

SCHEDULE 2

PART II

MODIFICATIONS OF SUBORDINATE LEGISLATION

Treasury Order Regulating the Collection and Disposal of Fees Under the Private Legislation Procedure (Scotland) Act 1936 (S.R. & O. 1946/1703)

134. In article 3 of the Order, for “Vote of the Scottish Home Department” there is substituted “Secretary of State for Scotland’s Vote”.

Private Legislation Procedure (Scotland) General Orders 1946 (S.R. & O. 1946/2157)

135.—(1) The Private Legislation Procedure (Scotland) General Orders 1946(1) are amended as follows.

(2) For the words “Scottish Office” in each place where they occur (other than in General Orders 27A(1), 57(1) and 98), there are substituted the words “Office of the Secretary of State for Scotland”.

(3) In General Orders 27(5) and 37, “at the Office of the Secretary of State for Scotland, St Andrew’s House, Edinburgh” is omitted.

(4) In General Order 27A(1)(a), for the words after “at” there are substituted the words “the Office of the Secretary of State for Scotland, London”.

(5) In General Order 32, “the Office of the Secretary of State for Scotland, St Andrew’s House, Edinburgh” is omitted.

(6) In General Order 57(1)(a)(i), for the words after “Commons,” there are substituted the words “and at the Office of the Secretary of State for Scotland, London”.

(7) In General Order 98, for “Scottish Office” there is substituted “Secretary of State for Scotland”.

Act of Sederunt The Companies (Winding-up) Forms, 1949 (S.I. 1949/1065)

136. In the Schedule to the Act of Sederunt The Companies (Winding-up) Forms, 1949, in each of forms 111 and 112 after “To the Registrar of Companies” there is inserted “and the Accountant in Bankruptcy”.

Nuclear Installations (Insurance Certificate) Regulations 1965 (S.I. 1965/1823)

137. In regulation 2(2)(c) of the Nuclear Installations (Insurance Certificate) Regulations 1965, at the end there is inserted “or where the government department concerned is part of the Scottish Administration the Scottish Ministers;”.

Secretary of State for the Environment Order 1970 (S.I. 1970/1681)

138. In paragraph 21(1) of Schedule 3 to the Secretary of State for the Environment Order 1970 (amendments and adaptations of enactments), at the end there is inserted “but, in relation to land in Scotland, where functions in relation to any statutory undertakers have been transferred by or under the Scotland Act 1998 to the Scottish Ministers the “appropriate Minister” shall be the Scottish Ministers.”.

(1) The relevant amending instruments are S.I. 1949/331, 1952/656, 1954/1141, 1957/465, 1961/2133, 1946/1840, 1971/132, 1992/1206 and 1993/2660.

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Company and Business Names Regulations 1981 (S.I. 1981/1685)

139. In the Schedule to the Company and Business Names Regulations 1981 (specification of words, expressions and relevant bodies)(2), in column (2), for “Scottish Home and Health Department”, in each place where it appears, there is inserted “the Scottish Ministers”.

Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595)

140. In article 16(3)(b) of the Mental Health (Northern Ireland) Order 1986, after “Minister of the Crown” there is inserted “, the Scottish Ministers” and after “member of either House of Parliament” there is inserted “, any member of the Scottish Parliament”.

Insolvency (Scotland) Rules 1986 (S.I. 1986/1915)

141.—(1) The Insolvency (Scotland) Rules 1986(3) are amended as follows.

(2) In Rule 3.9, in paragraph (1)(b) for sub-paragraph (i) there is substituted—

“(i) the Accountant in Bankruptcy.”.

(3) In Rule 3.10, at the end there is inserted—

“(e) the Accountant in Bankruptcy.”.

(4) In Rule 3.11, after “the registrar of companies” there is inserted “and the Accountant in Bankruptcy”.

(5) In Rule 4.2, after paragraph (1)(a) there is inserted—

“(aa) the Accountant in Bankruptcy;”.

(6) In Rule 4.11, for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(7) In Rule 4.18, in paragraph (4)(a) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(8) In Rule 4.19, in paragraph (4)(a) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(9) In Rule 4.24, in sub-paragraphs (a) and (b) of paragraph (1) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(10) In Rule 4.25, in paragraphs (1) and (3)(a) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(11) In Rule 4.26, in paragraph (5) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(12) In Rule 4.29, in paragraph (3) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(13) In Rule 4.30, in paragraph (2) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(14) In Rule 4.31, in paragraph (4) after “the registrar of companies” there is inserted “and the Accountant in Bankruptcy”.

(15) In Rule 4.36, in paragraphs (1) and (2) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(16) In Rule 4.37, in paragraph (2) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(2) The relevant amending instruments are S.I. 1982/1653, S.I. 1992/1196 and S.I. 1995/3022.

(3) S.I. 1986/1915, amended by S.I. 1987/1921.

(17) In Rule 4.42, in paragraphs (5) and (6) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(18) In Rule 4.59, in paragraph (2) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(19) In Rule 4.63, in paragraphs (6) and (7) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(20) In Schedule 1, paragraph 17, in the modification of Rule 4.29(3) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(21) In Schedule 2, in the modification of Rule 4.28(5) for “the registrar of companies” there is substituted “the Accountant in Bankruptcy”.

(22) In Schedule 2, in inserted Rule 4.28A for “the registrar of companies” in each place where these words appear there is substituted “the Accountant in Bankruptcy”.

(23) In Schedule 5—

(a) in each of Forms 3.4 (Scot), 4.2(Scot), 4.17 (Scot), 4.26 (Scot) and 4.27 (Scot) after the words “To the Registrar of Companies” there is inserted “and the Accountant in Bankruptcy”;

(b) in each of Forms 4.6 (Scot), 4.9 (Scot), 4.11 (Scot), 4.14 (Scot), 4.16 (Scot), 4.18 (Scot), 4.19 (Scot), 4.22 (Scot), 4.24 (Scot) and 4.25 (Scot) for the words “To the Registrar of Companies” there is substituted “To the Accountant in Bankruptcy”; and

(c) in Form 4.5 (Scot), for the words “to the Registrar of Companies Registration Office, 102 George Street, Edinburgh EH2 3DJ” there is substituted “to the Accountant in Bankruptcy, George House, 126 George Street, Edinburgh EH2 4HH”.

Receivers (Scotland) Regulations 1986 (S.I. 1986/1917)

142.—(1) The Receivers (Scotland) Regulations 1986 are amended as follows.

(2) In regulation 4, after “the registrar of companies” there is inserted “and the Accountant in Bankruptcy”.

(3) In the Schedule, in each of Forms 1 (Scot), 2 (Scot) and 3 (Scot) after “To the Registrar of Companies” there is inserted “and the Accountant in Bankruptcy”.

Public Order (Northern Ireland) Order 1987 (S.I. 1987/463)

143. In article 15(1) of the Public Order (Northern Ireland) Order 1987 (savings for reports of parliamentary, Assembly or judicial proceedings), after “Parliament” there is inserted “, in the Scottish Parliament”.

Companies (Forms) (Amendment) Regulations 1987 (S.I. 1987/752)

144. In Schedule 2 to the Companies (Forms) (Amendment) Regulations 1987, in Form No. 600, in so far as that form is prescribed for the purposes of the application of section 109 of the Insolvency Act 1986(4) in Scotland, for the words “To the Registrar of Companies” there is substituted “To the Accountant in Bankruptcy”.

(4) 1986 c. 45

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Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) 1988 (S.I. 1988/2013)

145.—(1) The Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) 1988 is amended as follows.

(2) In each of rules 39(2)(c) and 43(2)(c), after “Advocate” there is inserted “or the Scottish Ministers”.

(3) In each of Forms 31 and 35 in the Schedule, after “Advocate” there is inserted “/the Scottish Ministers”.

Agricultural, Fishery and Aquaculture Products (Improvement Grant) Regulations 1991 (S.I. 1991/777)

146. In regulation 3(2) of the Agricultural, Fishery and Aquaculture Products (Improvement Grant) Regulations 1991 (improvement grants in respect of the processing and marketing of agricultural, fishery and aquaculture products and the provision of facilities at fishing ports), for “under United Kingdom public funds” there is substituted “out of public funds in any part of the United Kingdom”.

Broadcasting (Independent Productions) Order 1991 (S.I. 1991/1408)

147. In article 2 of the Broadcasting (Independent Productions) Order 1991 (meaning of “qualifying programmes”) at the end of paragraph (2)(e) there is inserted “or by the Scottish Ministers”.

Public Works Contracts Regulations 1991 (S.I. 1991/2680)

148. In regulation 29 of the Public Works Contracts Regulations 1991 (responsibility for obtaining reports), there is inserted—

“(6) In the application of this regulation to Scotland—

(a) references to—

(i) a Minister of the Crown, other than the first reference in paragraph (1); and

(ii) the Minister responsible for a contracting authority,

shall be construed as references to the Scottish Ministers;

(b) paragraph (2) shall not apply.”.

Teachers' Superannuation (Scotland) Regulations 1992 (S.I. 1992/280)

149. In regulation E10(1) of the Teachers' Superannuation (Scotland) Regulations 1992 (avoidance of duplicate pensions)(5), after “Parliament” there is inserted “or moneys paid out of the Scottish Consolidated Fund”.

Sea Fish Licensing Order 1992 (S.I. 1992/2633)

150.—(1) The Sea Fish Licensing Order 1992(6), is amended as follows.

(2) In article 2 (interpretation), there is inserted in the appropriate place—

(5) Regulation E10 was amended by S.I. 1993/2513.

(6) S.I. 1992/2633, amended by S.I. 1993/188 and S.I. 1993/2291.

““Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging.”.

- (3) In article 3(1) (prohibition of fishing without a licence)–
- (a) in sub-paragraph (a), the word “and” at the end is omitted; and
 - (b) for sub-paragraph (b) there is substituted–
 - “(b) in the case of Scottish fishing boats, by the Scottish Ministers; and
 - (c) in any other case, by one of the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fish industry in Wales and Northern Ireland.”.

Scottish Land Court Rules 1992 (S.I. 1992/2656)

151. In the Schedule to the Scottish Land Court Rules 1992, in rule 60 (appointment of reporters, assessors, etc.), for “Parliament” and “the Treasury” there is substituted in each case “the Scottish Ministers”.

Integrated Administration and Control Systems Regulations 1993 (S.I. 1993/1317)

152.—(1) The Integrated Administration and Control System Regulations 1993 are amended as follows.

- (2) In regulation 2(1) there is inserted in the appropriate places–
- ““holding” has the same meaning as in Article 1(4) of Council Regulation 3508/92;”;
 - ““Scottish farmer” means a farmer whose holding is situated wholly or partly in Scotland;”;
 - and
 - ““the Community schemes” has the same meaning as in Article 1(1) of Council Regulation 3508/92 Commission Regulation 3887/92;”;
- (3) After regulation 6 there is inserted–

“**6A.**—(1) The provisions of these Regulations and of any other enactment made for the purposes of implementing Council Regulation 3508/92, Commission Regulation 3887/92 or any of the Community schemes before the coming into force of this regulation shall be read and given effect to subject to the provisions of this regulation.

(2) Any competent authority appointed and any person, however described, authorised by any enactment to act in relation to Scotland for the purposes mentioned in paragraph (1) shall also be appointed or, as the case may be, authorised to act for those purposes in relation to any part of the holding of a Scottish farmer situated outwith Scotland.

(3) Any competent authority appointed and any person, however described, authorised by any enactment to act for the purposes mentioned in paragraph (1) in relation to any other part of the United Kingdom shall also be appointed or, as the case may be, authorised to act in relation to any part of the holding of a Scottish farmer situated in Scotland.”.

Public Services Contracts Regulations 1993 (S.I. 1993/3228)

153. In regulation 28 of the Public Services Contracts Regulations 1993 (responsibility for reports), after paragraph (5) there is inserted–

- “(6) In the application of this regulation to Scotland–
- (a) references to–

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- (i) a Minister of the Crown, other than the first reference in paragraph (1); and
 - (ii) the Minister responsible for a contracting authority,
- shall be construed as references to the Scottish Ministers;
- (b) paragraph (2) shall not apply.”.

Prisons and Young Offenders Institutions (Scotland) Rules 1994 (S.I. 1994/1931)

154.—(1) The Prisons and Young Offenders Institutions (Scotland) Rules 1994(7) are amended as follows.

(2) In rule 62A(8)–

- (a) in paragraph (1), after “member of Parliament”, there is inserted “, a member of the Scottish Parliament”;
- (b) in paragraph (2)–
 - (i) after “member of Parliament”, where those words first appear, there is inserted “, a member of the Scottish Parliament”; and
 - (ii) in sub-paragraph (b), after “member of Parliament,” there is inserted “member of the Scottish Parliament,”;
- (c) in paragraph (3), after “member of Parliament” there is inserted “, a member of the Scottish Parliament”.

Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716)

155. In regulation 6(2)(c) of the Conservation (Natural Habitats, &c.) Regulations 1994 (competent authorities generally), after “Parliament” there is inserted “or money paid out of the Scottish Consolidated Fund”.

Public Supply Contracts Regulations 1995 (S.I. 1995/201)

156.—(1) In regulation 26 of the Public Supply Contracts Regulations 1995 (responsibility for obtaining reports), there is inserted–

- “(6) In the application of this regulation to Scotland–
 - (a) references to–
 - (i) a Minister of the Crown, other than the first reference in paragraph (1); and
 - (ii) the Minister responsible for a contracting authority,shall be construed as references to the Scottish Ministers;
 - (b) paragraph (2) shall not apply.”.

Agricultural Processing and Marketing Grant Regulations 1995 (S.I. 1995/362)

157. In regulation 3(2) of the Agricultural Processing and Marketing Grant Regulations 1995 (grants in respect of the processing and marketing of agricultural products), for “from United Kingdom public funds” there is substituted “out of public funds in any part of the United Kingdom”.

(7) S.I. 1994/1931, amended by S.I. 1996/32, 1997/2007, 1998/1589 and 1998/2504.

(8) Rule 62A was inserted by S.I. 1998/1589.

Welfare of Animals (Slaughter or Killing) Regulations 1995 (S.I. 1995/731)

158. In regulation 7 of the Welfare of Animals (Slaughter or Killing) Regulations 1995 (codes of practice), after paragraph (7) there is inserted—

- “(8) In relation to the exercise by Scottish Ministers of functions under this regulation—
- (a) references in this regulation to Parliament or to either or both Houses of Parliament shall be read as if they were references to the Scottish Parliament;
 - (b) paragraph (4)(a) shall cease to have effect; and
 - (c) in paragraph (4)(b) the reference to any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days shall be read as if it were a reference to any time during which the Scottish Parliament is dissolved or is in recess for more than four days.”.

Financial Services Act 1986 (Investment Advertisements) (Exemptions) (No. 2) Order 1995 (S.I. 1995/1536)

159. In article 8 of the Financial Services Act 1986 (Investment Advertisements) (Exemptions) (No. 2) Order 1995 (advertisements directed at informing or influencing persons of a particular kind), at the end of paragraph (1)(a) there is inserted “, or the Scottish Administration or any part thereof”.

Fisheries and Aquaculture Structures (Grants) Regulations 1995 (S.I. 1995/1576)

160. In regulation 7(2) of the Fisheries and Aquaculture Structures (Grants) Regulations 1995 (amount of grant), for “under United Kingdom public funds” there is substituted “out of public funds in any part of the United Kingdom”.

Financial Services Act 1986 (Investment Advertisements) (Exemptions) Order 1996 (S.I. 1996/1586)

161. In article 11 of the Financial Services Act 1986 (Investment Advertisements) (Exemptions) Order 1996 (advertisements issued to persons sufficiently expert to understand the risks involved)(9) at the end of paragraph (3)(d) there is inserted “, or the Scottish Administration or any part thereof”.

Motor Vehicles (Driving Licences) Regulations 1996 (S.I. 1996/2824)

162. In paragraph 2 of Schedule 6 to the Motor Vehicles (Driving Licences) Regulations 1996 (avoidance of identity of test candidates)(10) in the definition of “acceptable person” after “Member of Parliament” there is inserted “or the Scottish Parliament”.

Criminal Injuries Compensation Scheme 1996

163. In note 2 of the Criminal Injuries Compensation Scheme 1996 (definition of British craft)(11) after “United Kingdom” where those words appear for the second time, there is inserted “or the Scottish Administration”.

Firearms Rules 1998 (S.I. 1998/1941)

164.—(1) The Firearms Rules 1998 are amended as follows.

(9) S.I. 1996/1586, amended by S.I. 1997/963.

(10) Paragraph 2 of Schedule 6 was amended by S.I. 1997/669 and S.I. 1998/20.

(11) Made by the Secretary of State on 12 December 1995 under section 1 of the Criminal Injuries Compensation Act 1995 (c. 53).

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(2) In rule 6 (verification of application: shotgun certificates), in paragraph (2)(c), after “member of Parliament,”, there is inserted “member of the Scottish Parliament,”.

(3) In Schedule 2 (shotgun certificates: forms of application and certificate), in the form of Application for a Shot Gun Certificate in Part I, in Part D of that form, after “Member of Parliament,”, there is inserted “member of the Scottish Parliament,”.

Employers' Liability (Compulsory Insurance) Regulations 1998 (S.I. 1998/2573)

165.—(1) Paragraph 1 of Schedule 2 (employers exempted from insurance) to the Employers' Liability (Compulsory Insurance) Regulations 1998 is amended as follows.

(2) After “government department” there is inserted “or the Scottish Ministers”.

(3) After “Parliament” there is inserted “or, in the case of a certificate issued by the Scottish Ministers, out of the Scottish Consolidated Fund”.

Scottish Further Education Funding Council (Establishment) (Scotland) Order 1998 (S.I. 1998/2887)

166.—(1) The Scottish Further Education Funding Council (Establishment) (Scotland) Order 1998 is amended as follows.

(2) In article 7 (salaries, allowances and pensions for members), paragraph (3) is omitted.

(3) In article 9(4) (staff), “given with the consent of the Treasury” is omitted.

(4) In article 10(2)(b) (superannuation) for “Secretary of State” there is substituted “Scottish Ministers”.

(5) The function of the Minister for the Civil Service⁽¹²⁾ under article 10(2)(b) is not transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

Control of Substances Hazardous to Health Regulations 1999 (S.I.1999/437)

167.—(1) The Control of Substances Hazardous to Health Regulations 1999 are amended as follows.

(2) In sub-paragraph 14(2) of Schedule 3 delete the word “Scotland”.

(3) After sub-paragraph 14(2) there is inserted—

“(3) In sub-paragraph (1) above, “Health Minister” means, in respect of Scotland, the Scottish Ministers”.

Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 (S.I. 1999/491)

168. After regulation 2(1)(g) of the Criminal Legal Aid (Fixed Payments) (Scotland) Regulations 1999 there is inserted—

“(h) any reference on a devolution issue under paragraph 9 of Schedule 6 to the Scotland Act 1998.”.

(12) Functions of the Treasury under article 10(2)(b) are now exercisable by the Minister for the Civil Service by virtue of S.I. 1995/269.