

2002 No. 1630 (S. 6)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

**The Scotland Act 1998 (Transfer of Functions to the Scottish
Ministers etc.) Order 2002**

Made *26th June 2002*

Coming into force *27th June 2002*

At the Court at Windsor Castle, the 26th day of June 2002

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament;

Now therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 63(1)(b), 113 and 124(2) of the Scotland Act 1998^(a) 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 Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2002 and shall come into force on the day after the day on which it is made.

(2) In this Order—

“Highlands and Islands” has the same meaning as in section 5 of the Highlands and Islands Shipping Services Act 1960^(b); and

“the 1998 Act” means the Scotland Act 1998.

Functions shared by the Scottish Ministers and a Minister of the Crown

2. The functions which are conferred on a Minister of the Crown by the enactment specified in column 1 of the Schedule to this Order shall—

- (a) so far as they are exercisable by that Minister in or as regards Scotland; and
- (b) subject to the restriction in column 2 of the Schedule,

be exercisable by the Scottish Ministers concurrently with the Minister of the Crown.

^(a) 1998 c.46.

^(b) 1960 c.31; section 5 was amended by the Local Government (Scotland) Act 1973 (c.65), Schedule 19, paragraph 14, and Schedule 29.

General modifications of enactments etc.

3.—(1) Section 117 of the 1998 Act shall apply in relation to the exercise of the functions by the Scottish Ministers by virtue of Article 2 of this Order as it applies in relation to the exercise of functions by the Scottish Ministers within devolved competence.

(2) Sections 119 and 121 of the 1998 Act shall apply in relation to the functions exercisable by the Scottish Ministers by virtue of that article as they apply in relation to functions of the Scottish Ministers exercisable within devolved competence.

(3) In the application of those sections by virtue of this article, any reference in them to a pre-commencement enactment is to be read as if it were a reference to any enactment.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

ENACTMENT CONFERRING FUNCTIONS EXERCISABLE CONCURRENTLY BY
THE SCOTTISH MINISTERS AND A MINISTER OF THE CROWN

| <i>Column 1</i> <i>Enactment</i> | <i>Column 2</i> <i>Restriction</i> |
|--|--|
| The Industrial Development Act 1982 (c.52), sections 7 and 8(1) | Only so far as the functions are exercisable in relation to financial assistance for shipping services carrying passengers between the Highlands and Islands and Northern Ireland |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Scotland Act 1998 (c.46), provides for the functions of a Minister of the Crown described below, so far as they are exercisable by that Minister in or as regards Scotland, to be exercisable by the Scottish Ministers concurrently with the Minister of the Crown.

Article 2 of the Order provides that the functions of providing financial assistance conferred on a Minister of the Crown by sections 7 and 8(1) of the Industrial Development Act 1982 (c.52) shall be exercisable in or as regards Scotland by the Scottish Ministers concurrently with a Minister of the Crown. The exercise of the functions is subject to the restriction specified in the Schedule to the Order that the functions may only be exercised in respect of shipping services carrying passengers between the Highlands and Islands of Scotland and Northern Ireland.

Article 3 provides for certain general modifications of enactments in connection with provision made by the Order.

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