
STATUTORY INSTRUMENTS

1999 No. 1127

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

The Scottish Administration (Offices) Order 1999

<i>Made</i>	- - - -	<i>13th April 1999</i>
<i>Laid before Parliament</i>		<i>23rd April 1999</i>
<i>Coming into force</i>	- -	<i>6th May 1999</i>

Her Majesty, in exercise of the powers conferred upon Her by section 126(8)(b) of the Scotland Act 1998(1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to Order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scottish Administration (Offices) Order 1999 and shall come into force on 6th May 1999.

(2) In this Order, “the Act” means the Scotland Act 1998.

Specification of offices

2. As from the date when section 44(1)(c) of the Act comes into force(2), the following offices are specified for the purposes of section 126(8)(b) of the Act (offices in the Scottish Administration which are not ministerial offices), namely the offices of procurator fiscal and procurator fiscal depute to which appointments may be made under sections 1(2) and 2 respectively of the Sheriff Courts and Legal Officers (Scotland) Act 1927(3).

3. As from the principal appointed day(4), the offices which are mentioned in column 1 of the Schedule to this Order and which are established by, or referred to in, the enactment mentioned in the corresponding entry in column 2 of that Schedule, are also specified for the purposes of section 126(8)(b) of the Act.

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- (1) 1998 c. 46. The procedure for an Order in Council under section 126(8)(b) of the Act was modified by article 4 of the Scotland Act (Transitional and Transitory Provisions) (Subordinate Legislation under the Act) Order 1998 (S.I. 1998/3216).
- (2) 20th May 1999 is the day appointed for the coming into force of section 44(1)(c) of the Act under the Scotland Act 1998 (Commencement) Order 1998 (S.I. 1998/3178).
- (3) 1927 c. 35. Section 2 of the Sheriff Courts and Legal Officers (Scotland) Act 1927 was amended by paragraph 1 of Schedule 1 to the Sheriff Courts (Scotland) Act 1971 (c. 58) and sections 1(2) and 2 of the 1927 Act are amended by paragraphs 3(2) and (3) of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (4) The principal appointed day is 1st July 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998 (S.I. 1998/3178).

Status: *This is the original version (as it was originally made). UK
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A.K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 3

<i>Column 1</i> <i>Offices</i>	<i>Column 2</i> <i>Enactments</i>
Accountant in Bankruptcy	Section 1(1) of the Bankruptcy (Scotland) Act 1985 (c. 66)(5)
Accountant of Court	Section 25 of the Administration of Justice (Scotland) Act 1933 (c. 41)(6)
Assistant Inspector of Fire Services for Scotland	Section 24 of the Fire Services Act 1947 (c. 41)
Chief Dental Officer of the Scottish Administration	Paragraph 1(2)(b) of Schedule 1 to the Dentists Act 1984 (c. 24)(7)
Chief Medical Officer of the Scottish Administration	Section 2(2) of the Abortion Act 1967 (c. 87)(8)
Depute, Assistant or other Clerk in the Justiciary Office of the High Court of Justiciary	Section 23(1) of the Administration of Justice (Scotland) Act 1933
Her Majesty's Chief Inspector of Constabulary	Section 33 of the Police (Scotland) Act 1967 (c. 77)
Her Majesty's Chief Inspector of Prisons for Scotland	Section 7 of the Prisons (Scotland) Act 1989 (c. 45)
Her Majesty's Inspector of Anatomy for Scotland	Section 9 of the Anatomy Act 1984 (c. 44)
Her Majesty's Inspector of Constabulary	Section 33 of the Police (Scotland) Act 1967
Her Majesty's Inspector of Fire Services for Scotland	Section 24 of the Fire Services Act 1947
Her Majesty's Inspector of Schools	Section 135(1) of the Education (Scotland) Act 1980 (c. 44)(9)
Macer in the Court of Session and Macer in the High Court of Justiciary	Section 24(7) of the Administration of Justice (Scotland) Act 1933(10)
Principal Clerk of Justiciary	Section 25 of the Administration of Justice (Scotland) Act 1933
Principal Clerk of Session and other Clerks or Officers of the Court of Session	Section 24(1) of the Administration of Justice (Scotland) Act 1933
Queen's Printer for Scotland	Section 92 of the Scotland Act 1998

- (5) Section 1 of the Bankruptcy (Scotland) Act 1985 is substituted by paragraph 22 of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (6) Section 25 of the Administration of Justice (Scotland) Act 1933 was amended by Schedule 2 to the Public Records (Scotland) Act 1937 (c. 43) and is amended by paragraph 4 of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (7) Paragraph 1(2)(b) of Schedule 1 to the Dentists Act 1984 is amended by Schedule 3 to the Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042).
- (8) Section 2(2) of the Abortion Act 1967 is amended by Schedule 3 to the Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042).
- (9) Section 135(1) of the Education (Scotland) Act 1980 is amended by paragraph 17 of Schedule 8 to the Scotland Act 1998 with effect from 1st July 1999.
- (10) Section 24(7) of the Administration of Justice (Scotland) Act 1933 is amended by paragraph 4 of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.

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<i>Column 1</i> <i>Offices</i>	<i>Column 2</i> <i>Enactments</i>
Registrar of Independent Schools	Section 98(1) of the Education (Scotland) Act 1980 (11)
Rent Officer	Section 43(3) of the Rent (Scotland) Act 1984 (c. 58) (12)
Sheriff Clerk	Section 1(1) of the Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35) (13)
Sheriff Clerk Depute	Section 2 of the Sheriff Courts and Legal Officers (Scotland) Act 1927 (14)
Social Work Inspector	Section 6 of the Social Work (Scotland) Act 1968 (c. 68)
The Queen's and Lord Treasurer's Remembrancer	Section 2 of the Public Revenues (Scotland) Act 1833 (c. 13)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the offices in the Scottish Administration which are not ministerial offices for the purposes of the Scotland Act 1998 ("the Act").

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- (11) Section 98(1) of the Education (Scotland) Act 1980 was amended by section 9(a)(ii) and (iv) of, and Schedule 9 to, the Education (Scotland) Act 1981 (c. 58).
- (12) Section 43(3) of the Rent (Scotland) Act 1984 was amended by paragraph 5 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (c. 40).
- (13) Section 1(1) of the Sheriff Courts and Legal Officers (Scotland) Act 1927 was amended by paragraph 1 of Schedule 1 to the Sheriff Courts (Scotland) Act 1971 (c. 58).
- (14) Section 2 of the Sheriff Courts (Scotland) Act 1927 is amended by paragraph 3(3) of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (5) Section 1 of the Bankruptcy (Scotland) Act 1985 is substituted by paragraph 22 of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (6) Section 25 of the Administration of Justice (Scotland) Act 1933 was amended by Schedule 2 to the Public Records (Scotland) Act 1937 (c. 43) and is amended by paragraph 4 of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (7) Paragraph 1(2)(b) of Schedule 1 to the Dentists Act 1984 is amended by Schedule 3 to the Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042).
- (8) Section 2(2) of the Abortion Act 1967 is amended by Schedule 3 to the Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999 (S.I. 1999/1042).
- (9) Section 135(1) of the Education (Scotland) Act 1980 is amended by paragraph 17 of Schedule 8 to the Scotland Act 1998 with effect from 1st July 1999.
- (10) Section 24(7) of the Administration of Justice (Scotland) Act 1933 is amended by paragraph 4 of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.
- (11) Section 98(1) of the Education (Scotland) Act 1980 was amended by section 9(a)(ii) and (iv) of, and Schedule 9 to, the Education (Scotland) Act 1981 (c. 58).
- (12) Section 43(3) of the Rent (Scotland) Act 1984 was amended by paragraph 5 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (c. 40).
- (13) Section 1(1) of the Sheriff Courts and Legal Officers (Scotland) Act 1927 was amended by paragraph 1 of Schedule 1 to the Sheriff Courts (Scotland) Act 1971 (c. 58).
- (14) Section 2 of the Sheriff Courts (Scotland) Act 1927 is amended by paragraph 3(3) of Schedule 8 to the Scotland Act 1998, with effect from 1st July 1999.

This Order specifies the offices of procurator fiscal and procurator fiscal depute to be offices in the Scottish Administration as from the date when section 44(1)(c) of the Act comes into force. The day currently appointed for the coming into force of that section is 20th May 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998 (S.I.1998/3178).

This Order also specifies the offices mentioned in the Schedule to the Order to be offices in the Scottish Administration as from the principal appointed day. That day is currently 1st July 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998.

The offices specified in this Order are in addition to those specified in section 126(8)(a) of the Act, namely the Registrar General of Births, Deaths and Marriages for Scotland, the Keeper of the Registers of Scotland, and the Keeper of the Records of Scotland.