



Scotland Act 1998

1998 CHAPTER 46

PART I

THE SCOTTISH PARLIAMENT

Legal issues

40 Proceedings by or against the Parliament etc.

- (1) Proceedings by or against the Parliament shall be instituted by or (as the case may be) against the Parliamentary corporation on behalf of the Parliament.
- (2) Proceedings by or against—
 - (a) the Presiding Officer or a deputy, or
 - (b) any member of the staff of the Parliament,shall be instituted by or (as the case may be) against the corporation on his behalf.
- (3) In any proceedings against the Parliament, the court shall not make an order for suspension, interdict, reduction or specific performance (or other like order) but may instead make a declarator.
- (4) In any proceedings against—
 - (a) any member of the Parliament,
 - (b) the Presiding Officer or a deputy,
 - (c) any member of the staff of the Parliament, or
 - (d) the Parliamentary corporation,the court shall not make an order for suspension, interdict, reduction or specific performance (or other like order) if the effect of doing so would be to give any relief against the Parliament which could not have been given in proceedings against the Parliament.
- (5) References in this section to an order include an interim order.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 40.