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STATUTORY INSTRUMENTS

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**2000 No. 3250**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Agency Arrangements)  
(Specification) (No. 2) Order 2000**

<i>Made</i>	- - - -	<i>13th December 2000</i>
<i>Laid before Parliament</i>		<i>8th January 2001</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th January 2001</i>
<i>Coming into force</i>	- -	<i>29th January 2001</i>

At the Court at Buckingham Palace, the 13th day of December 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 93(3) and 113 of the Scotland Act 1998(1), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Scotland Act 1998 (Agency Arrangements)(Specification) (No. 2) Order 2000 and shall come into force on 29th January 2001.

(2) In this Order “the 1998 Act” means the Scotland Act 1998.

**Specification of functions**

2.—(1) The functions exercisable by the Scottish Ministers under the enactments mentioned in Schedule 1 to this Order are hereby specified for the purposes of section 93(1) of the 1998 Act.

(2) The functions of the Scottish Ministers described in Schedule 2 to this Order are hereby specified for the purposes of section 93(1) of the 1998 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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A. K. Galloway  
Clerk of the Privy Council

## SCHEDULE 1

Article 2(1)

### FUNCTIONS EXERCISABLE BY THE SCOTTISH MINISTERS

1. Regulation 3 of the Air Quality Standards Regulations 1989<sup>(2)</sup> (functions in relation to measurement of sulphur dioxide and suspended particulates).
2. Regulation 5 of the Air Quality Standards Regulations 1989 (functions in relation to measurement of lead in air).
3. Regulation 7 of the Air Quality Standards Regulations 1989 (functions in relation to measurement of nitrogen dioxide in the atmosphere).
4. Regulation 2 of the Ozone Monitoring and Information Regulations 1994<sup>(3)</sup> (functions relating to measuring stations).
5. Regulation 3(2), (3) and (4) of the Ozone Monitoring and Information Regulations 1994 (functions relating to measurement of ozone concentrations).
6. Regulation 4 of the Ozone Monitoring and Information Regulations 1994 (function of informing the public if ozone concentration values are exceeded).
7. Regulation 5 of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2000<sup>(4)</sup> (functions in relation to ensuring that sampling is carried out of heavy fuel oil and gas oil used in Scotland).
8. Section 108(1) of the Environment Act 1995<sup>(5)</sup> insofar as those functions are exercised for the purposes of regulation 5 of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2000 (function of authorising a person who appears suitable to an enforcing authority to exercise certain powers).

## SCHEDULE 2

Article 2(2)

### FUNCTIONS OF THE SCOTTISH MINISTERS

1. The function of taking steps preparatory to the implementation of Directive [96/62/EC](#) of 27th September 1996 on ambient air quality assessment and management and the legislation provided for in Article 4 thereof.
2. The function of installing and operating measuring stations for the purpose of measuring the concentration in the air of substances or their deposition on to land or surface waters, where such installation or operation is carried out otherwise than in pursuance of a function imposed by the other provisions mentioned in this Schedule and in Schedule 1 to this Order.

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(2) S.I. 1989/317.  
(3) S.I. 1994/440.  
(4) S.S.I. 2000/169.  
(5) 1995 c. 25.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies certain functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) allows a Minister of the Crown to make arrangements for any of his specified functions to be exercised on his behalf by the Scottish Ministers and allows the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown.

The functions of the Scottish Ministers which are specified by this Order are those exercisable by the Scottish Ministers under the enactments specified in the Schedules to this Order, which are statutory and nonstatutory functions relating to monitoring air quality, functions relating to sulphur sampling of gas, oil and heavy fuel oil and functions as regards powers of entry under regulation 5 of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2000.