



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Transfer of additional functions

63 Power to transfer functions.

- (1) Her Majesty may by Order in Council provide for any functions, so far as they are exercisable by a Minister of the Crown in or as regards Scotland, to be exercisable—
 - (a) by the Scottish Ministers instead of by the Minister of the Crown,
 - (b) by the Scottish Ministers concurrently with the Minister of the Crown, or
 - (c) by the Minister of the Crown only with the agreement of, or after consultation with, the Scottish Ministers.
- (2) Where an Order is made under subsection (1)(a) or (b) in relation to a function of a Minister of the Crown which is exercisable only with the agreement of, or after consultation with, another Minister of the Crown, the function shall, unless the Order provides otherwise, be exercisable by the Scottish Ministers free from any such requirement.
- (3) An Order under this section may, in particular, provide for any function exercisable by the Scottish Ministers by virtue of an Order under subsection (1)(a) or (b) to be exercisable subject to a requirement for the function to be exercised with the agreement of, or after consultation with, a Minister of the Crown or other person.

Modifications etc. (not altering text)

- C1** S. 63 modified (16.6.2000) by [S.I. 2000/1563](#), [art. 2](#) (with [art. 9](#))
- C2** S. 63: certain functions modified (9.10.2003) by [The Scotland Act 1998 \(Transfer of Functions to the Scottish Ministers etc.\) \(No. 2\) Order 2003 \(S.I. 2003/2617\)](#), arts. 1(2), 2, Sch. 1

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Transfer of additional functions. (See end of Document for details)

C3 S. 63 modified (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 8(2)(3), 53(1)**; S.I. 2005/1126, **art. 2(2)(e)**

Commencement Information

I1 S. 63 in force for certain purposes at 6.5.1999, in force for all remaining purposes at 1.7.1999 by S.I. 1998/3178, **arts. 2(2), 3**

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading:
Transfer of additional functions.