
STATUTORY INSTRUMENTS

1998 No. 3216 (S.195)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

**The Scotland Act 1998 (Transitional and Transitory Provisions)
(Subordinate Legislation under the Act) Order 1998**

Made - - - - 20th December 1998
Laid before Parliament 23rd December 1998
Coming into force - - 25th January 1999

The Secretary of State, in exercise of the powers conferred upon him by sections 112(1), 113, 114(1), 115(3) and 129(1) of the Scotland Act 1998⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Transitional and Transitory Provisions) (Subordinate Legislation under the Act) Order 1998 and shall come into force on 25th January 1999.

Interpretation

2.—(1) In this Order—

“the Act” means the Scotland Act 1998; and

“subordinate legislation” includes a statutory instrument containing subordinate legislation.

(2) In this Order a reference to a type of procedure identified by a letter is a reference to the type of procedure identified by that letter in paragraph 2 of Schedule 7 to the Act.

Modification of the Act

3. Any subordinate legislation made under section 15 of the Act (disqualification from membership of the Parliament) in the period beginning with 25th January 1999 and ending immediately before the principal appointed day⁽²⁾ shall be subject to the type B procedure instead of the type D procedure.

⁽¹⁾ 1998 c. 46.

⁽²⁾ The principal appointed day is 1st July 1999 by virtue of Article 3 of the Scotland Act 1998 (Commencement) Order 1998 (S.I.1998/3178).

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4. Any subordinate legislation made under section 126(8) of the Act (offices in the Scottish Administration which are not ministerial offices) in the period beginning with 25th January 1999 and ending immediately before the principal appointed day shall be subject to the type I procedure instead of the type H procedure.

5.—(1) Any subordinate legislation made under section 129(1) of the Act (transitional provisions etc.) in the period beginning with 25th January 1999 and ending immediately before the principal appointed day and which makes provision as mentioned in section 112(2) of the Act (appropriation etc. orders) shall be subject to the type of procedure specified in paragraph (2) below instead of the type D procedure.

(2) No recommendation to make the legislation is to be made to Her Majesty in Council unless a draft of the instrument has been laid before, and approved by resolution of, the House of Commons.

Section 115(3) of the Act

6. For the purposes of section 115(3) of the Act (subordinate legislation: procedure), any subordinate legislation made in the exercise of the power conferred by any of the provisions of the Act specified in column 1 of the following Table(3) in the period beginning with 25th January 1999 and ending immediately before the principal appointed day shall be subject to the type of procedure specified in column 3 instead of the type of procedure specified in column 2 of the Table.

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Type of procedure</i>	<i>Column 3</i> <i>Type of procedure</i>
Section 38 (Letters Patent and proclamations)	Type J	Type I
Section 97 (Assistance for opposition parties)	Type A	Type B
Schedule 2, paragraph 7 (Crown status of the Scottish Parliamentary Corporate Body)	Type H	Type I

St Andrew's House, Edinburgh
20th December 1998

Henry B McLeish
Minister of State, The Scottish Office

(3) These are provisions which are brought into force for particular purposes on 25th January 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for transitional and transitory purposes under the Scotland Act 1998 (c. 46) (“the Act”). It modifies the type of procedure to which certain subordinate legislation made under the Act is to be subject, where it is made in the period beginning with 25th January 1999 and ending immediately before the principal appointed day (1st July 1999) and where it would otherwise, in terms of the Act, have been subject to a type of procedure in the Scottish Parliament. The Order provides that such subordinate legislation is to be subject to procedure in the UK Parliament.