

Status: Point in time view as at 01/05/2006.

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

SCHEDULES

SCHEDULE 5

RESERVED MATTERS

PART III

GENERAL PROVISIONS

Scottish public authorities

- 1 (1) This Schedule does not reserve any Scottish public authority if some of its functions relate to reserved matters and some do not, unless it is a cross-border public authority.
- (2) Sub-paragraph (1) has effect as regards—
- (a) the constitution of the authority, including its establishment and dissolution, its assets and liabilities and its funding and receipts,
 - (b) conferring or removing any functions specifically exercisable in relation to the authority.
- (3) Sub-paragraph (2)(b) does not apply to any function which is specifically exercisable in relation to a particular function of the authority if the particular function relates to reserved matters.
- (4) An authority to which this paragraph applies is referred to in this Act as a Scottish public authority with mixed functions.

Modifications etc. (not altering text)

- C1** Sch. 5 Pt. III para. 1(4) applied (S.) (30.9.2002) by [Freedom of Information \(Scotland\) Act 2002 \(asp 13\)](#), s. 4; S.S.I. 2002/437, [art. 2](#)

- 2 Paragraph 1 of Part I of this Schedule does not reserve any Scottish public authority with functions none of which relate to reserved matters (referred to in this Act as a Scottish public authority with no reserved functions).

Modifications etc. (not altering text)

- C2** Sch. 5 Pt. III para. 2 applied (S.) (30.9.2002) by [Freedom of Information \(Scotland\) Act 2002 \(asp 13\)](#), s. 4; S.S.I. 2002/437, [art. 2](#)

Reserved bodies

- 3 (1) The reservation of any body to which this paragraph applies has effect to reserve—

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- (a) its constitution, including its establishment and dissolution, its assets and liabilities and its funding and receipts,
- (b) conferring functions on it or removing functions from it,
- (c) conferring or removing any functions specifically exercisable in relation to it.

(2) This paragraph applies to—

- (a) a body reserved by name by Part II of this Schedule,
- (b) each of the councils reserved by Section C12 of that Part,
- (c) the Commission for Racial Equality, the Equal Opportunities Commission and [^{F1}the Disability Rights Commission].
- [^{F2}(d) the Commission for Equality and Human Rights.]

Textual Amendments

- F1** Words in Sch. 5 Pt. III para. 3(2)(c) substituted (6.8.1999) by 1999 c. 17, s. 14(1), Sch. 4 para. 4 (with s. 15); S.I. 1999/2210, art. 2(4)(7)
- F2** Sch. 5 Pt. III para. 3(2)(d) inserted (1.5.2006) by The Scotland Act 1998 (Modifications of Schedule 5) Order 2006 (S.I. 2006/609), art. 2

Modifications etc. (not altering text)

- C3** Sch. 5 Pt. III para. 3 applied (28.7.1999) (*temp.*) by S.I. 1999/2210, art. 3

Financial assistance to industry

- 4 (1) This Schedule does not reserve giving financial assistance to commercial activities for the purpose of promoting or sustaining economic development or employment.
- (2) Sub-paragraph (1)—
- (a) does not apply to giving financial assistance to any activities in pursuance of a power exercisable only in relation to activities which are reserved,
 - (b) does not apply to Part I of this Schedule, except paragraph 9, or to a body to which paragraph 3 of this Part of this Schedule applies,
 - (c) is without prejudice to the exceptions from the reservations in Sections [^{F3}C11.] E2 and E3 of Part II of this Schedule.
- (3) Sub-paragraph (1) does not affect the question whether any matter other than financial assistance to which that sub-paragraph applies is reserved.

Textual Amendments

- F3** Words in Sch. 5 Pt. III para. 4(2)(c) inserted (14.12.2000) by S.I. 2000/3252, art. 2(2)

Interpretation

- 5 (1) References in this Schedule to the subject-matter of any enactment are to be read as references to the subject-matter of that enactment as it has effect on the principal appointed day or, if it ceased to have effect at any time within the period ending with that day and beginning with the day on which this Act is passed, as it had effect immediately before that time.

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- (2) Subordinate legislation under section 129(1) may, in relation to the operation of this Schedule at any time before the principal appointed day, modify the references to that day in sub-paragraph (1).

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