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STATUTORY INSTRUMENTS

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**2000 No. 1831**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

The Scotland Act 1998 (Modifications  
of Schedule 4) Order 2000

*Made* - - - - - *12th July 2000*  
*Coming into force* - - - - - *13th July 2000*

At the Court at Buckingham Palace, the 12th day of July 2000  
Present,  
The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament and of the Scottish Parliament;

Now, therefore, Her Majesty in exercise of the powers conferred upon Her by section 30(2) 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 (Modifications of Schedule 4) Order 2000 and shall come into force on the day after it is made.

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

**Pension sharing arrangements**

2. In Part I of Schedule 4 to the Act (enactments etc. protected from modification by the Parliament), in paragraph 2 (prohibition on modification of the law on reserved matters)—

(a) in sub paragraph (3) there is inserted “or????”???

“(c) the obligations under an order made by virtue of section 12A(2) or (3) of the Family Law (Scotland) Act 1985(2) (orders relating to pensions lump sums) of

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(1) 1998 c. 46.

(2) 1985 c. 37. Section 12A was inserted by the Pensions Act 1995 (c. 26), section 167.

- the person responsible for a pension arrangement other than an occupational or personal pension scheme; or
- (d) the obligations under Chapter I of Part IV of the Welfare Reform and Pensions Act 1999<sup>(3)</sup> (sharing of rights under pension arrangements) of the person responsible for such a pension arrangement; or
  - (e) the effect of Chapter II of Part IV of that Act of 1999 (sharing of rights in state pension schemes) as read with Part II of the Social Security Contributions and Benefits Act 1992<sup>(4)</sup> (contributory benefits).”; and
- (b) for sub paragraph (4) there is substituted–
- “(4) In sub paragraph (3)(c) “pension arrangement” and “person responsible for a pension arrangement” have the same meaning as in section 27(1) of the Family Law (Scotland) Act 1985.”.

### **Scottish Consolidated Fund**

**3.** In Part I of Schedule 4 to the Act, in paragraph 4 (protection of the Act), in sub paragraph (3), at the end of paragraph (b), leave out “or (c)” and insert–

- “(c) requires any sum to be payable out of that Fund, or  
(d)”.

*A K Galloway*  
Clerk of the Privy Council

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<sup>(3)</sup> 1999 c. 30.  
<sup>(4)</sup> 1992 c. 4.

## **EXPLANATORY NOTE**

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

This Order makes certain modifications to Schedule 4 to the Scotland Act 1998 (“the 1998 Act”). That Schedule is concerned with the protection of enactments from modification by the Scottish Parliament.

Article 2 has the effect of preventing the Scottish Parliament from modifying rules of Scots private law applicable to pensions earmarking and sharing.

Article 3 enables the Scottish Parliament to modify provisions in the 1998 Act which provide for sums to be payable out of the Scottish Consolidated Fund.