

Status: Point in time view as at 22/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 6

DEVOLUTION ISSUES

PART I

PRELIMINARY

- 1 In this Schedule “devolution issue” means—
- (a) a question whether an Act of the Scottish Parliament or any provision of an Act of the Scottish Parliament is within the legislative competence of the Parliament,
 - (b) a question whether any function (being a function which any person has purported, or is proposing, to exercise) is a function of the Scottish Ministers, the First Minister or the Lord Advocate,
 - (c) a question whether the purported or proposed exercise of a function by a member of the Scottish Executive is, or would be, within devolved competence,
 - (d) a question whether a purported or proposed exercise of a function by a member of the Scottish Executive is, or would be, incompatible with any of the Convention rights or with [F1EU] law,
 - (e) a question whether a failure to act by a member of the Scottish Executive is incompatible with any of the Convention rights or with [F1EU] law,
 - (f) any other question about whether a function is exercisable within devolved competence or in or as regards Scotland and any other question arising by virtue of this Act about reserved matters.

Textual Amendments

- F1** Words in Sch. 6 para. 1 substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 3, 6

- 2 A devolution issue shall not be taken to arise in any proceedings merely because of any contention of a party to the proceedings which appears to the court or tribunal before which the proceedings take place to be frivolous or vexatious.

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