

SCHEDULES

SCHEDULE 4

ENACTMENTS ETC. PROTECTED FROM MODIFICATION

PART III

CONSEQUENTIAL MODIFICATION OF SECTIONS 53 AND 54

- 13 (1) Paragraph 12 does not apply to any function conferred by any provision of—
- (a) the European Communities Act 1972,
 - (b) the 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.