
STATUTORY INSTRUMENTS

2000 No. 3251

**The Scotland Act 1998 (Cross-Border Public Authorities)
(Adaptation of Functions etc.) (No. 2) Order 2000**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (No. 2) Order 2000 and shall, except as provided in paragraph (2) below, come into force on the day following that on which it is made.

(2) This Order shall come into force on 1st April 2001 for the purposes of the following provisions, namely—

- (a) paragraphs (4) to (6) of article 4; and
- (b) Schedules 2 and 3.

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

Adaptation of functions etc.

2. The modifications mentioned in Part II of each of Schedules 2 to 6 to this Order, which modifications relate to the cross-border public authority or authorities mentioned in Part I of each of those Schedules, shall have effect.

Modification of enactments

3. Sections 94 and 118 to 121 of the 1998 Act shall apply in relation to any function exercisable by the Scottish Ministers alone by virtue of this Order as they apply in relation to functions of the Scottish Ministers exercisable within devolved competence.

Transitional and savings provision

4.—(1) The transfer, by virtue of this Order, of any function exercisable by a Minister of Crown to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done) by or in relation to a Minister of the Crown before the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when that transfer takes effect, is in the process of being done by or in relation to a Minister of the Crown may, so far as it relates to any function transferred, be continued by or in relation to the Scottish Ministers.

(3) Anything done (or having effect as if done) by or in relation to a Minister of the Crown for the purposes of or in connection with any function transferred to the Scottish Ministers by virtue of this Order shall, if in force at the time when the transfer takes effect, have effect as if done by or in relation to the Scottish Ministers insofar as that is required for continuing its effect after that time.

(4) A Minister of the Crown shall designate two members of the British Waterways Board⁽¹⁾ holding office at the time when this Order comes into force as the persons designated for the purposes of this Article.

(1) The British Waterways Board was constituted by section 1 of the Transport Act 1962 (c. 46).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) The first appointment to be made by the Scottish Ministers under section 1(6) of the Transport Act 1962⁽²⁾ shall not require to be made until the end of the current term of appointment of a person so designated (or, the termination of that appointment, if earlier); and the second such appointment shall not require to be made until the end of the current term of appointment of the other person so designated (or, the termination of that appointment, if earlier).

(6) The first two appointments to be made by the Scottish Ministers under section 110(1) of the Transport Act 1968⁽³⁾ may be made before, but shall not require to be made until, 1st August 2001.

A.K. Galloway
Clerk of the Privy Council

(2) 1962 c. 46; section 1(6) is substituted by paragraph 3 of Schedule 2 to this Order.

(3) 1968 c. 73; section 110(1) is substituted by paragraph 2 of Schedule 3 to this Order.