The Building Societies Appeal Tribunal Regulations 1987 (S.I. <a href="#">1987/891</a> ), regulation 6(72).	Functions of the Secretary of State only.
The Banking Appeal Tribunal (Scottish Appeals) Regulations 1987 (S.I. <a href="#">1987/1336</a> ), regulation 6(73).	Functions of the Secretary of State only.
The Special Constables (Injury Benefit) (Scotland) Regulations 1987 (S.I. <a href="#">1987/1698</a> ).	
The Police Cadets (Injury Benefit) (Scotland) Regulations 1987 (S.I. <a href="#">1987/1700</a> ).	
The Local Government Superannuation (Scotland) Regulations 1987 (S.I. <a href="#">1987/1850</a> )(74).	
The Police Pensions (Purchase of Increased Benefits) Regulations 1987 (S.I. <a href="#">1987/2215</a> ).	
The Environmental Assessment (Scotland) Regulations 1988 (S.I. <a href="#">1988/1221</a> ), Part III(75).	
The Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990 (S.I. <a href="#">1990/442</a> )(76).	
The Electricity (Applications for Consent) Regulations 1990 (S.I. <a href="#">1990/455</a> ).	
The Overhead Lines (Exemption) Regulations 1990 (S.I. <a href="#">1990/2035</a> ).	
The Police Pensions (Additional Voluntary Contributions) Regulations 1991 (S.I. <a href="#">1991/1304</a> ).	
The Firemen's Pension Scheme Order 1992 (S.I. <a href="#">1992/129</a> )(77).	
The Teachers' Superannuation (Scotland) Regulations 1992 (S.I. <a href="#">1992/280</a> )(78).	

(71) Amended by S.I. [1987/2215](#), [1988/1339](#), [1989/733](#), [1990/805](#), [1991/1517](#), [1992/1343](#) and [2349](#), [1994/641](#), [1996/867](#), [1997/1429](#) and [2852](#) and [1998/577](#).

(72) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#). Functions under this enactment are treated as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act by virtue of S.I. [1999/1748](#).

(73) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).

(74) Amended by S.I. [1988/625](#), [1989/422](#), [802](#) and [967](#), [1990/422](#) and [1284](#), [1991/78](#), [1992/1220](#), [1597](#) and [3025](#), [1993/1593](#), [2013](#) and [3044](#), [1994/5311](#), [1995/214](#), [750](#), [2865](#) and [3294](#), [1996/414](#) and [1241](#) and [1997/674](#), [1143](#), [1373](#), [1435](#) and [3048](#), restricted by S.I. [1998/364](#).

(75) Part III was amended by S.I. [1990/526](#) and [1994/2012](#).

(76) Amended by S.I. [1996/422](#), [1997/629](#). Functions under this enactment were modified by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. [1999/1756](#)).

(77) Amended by S.I. [1997/2309](#) and [2851](#) and [1998/1010](#).

(78) Amended by S.I. [1992/1025](#) and [1597](#), [1993/490](#) and [2513](#), [1994/1715](#) and [2699](#), [1995/840](#) and [1670](#), [1997/676](#), [1998/718](#).

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
F15	F15
...	...
The Traffic Signs Regulations and General Directions 1994 (S.I. <a href="#">1994/1519</a> ).	
The Roads (Traffic Calming) (Scotland) Regulations 1994 (S.I. <a href="#">1994/2488</a> ).	
The National Health Service Superannuation Scheme (Scotland) Regulations 1995 (S.I. <a href="#">1995/365</a> )(79).	
The Teachers' Superannuation (Additional Voluntary Contributions) (Scotland) Regulations 1995 (S.I. <a href="#">1995/2814</a> ).	
F16	
...	
The Deregulation (Model Appeal Provisions) Order 1996 (S.I. <a href="#">1996/1678</a> ), in the Schedule, rules 6(2), (3) and (9) and 33(3)(80).	
The Teachers (Compensation for Premature Retirement and Redundancy) (Scotland) Regulations 1996 (S.I. <a href="#">1996/2317</a> )(81).	
The Merchant Shipping (Section 63 Inquiries) Rules 1997 (S.I. <a href="#">1997/347</a> ), rule 5(1)(82).	
The Local Government Superannuation (Scotland) Amendment (No. 3) Regulations 1997 (S.I. <a href="#">1997/1435</a> )(83).	
F17	
...	
The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998 (S.I. <a href="#">1998/192</a> ).	
The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 1998 (S.I. <a href="#">1998/364</a> ).	
The Local Government Pension Scheme (Scotland) Regulations 1998 (S.I. <a href="#">1998/366</a> ).	
The Road Humps (Scotland) Regulations 1998 (S.I. <a href="#">1998/1448</a> ).	

(79) Amended by S.I. [1997/1434](#) and [1916, 1998/1593](#).(80) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#). The Deregulation (Model Appeal Provisions) Order 1996 was applied by the Chemical Weapons (Licence Appeal Provisions) Order 1996 (S.I. [1996/3030](#)).(81) Amended by S.I. [1997/675, 1998/719](#).(82) Function transferred from Lord Advocate to Secretary of State by S.I. [1999/678](#).(83) Restricted by S.I. [1998/364](#), regulation 4(3).

**Status:** Point in time view as at 06/04/2020.

**Changes to legislation:** The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc. ) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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)

<i>Column 1</i>	<i>Column 2</i>
<i>Enactment</i>	<i>Restrictions and requirements</i>
The National Health Service Superannuation Scheme (Scotland) (Additional Voluntary Contributions) Regulations 1998 (S.I. <a href="#">1998/1451</a> ).	
The National Health Service (Scotland) (Injury Benefits) Regulations 1998 (S.I. <a href="#">1998/1594</a> ).	

#### **Textual Amendments**

- F14** Words in [Sch. 1](#) omitted (15.6.2000) by virtue of [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2000 \(S.I. 2000/1563\)](#), arts. 1(1), **6(2)** (with art. 9)
- F15** Words in [Sch. 1](#) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 28(b)**
- F16** Words in [Sch. 1](#) omitted (6.4.2020) by virtue of [The Healthy Start Scheme and Welfare Food \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/267\)](#), regs. 1(2), **26(a)**
- F17** Words in [Sch. 1](#) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), s. 72(7), **Sch. 2 para. 28(c)**

**Status:**

Point in time view as at 06/04/2020.

**Changes to legislation:**

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc. ) Order 1999, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 August 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.