

*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Paragraph 13. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### ENACTMENTS ETC. PROTECTED FROM MODIFICATION

##### Modifications etc. (not altering text)

- C1** Sch. 4 excluded by 1974 c. 53, Sch. 3 para. 9(1) (as inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 19, 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 15)

### PART III

#### CONSEQUENTIAL MODIFICATION OF SECTIONS 53 AND 54

- 13 (1) Paragraph 12 does not apply to any function conferred by any provision of—
- <sup>F1</sup>(a) .....
  - (b) the <sup>M1</sup>Human Rights Act 1998, except sections 1, 5, 14 to 17 and 22 of that Act,
  - (c) the law on reserved matters (for the purposes of paragraph 2) so far as contained in an enactment.
- (2) For the purpose of determining—
- (a) whether any function under any of the provisions referred to in sub-paragraph (1) is transferred to the Scottish Ministers by virtue of section 53, and
  - (b) the extent to which any such function (other than a function of making, confirming or approving subordinate legislation) is exercisable by them,
- the references in section 54 to the legislative competence of the Parliament are to be read as if section 29(2)(c) were omitted.
- (3) Part I of this Schedule does not prevent an Act of the Scottish Parliament modifying, or conferring power by subordinate legislation to modify, any of the provisions mentioned in sub-paragraph (1) so as to provide for a function transferred to the Scottish Ministers by virtue of section 53 to be exercisable by a different person.

##### Textual Amendments

- F1** Sch. 4 para. 13(1)(a) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 21\(3\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)

##### Marginal Citations

- M1** 1998 c. 42.

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