

2007 No. 286

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

ENVIRONMENTAL PROTECTION

**The Scotland Act 1998 (Agency Arrangements) (Specification)
Order 2007**

Made - - - - - *7th February 2007*
Laid before Parliament *14th February 2007*
Laid before the Scottish Parliament *14th February 2007*
Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 7th day of February 2007

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(3) of the Scotland Act 1998(a), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2007 and shall come into force on 12th March 2007, immediately after the coming into force of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2007(b).

(2) This Order does not extend to Northern Ireland.

(a) 1998 c.46.
(b) S.S.I. 2007/27.

Specification of functions

2. The functions exercisable by the Scottish Ministers under the enactments mentioned in column 1 of the Schedule to this Order (subject to any restriction mentioned in the corresponding entry in column 2 of that Schedule) are hereby specified for the purposes of section 93(1) of the Scotland Act 1998.

Christine Cook
Deputy Clerk of the Privy Council

SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
1. Section 108(1) (function of authorising a person who appears suitable to an enforcing authority to exercise certain powers) of the Environment Act 1995 ^(a) .	Only in so far as that function is exercised for the purposes of regulation 6 of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2007.
2. Regulation 6(1) and (2) (functions relating to the sampling and analysis of heavy fuel oil and gas oil in Scotland) of the Sulphur Content of Liquid Fuels (Scotland) Regulations 2007.	

^(a) 1995 c.25. The functions of the Secretary of State as the enforcing authority under section 108(1), in so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) 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.

Article 2 and column 1 of the Schedule specify, for the purposes of section 93(1) of the Scotland Act 1998, functions of the Scottish Ministers which may be exercised by a Minister of the Crown on their behalf. These are functions relating to the sampling and analysis of heavy fuel oil and gas oil and the authorising of persons to exercise certain powers relating to those sampling and analysis functions. Column 2 of the Schedule details a restriction to an entry in column 1.

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