



# Scotland Act 1998

## 1998 CHAPTER 46

### PART II

#### THE SCOTTISH ADMINISTRATION

##### *Property and liabilities*

#### **59 Property and liabilities of the Scottish Ministers.**

- (1) Property may be held by the Scottish Ministers by that name.
- (2) Property acquired by or transferred to the Scottish Ministers shall belong to, and liabilities incurred by the Scottish Ministers shall be liabilities of, the Scottish Ministers for the time being.
- (3) In relation to property to be acquired by or transferred to, or belonging to, the Scottish Ministers or liabilities incurred by the Scottish Ministers, references to the Scottish Ministers—
  - (a) in any title recorded in the Register of Sasines or registered in the Land Register of Scotland, or
  - (b) in any other document,shall be read in accordance with subsection (2).
- (4) A document shall be validly executed by the Scottish Ministers if it is executed by any member of the [<sup>F1</sup>Scottish Government].

#### **Textual Amendments**

- F1** Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), [ss. 12\(2\)\(a\)](#), [44\(5\)](#) (with [s. 12\(3\)](#)); [S.I. 2012/1710](#), [art. 2\(f\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Property and liabilities. (See end of Document for details)*

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## 60 Transfers to the Scottish Ministers.

- (1) Subordinate legislation may provide—
  - (a) for the transfer to the Scottish Ministers of any property belonging to a Minister of the Crown or government department, or
  - (b) for the Scottish Ministers to have such rights or interests in relation to any property belonging to a Minister of the Crown or government department as the person making the legislation considers appropriate (whether in connection with a transfer or otherwise).
- (2) Subordinate legislation may provide for the transfer to the Scottish Ministers of any liabilities to which a Minister of the Crown or government department is subject.
- (3) Subordinate legislation under this section may only be made in connection with any transfer or sharing of functions of a Minister of the Crown by virtue of section 53, 63 or 89 or in any other circumstances in which the person making the legislation considers it appropriate to do so for the purposes of this Act [<sup>F2</sup>or the Scotland Act 2016].

### Textual Amendments

**F2** Words in s. 60(3) inserted (23.3.2016) by [Scotland Act 2016 \(c. 11\), ss. 69, 72\(1\)\(c\)](#)

### Commencement Information

**I1** S. 60 wholly in force at 6.5.1999; s. 60 not in force at Royal Assent see s. 130; s. 60 in force for certain purposes at 25.1.1999 by [S.I. 1998/3178, art. 2\(2\), Sch. 1](#); s. 60 in force at 6.5.1999 in so far as not already in force by [S.I. 1998/3178, art. 2\(2\), Sch. 3](#)

## 61 Property and liabilities of the Lord Advocate and the First Minister.

- (1) Property may be held by the Lord Advocate by that name.
- (2) Property acquired by or transferred to the Lord Advocate shall belong to, and liabilities incurred by the Lord Advocate shall be liabilities of, the Lord Advocate for the time being.
- (3) In relation to property to be acquired by or transferred to, or belonging to, the Lord Advocate or liabilities incurred by the Lord Advocate, references to the Lord Advocate—
  - (a) in any title recorded in the Register of Sasines or registered in the Land Register of Scotland, or
  - (b) in any other document,
 shall be read in accordance with subsection (2).
- (4) Any rights and liabilities acquired or incurred by the First Minister shall be rights or (as the case may be) liabilities of the First Minister for the time being.

### Commencement Information

**I2** S. 61 wholly in force at 20.5.1999; s. 61 not in force at Royal Assent see s. 130; s. 61(4) in force at 6.5.1999 by [S.I. 1998/3178, art. 2\(2\), Sch. 3](#); s. 61(1)-(3) in force at 20.5.1999 by [S.I. 1998/3178, art. 2\(2\), Sch. 4](#)

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*Changes to legislation:* There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Property and liabilities. (See end of Document for details)

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## **62 Transfers to the Lord Advocate.**

- (1) Subordinate legislation may provide—
- (a) for the transfer to the Lord Advocate of any property belonging to a Minister of the Crown or government department, or
  - (b) for the Lord Advocate to have such rights or interests in relation to any property belonging to a Minister of the Crown or government department as the person making the legislation considers appropriate (whether in connection with a transfer or otherwise).
- (2) Subordinate legislation may provide for the transfer to the Lord Advocate of any liabilities to which a Minister of the Crown or government department is subject.
- (3) Subordinate legislation under this section may only be made in connection with the Lord Advocate becoming a member of the [<sup>F1</sup>Scottish Government] or having any retained functions or in any other circumstances in which the person making the legislation considers it appropriate to do so for the purposes of this Act.

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### **Textual Amendments**

- F1** Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 12(2)(a), 44(5)** (with [s. 12\(3\)](#)); [S.I. 2012/1710](#), [art. 2\(f\)](#)
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### **Commencement Information**

- I3** S. 62 wholly in force at 20.5.1999; s. 62 not in force at Royal Assent see s. 130; s. 62 in force for certain purposes at 25.1.1999 by [S.I. 1998/3178](#), [art. 2\(2\)](#), [Sch. 1](#); s. 62 in force at 20.5.1999 in so far as not already in force by [S.I. 1998/3178](#), [art. 2\(2\)](#), [Sch. 4](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading:  
Property and liabilities.