



Scotland Act 1998

1998 CHAPTER 46

PART V

MISCELLANEOUS AND GENERAL

Cross-border public authorities

90 Power to transfer property of cross-border public authorities.

- (1) This section applies if an Act of the Scottish Parliament provides for any functions of a cross-border public authority to be no longer exercisable in or as regards Scotland.
- (2) Her Majesty may by Order in Council provide—
 - (a) for the transfer of any property to which this section applies, or
 - (b) for any person to have such rights or interests in relation to any property to which this section applies as Her Majesty considers appropriate (whether in connection with a transfer or otherwise).
- (3) This section applies to property belonging to the cross-border public authority concerned which appears to Her Majesty—
 - (a) to be held or used wholly or partly for or in connection with the exercise of any of the functions concerned, or
 - (b) not to be within paragraph (a) but, when last held or used for or in connection with the exercise of any function, to have been so held or used for or in connection with the exercise of any of the functions concerned.
- (4) Her Majesty may by Order in Council provide for the transfer of any liabilities—
 - (a) to which the cross-border public authority concerned is subject, and
 - (b) which appear to Her Majesty to have been incurred wholly or partly for or in connection with the exercise of any of the functions concerned.
- (5) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless the cross-border public authority concerned has been consulted.

Changes to legislation:

Scotland Act 1998, Section 90 is up to date with all changes known to be in force on or before 02 May 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 113(10A) inserted by [2003 c. 44 Sch. 27 para. 7\(3\)](#)
- Sch. 5 Pt. 2 s. C8 words substituted by [2018 c. 16 Sch. 3 para. 22](#)