



Scotland Act 1998

1998 CHAPTER 46

PART VI

SUPPLEMENTARY

General modification of enactments

119 Consolidated Fund etc.

- (1) In this section “Scottish functions” means—
- (a) functions of the Scottish Ministers, the First Minister or the Lord Advocate which are exercisable within devolved competence,
 - (b) functions of any Scottish public authority with mixed functions or no reserved functions.
- (2) Subject to subsections (3) and (5), a provision of a pre-commencement enactment which—
- (a) requires or authorises the payment of any sum out of the Consolidated Fund or money provided by Parliament, or
 - (b) requires or authorises the payment of any sum into the Consolidated Fund,
- shall cease to have effect in relation to any Scottish functions.
- (3) A provision of a pre-commencement enactment which—
- (a) charges any sum on the Consolidated Fund,
 - (b) requires the payment of any sum out of the Consolidated Fund without further appropriation, or
 - (c) requires or authorises the payment of any sum into the Consolidated Fund by a person other than a Minister of the Crown,
- shall have effect in relation to any Scottish functions as if it provided for the sum to be charged on the Scottish Consolidated Fund or required it to be paid out of that Fund without further approval or required or authorised it to be paid into that Fund (as the case may be).

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 119. (See end of Document for details)

- ^{F1}(4)
- (5) A provision of a pre-commencement enactment which authorises any sums to be applied as money provided by Parliament instead of being paid into the Consolidated Fund shall have effect in relation to any Scottish functions as if it authorised those sums to be applied as if they had been paid out of the Scottish Consolidated Fund in accordance with rules under section 65(1)(c) instead of being paid into that Fund.
- (6) Where a power to lend money under a pre-commencement enactment is exercisable by the Scottish Ministers, subsection (7) applies to any sums which, for the purpose or as the result of the exercise of the power, would be required (apart from that subsection)
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- (a) to be issued by the Treasury out of the National Loans Fund, or
- (b) to be paid into that Fund.
- (7) Those sums shall instead—
- (a) be paid out of the Scottish Consolidated Fund without further approval, or
- (b) be paid into that Fund,
- (as the case may be).

Textual Amendments

- F1** S. 119(4) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 3 para. 18](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(1) (with regs. 10, 22)

Modifications etc. (not altering text)

- C1** S. 119 applied (1.7.1999) by S.I. 1999/1747, [arts. 1, 4](#); S.I. 1998/3178, [art. 3](#)
S. 119 modified (15.12.1999) by S.I. 1999/3321, [art. 3\(2\)\(b\)](#)
S. 119 applied (with modifications) (1.7.1999) by S.I. 1999/1750, [arts. 1\(1\), 6\(2\)\(b\)](#), [Sch. 5](#); S.I. 1998/3178, [art. 3](#)
Ss. 119-121 applied (16.6.2000) by S.I. 2000/1563, [art. 7\(2\)](#) (with art. 9)
Ss. 118-121 applied (14.12.2000) by S.I. 2000/3251, [art. 3](#) (with art. 4)
Ss. 119-121 applied (15.12.2000) by S.I. 2000/3253, [art. 5\(2\)](#) (with art. 6)
S. 119 applied (with modifications) (15.3.2001) by S.I. 2001/954, [arts. 1\(1\), 3\(2\)\(3\)](#)
S. 119 applied (with modifications) (1.11.2001) by S.I. 2001/3504, [arts. 1\(1\), 3\(2\)\(3\)](#) (with art. 4)
- C2** S. 119 applied (with modifications) (27.6.2002) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2002 \(S.I. 2002/1630\)](#), [art. 3\(2\)\(3\)](#)
- C3** S. 119 applied (with modifications) (28.3.2003) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2003 \(S.I. 2003/415\)](#), [arts. 1\(1\), 4\(2\)\(3\)](#) (with art. 5)
- C4** S. 119 applied (with modifications) (10.10.2003) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) \(No. 2\) Order 2003 \(S.I. 2003/2617\)](#), [arts. 1\(1\), 5\(2\)\(3\)](#) (with art. 6)
- C5** S. 119 applied (with modifications) (29.7.2004) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2004 \(S.I. 2004/2030\)](#), [arts. 1\(1\), 6\(2\)\(3\)](#) (with art. 7)
- C6** S. 119 applied (with modifications) (16.12.2006) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) \(No. 3\) Order 2006 \(S.I. 2006/3258\)](#), [arts. 1\(1\), 4\(2\)\(3\)](#) (with art. 5)
- C7** S. 119 applied (with modifications) (12.10.2007) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) Order 2007 \(S.I. 2007/2915\)](#), [arts. 1\(1\), 5\(2\)\(3\)](#) (with art. 6)

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 119.