

Status: Point in time view as at 20/05/1999.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Crown Proceedings Act 1947 (c.44). (See end of Document for details)

SCHEDULES

SCHEDULE 8

MODIFICATIONS OF ENACTMENTS

Commencement Information

- II** Sch. 8 wholly in force at 1.4.2000: Sch. 8 partly in force at Royal Assent see s. 130(1); specified provisions of Sch. 8 in force at 6.5.1999, 20.5.1999, 1.7.1999 and 1.4.2000 by S.I. 1998/3178, arts. 2(2), 3.

Crown Proceedings Act 1947 (c.44)

- 7 (1) The Crown Proceedings Act 1947 is amended as follows.
- (2) In section 38(2) (interpretation)—
- (a) in the definition of “His Majesty’s aircraft”, after “Kingdom” there is inserted “ or the Scottish Administration ”,
 - (b) in the definition of “His Majesty’s ships”, after “Kingdom” there is inserted “ or the Scottish Administration ” and after “said Government” there is inserted “ or Administration ”, and
 - (c) in the definition of “officer”, after “Minister of the Crown” there is inserted “ and a member of the Scottish Executive ”.
- (3) In section 40 (savings)—
- (a) in subsection (2), after “in the United Kingdom”, in each place where those words appear, there is inserted “ or the Scottish Administration ”, and
 - (b) after subsection (3) there is inserted—
 - “(3A) A certificate of the Scottish Ministers to the effect that—
 - (a) any alleged liability of the Crown arises otherwise than in respect of the Scottish Administration,
 - (b) any proceedings by the Crown are proceedings otherwise than in right of the Scottish Administration,shall, for the purposes of this Act, be conclusive as to that matter.”
- (4) In the proviso to section 44 (remit from sheriff court to Court of Session on Lord Advocate’s certificate)—
- (a) for “Lord Advocate” there is substituted “ appropriate Law Officer ”, and
 - (b) at the end there is inserted—
 - “In this proviso, “the appropriate Law Officer” means—
 - (a) the Lord Advocate, where the proceedings are against any part of the Scottish Administration, and
 - (b) the Advocate General for Scotland, in any other case.”

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- (5) In section 50 (application to Scotland of section 35), subsection (2) of section 35 as substituted for Scotland is amended as follows—
- (a) in paragraph (d)—
- (i) after “Crown” there is inserted “ in right of Her Majesty’s Government in the United Kingdom ”,
- (ii) for “Lord Advocate” there is substituted “ Advocate General for Scotland ”, and
- (iii) after “department”, in the second place where it appears, there is inserted—
- “(i) shall not be entitled to avail itself of any set-off or counterclaim if the subject matter thereof relates to the Scottish Administration, and
- (ii)”,
- and
- (b) after that paragraph there is inserted—
- “(e) a part of the Scottish Administration, in any proceedings against that part or against the Lord Advocate on its behalf, shall not be entitled to avail itself of any set-off or counterclaim if the subject matter thereof relates to another part of the Scottish Administration or to the Crown in right of Her Majesty’s Government in the United Kingdom.”
- (6) In section 51(2) (application to Scotland of section 38), in paragraph (ii), after “Lord Advocate” there is inserted “ or the Advocate General for Scotland ”.

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