



# Scotland Act 1998

## 1998 CHAPTER 46

### PART II

#### THE SCOTTISH ADMINISTRATION

##### *Ministerial functions*

VALID FROM 01/07/1999

#### **53 General transfer of functions.**

- (1) The functions mentioned in subsection (2) shall, so far as they are exercisable within devolved competence, be exercisable by the Scottish Ministers instead of by a Minister of the Crown.
- (2) Those functions are—
  - (a) those of Her Majesty's prerogative and other executive functions which are exercisable on behalf of Her Majesty by a Minister of the Crown,
  - (b) other functions conferred on a Minister of the Crown by a prerogative instrument, and
  - (c) functions conferred on a Minister of the Crown by any pre-commencement enactment,but do not include any retained functions of the Lord Advocate.
- (3) In this Act, "pre-commencement enactment" means—
  - (a) an Act passed before or in the same session as this Act and any other enactment made before the passing of this Act,
  - (b) an enactment made, before the commencement of this section, under such an Act or such other enactment,
  - (c) subordinate legislation under section 106, to the extent that the legislation states that it is to be treated as a pre-commencement enactment.

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*Status: Point in time view as at 06/05/1999. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 53. (See end of Document for details)*

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(4) This section and section 54 are modified by Part III of Schedule 4.

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

- C1** S. 53 restricted (1.7.1999) by S.I. 1999/1592, arts. 1, 3, **Sch. 1**; S.I. 1998/3178, **art. 3**  
S. 53 excluded (30.6.1999) by S.I. 1999/1746, **arts. 1, 3**; S.I. 1998/3178, **art. 3**
- C2** S. 53 explained (6.5.1999) (*temp.* until 1.7.1999) by S.I. 1999/1042, **art. 2**
- C3** S. 53 extended (6.5.1999) (*temp.*) by S.I. 1999/901, **art. 3(3)**
- C4** S. 53 extended (30.6.1999) by S.I. 1999/1748, **arts. 4-8**
- C5** S. 53 excluded (15.11.2004) by Children Act 2004 (c. 31), **ss. 6(9), 67(1)**
- C6** S. 53(2)(a) modified (1.7.1999) by S.I. 1999/1756, **arts. 5-7**

**Status:**

Point in time view as at 06/05/1999. This version of this provision is not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 53.