
STATUTORY INSTRUMENTS

2006 No. 3258

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006

Transitional and saving provisions

5.—(1) The transfer, by virtue of this Order, of any function exercisable by a Minister of the 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, for the purposes of or in connection with any such function, before the date on which 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 that transfer takes effect, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.

(4) The revocation, by virtue of article 3(1), (3), (4) and (5) of the transfer to the Scottish Ministers of the functions conferred by sections 32, 32A and 32B of the 1989 Act shall not affect the validity of anything done (or having effect as if done) by or in relation to the Scottish Ministers, for the purposes of or in connection with any such function, at any time before the date on which the revocation takes effect.

(5) Anything (including legal proceedings) which, at the time that revocation takes effect, is in the process of being done by or in relation to the Scottish Ministers may, so far as it relates to any function the transfer of which is revoked by article 3(1), (3), (4) and (5), be continued—

- (a) on the date of the revocation and before the date of the transfer by virtue of article 2, by or in relation to a Minister of the Crown; and
- (b) on and after the date of the transfer by virtue of article 2, by or in relation to the Scottish Ministers.

(6) Anything done (or having effect as if done) by or in relation to the Scottish Ministers for the purposes of or in connection with any function the transfer of which is revoked by article 3(1), (3), (4) and (5) shall, if in force at the time when the revocation takes effect, have effect as if done by or in relation to—

- (a) a Minister of the Crown in so far as that is required for continuing its effect on the date of revocation and before the date of the transfer by virtue of article 2; and
- (b) the Scottish Ministers in so far as that is required for continuing its effect on and after the date of the transfer by virtue of article 2.