
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Scotland Act 1998 (c. 46) (“the 1998 Act”), provides for certain specified functions of a Minister of the Crown, so far as they are exercisable by him in or as regards Scotland, to be exercisable by the Scottish Ministers instead of, or concurrently with the Minister concerned, or to be exercisable by him in or as regards Scotland subject to a requirement as to agreement with the Scottish Ministers.

Article 2 of the Order provides for the function of the Secretary of State under section 15(3) of the Tax Credits Act 1999 (c. 10) to be treated to a specified extent as exercisable in or as regards Scotland for the purposes of section 63 of the 1998 Act.

Article 3 of the Order provides that the functions conferred on a Minister of the Crown by the enactments specified in the Schedule shall be exercisable, in or as regards Scotland, by the Scottish Ministers instead of by a Minister of the Crown, subject, in certain cases, to specified restrictions.

Article 4 provides that the functions of the Secretary of State under section 60(5)(c)(i) of the Welfare Reform and Pensions Act 1999 (c. 30) shall be exercisable, in or as regards Scotland, by the Scottish Ministers concurrently with the Secretary of State subject to a specified restriction.

Article 5(1) provides that the function of the Secretary of State under paragraph 2(1), as read with paragraph 2(1A), of Schedule 1 to the Disability Rights Commission Act 1999 (c. 17) shall be exercisable by him, in or as regards Scotland, only with the agreement of the Scottish Ministers.

Article 5(2) provides that the Secretary of State’s regulation making functions under section 15 of the Tax Credits Act 1999 shall be exercisable by him, in or as regards Scotland, only with the agreement of the Scottish Ministers.

Article 6 modifies the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I.1999/1750) by removing a redundant reference.

Article 7 provides for certain general modifications of enactments etc. in connection with the provision made in the Order. Article 8 makes consequential modifications to section 18 of the Nurses, Midwives and Health Visitors Act 1997 (c. 24). Article 9 makes transitional and saving provision.