

*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<sup>F1</sup> ...,
  - (e) a question whether a failure to act by a member of the Scottish Executive is incompatible with any of the Convention rights<sup>F2</sup> ...,
  - (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.

[<sup>F3</sup>But a question arising in criminal proceedings in Scotland that would, apart from this paragraph, be a devolution issue is not a devolution issue if (however formulated) it relates to [<sup>F4</sup>a compatibility issue (within the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995)].]

#### Textual Amendments

- F1** Words in Sch. 6 para. 1(d) omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), 2(5)
- F2** Words in Sch. 6 para. 1 omitted (31.12.2020) by virtue of European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), Sch. 3 para. 23(3) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)
- F3** Words in Sch. 6 para. 1 inserted (22.4.2013) by Scotland Act 2012 (c. 11), ss. 36(4), 44(5); S.I. 2013/6, art. 2(c)
- F4** Words in Sch. 6 para. 1 substituted (31.12.2020) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), Sch. 3 para. 23(4) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(1) (with reg. 10)

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- 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.

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Part I.