



# Scotland Act 1998

## CHAPTER 46

### SCOTLAND ACT 1998

#### PART I

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- 5 Candidates.
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- 10 Regional vacancies.

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- 21 Scottish Parliamentary Corporate Body.

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130 Commencement.  
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## SCHEDULES

### SCHEDULE 1 — Constituencies, regions and regional members

#### *General*

1 (1) There are to be 73 constituencies for the purposes...  
2 (1) There are to be eight regions for the purposes...

#### *Reports of the Local Government Boundary Commission for Scotland*

3 (1) The Local Government Boundary Commission for Scotland must keep...  
4 (1) This paragraph applies if the Local Government Boundary Commission...

...

5.

#### *Orders in Council*

6 (1) The draft of an Order in Council laid before...

#### *Notice of proposed report or recommendations*

7 (1) If the Local Government Boundary Commission for Scotland intend...  
8 (1) This paragraph applies if the Local Government Boundary Commission...

#### *Local inquiries*

9 (1) The Local Government Boundary Commission for Scotland may if...  
10 (1) The Local Government Boundary Commission for Scotland may if...  
11 Section 210(4) and (5) of the Local Government (Scotland) Act...

#### *The constituency rules*

12 These are the constituency rules. Rule 1 (1) So far...

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### *The regional rules*

- 13 These are the regional rules. Rule 1 A constituency must...  
14 (1) This paragraph applies for the purposes of the regional...

## SCHEDULE 2 — Scottish Parliamentary Corporate Body

### *Membership*

- 1 A person appointed under section 21(2)(b) shall hold office until...

### *Property*

- 2 (1) The corporation may hold property. (2) Subordinate legislation may...

### *Staff*

- 3 (1) The corporation shall appoint Assistant Clerks and may appoint...

### *Powers*

- 4 (1) Subject to sub-paragraph (4), the corporation may do anything...

### *Delegation*

- 5 The corporation may delegate any of its functions to the...

### *Proceedings and business*

- 6 (1) The validity of any act of the corporation shall...

### *Crown status*

- 7 (1) Her Majesty may by Order in Council provide for...

## SCHEDULE 3 — Standing orders – further provision

### *Preservation of order*

- 1 (1) The standing orders shall include provision for preserving order...

### *Withdrawal of rights and privileges*

- 2 The standing orders may include provision for withdrawing from a...

### *Proceedings to be in public*

- 3 (1) The standing orders shall include provision requiring the proceedings...

### *Reporting and publishing proceedings*

- 4 The standing orders shall include provision for reporting the proceedings...

### *The Presiding Officer and deputies*

- 5 The standing orders shall include provision for ensuring that the...



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### *Committees*

- 6 (1) Standing orders which provide for the appointment of committees...

### *Crown interests*

- 7 The standing orders shall include provision for ensuring that a...

## SCHEDULE 4 — Enactments etc. protected from modification

### Part I — THE PROTECTED PROVISIONS

#### *Particular enactments*

- 1 (1) An Act of the Scottish Parliament cannot modify, or...

#### *The law on reserved matters*

- 2 (1) An Act of the Scottish Parliament cannot modify, or...  
3 (1) Paragraph 2 does not apply to modifications which—

#### *This Act*

- 4 (1) An Act of the Scottish Parliament cannot modify, or...  
4A (1) Paragraph 4 does not apply to prevent an Act...

#### *Enactments modified by this Act*

- 5 An Act of the Scottish Parliament cannot modify, or confer...

#### *Shared powers*

- 6 An Act of the Scottish Parliament cannot modify, or confer...  
Part II — GENERAL EXCEPTIONS

#### *Restatement, etc.*

- 7 (1) Part I of this Schedule does not prevent an...

#### *Effect of Interpretation Act 1978*

- 8 Part I of this Schedule does not prevent the operation...

#### *Change of title etc.*

- 9 (1) Part I of this Schedule does not prevent an...

#### *Accounts and audit and maladministration*

- 10 Part I of this Schedule does not prevent an Act...

#### *Subordinate legislation*

- 11 (1) Part I of this Schedule does not prevent an...  
Part III — CONSEQUENTIAL MODIFICATION OF SECTIONS 53 AND 54  
12 (1) This paragraph applies to a function which (apart from...  
13 (1) Paragraph 12 does not apply to any function conferred...  
14 If any pre-commencement enactment or prerogative instrument is modified by...

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- 1 The following aspects of the constitution are reserved matters, that...
- 2 (1) Paragraph 1 does not reserve— (a) Her Majesty’s prerogative...
- 3 (1) Paragraph 1 does not reserve property belonging to Her...
- 4 (1) Paragraph 1 does not reserve property held by Her...
- 5 Paragraph 1 does not reserve the use of the Scottish...
- 5A (1) Paragraph 1 does not reserve a referendum on the...

*Political parties*

- 6 The registration and funding of political parties is a reserved...

*Foreign affairs etc.*

- 7 (1) International relations, including relations with territories outside the United...

*Public service*

- 8 (1) The Civil Service of the State is a reserved...

*Defence*

- 9 (1) The following are reserved matters— (a) the defence of...

*Treason*

- 10 Treason (including constructive treason), treason felony and misprision of treason...

**Part II — SPECIFIC RESERVATIONS***Preliminary*

- 1 The matters to which any of the Sections in this...
- 2 A Section applies to any matter described or referred to...
- 3 Any illustrations, exceptions or interpretation provisions in a Section relate...

*Reservations**Head A – Financial and Economic Matters*

- A1. Fiscal, economic and monetary policy
- A2. The currency
- A3. Financial services
- A4. Financial markets
- A5. Money laundering

*Head B – Home Affairs*

- B1. Misuse of drugs
- B2. Data protection
- B3. Elections

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- B4. Firearms
- B5. Entertainment
- B6. Immigration and nationality
- B7. Scientific procedures on live animals
- B8. National security, interception of communications, official secrets and terrorism
- B9. Betting, gaming and lotteries
- B10. Emergency powers
- B11. Extradition
- B12. Lieutenancies
- B13. Access to information

#### *Head C – Trade and Industry*

- C1. Business associations
- C2. Insolvency
- C3. Competition
- C4. Intellectual property
- C5. Import and export control
- C6. Sea fishing
- C7. Consumer protection
- C8. Product standards, safety and liability
- C9. Weights and measures
- C10. Telecommunications and wireless telegraphy
- C11. Posts
- C12. United Kingdom Research and Innovation and Research Councils
- C13. Designation of assisted areas
- C14. Industrial Development Advisory Board
- C15. Protection of trading and economic interests

#### *Head D – Energy*

- D1. Electricity
- D2. Oil and gas
- D3. Coal
- D4. Nuclear energy
- D5. Energy conservation

#### *Head E – Transport*

- E1. Road transport
- E2. Rail transport
  - Exceptions
  - Grants so far as relating to railway services; but this...
  - Interpretation
  - “railway” has the meaning given by section 67(1) of the...
- E3. Marine transport
- E4. Air transport
- E5. Other matters
  - Transport of radioactive material. Technical specifications for public passenger transport...

#### *Head F – Social Security*

- F1. Social security schemes

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Schemes supported from central or local funds which provide assistance...

- F2. Child support
- F3. Occupational and personal pensions
- F4. War pensions

#### *Head G – Regulation of the Professions*

- G1. Architects
- G2. Health professions
- G3. Auditors

#### *Head H – Employment*

- H1. Employment and industrial relations
- H2. Health and safety
- H3. Job search and support

#### *Head J – Health and Medicines*

- J1. Abortion
- J2. Xenotransplantation
- J3. Embryology, surrogacy and genetics
- J4. Medicines, medical supplies and poisons
- J5. Welfare foods

#### *Head K – Media and Culture*

- K1. Broadcasting
- K2. Public lending right
- K3. Government Indemnity Scheme
- K4. Property accepted in satisfaction of tax

#### *Head L – Miscellaneous*

- L1. Judicial remuneration
- L2. Equal opportunities
- L3. Control of weapons
- L4. Ordnance survey
- L5. Time
- L6. Outer space
- L7. Antarctica

#### **Part III — GENERAL PROVISIONS**

##### *Scottish public authorities*

- 1 (1) This Schedule does not reserve any Scottish public authority...
- 2 Paragraph 1 of Part I of this Schedule does not...

##### *Tribunals*

- 2A (1) This Schedule does not reserve the transfer to a...

##### *Reserved bodies*

- 3 (1) The reservation of any body to which this paragraph...

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*Financial assistance to industry*

- 4 (1) This Schedule does not reserve giving financial assistance to...

*Interpretation*

- 5 (1) References in this Schedule to the subject-matter of any...

SCHEDULE 6 — Devolution issues

Part I — PRELIMINARY

- 1 In this Schedule “devolution issue” means— (a) a question whether...  
2 A devolution issue shall not be taken to arise in...

Part II — PROCEEDINGS IN SCOTLAND

*Application of Part II*

- 3 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 4 (1) Proceedings for the determination of a devolution issue may...

*Intimation of devolution issue*

- 5 Intimation of any devolution issue which arises in any proceedings...  
6 A person to whom intimation is given in pursuance of...

*Reference of devolution issue to higher court*

- 7 A court, other than the Supreme Court or any court...  
8 A tribunal from which there is no appeal shall refer...  
9 A court, other than any court consisting of two or...

*References from superior courts to Supreme Court*

- 10 Any court consisting of three or more judges of the...  
11 Any court consisting of two or more judges of the...

*Appeals from superior courts to Supreme Court*

- 12 An appeal against a determination of a devolution issue by...  
13 An appeal against a determination of a devolution issue by—...  
13A In criminal proceedings, an application to the High Court for...  
13B In criminal proceedings, an application to the Supreme Court for...

Part III — PROCEEDINGS IN ENGLAND AND WALES

*Application of Part III*

- 14 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 15 (1) Proceedings for the determination of a devolution issue may...

*Notice of devolution issue*

- 16 A court or tribunal shall order notice of any devolution...  
17 A person to whom notice is given in pursuance of...

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*Reference of devolution issue to High Court or Court of Appeal*

- 18 A magistrates' court may refer any devolution issue which arises...
- 19 (1) A court may refer any devolution issue which arises...
- 20 A tribunal from which there is no appeal shall refer...
- 21 A court, other than the Supreme Court or the Court...

*References from Court of Appeal to Supreme Court*

- 22 The Court of Appeal may refer any devolution issue which...

*Appeals from superior courts to Supreme Court*

- 23 An appeal against a determination of a devolution issue by...
- Part IV — PROCEEDINGS IN NORTHERN IRELAND

*Application of Part IV*

- 24 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 25 (1) Proceedings for the determination of a devolution issue may...

*Notice of devolution issue*

- 26 A court or tribunal shall order notice of any devolution...
- 27 A person to whom notice is given in pursuance of...

*Reference of devolution issue to Court of Appeal*

- 28 A court, other than the Supreme Court or the Court...
- 29 A tribunal from which there is no appeal shall refer...

*References from Court of Appeal to Supreme Court*

- 30 The Court of Appeal in Northern Ireland may refer any...

*Appeals from Court of Appeal to Supreme Court*

- 31 An appeal against a determination of a devolution issue by...
- Part V — GENERAL
- 32 Any devolution issue which arises in judicial proceedings in the...

*Direct references to Supreme Court*

- 33 The Lord Advocate, the Advocate General, the Attorney General or...
- 34 The Lord Advocate, the Attorney General, the Advocate General or...
- 35 (1) This paragraph applies where a reference is made under...

*Expenses*

- 36 (1) A court or tribunal before which any proceedings take...

*Procedure of courts and tribunals*

- 37 Any power to make provision for regulating the procedure before...

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### *Interpretation*

38 Any duty or power conferred by this Schedule to refer...

## SCHEDULE 7 — Procedure for subordinate legislation

### *General provision*

1 (1) Subordinate legislation (or a statutory instrument containing it) under...

### *Types of procedure*

2 The types of procedure referred to in this Schedule are—...

### *Special cases*

- 3 (1) This paragraph applies if— (a) the instrument containing the...  
3A If legislation under section 90B amends a scheme under that...  
4 If legislation under section 129(1) makes provision as mentioned in...  
5 (1) An instrument containing an Order in Council or order...  
6 (1) This paragraph applies where a draft of an instrument...

## SCHEDULE 8 — Modifications of enactments

### *Public Revenue (Scotland) Act 1833 (c.13)*

1 In section 2 of the Public Revenue (Scotland) Act 1833...

### *Crown Suits (Scotland) Act 1857 (c.44)*

2 (1) The Crown Suits (Scotland) Act 1857 is amended as...

### *Sheriff Courts and Legal Officers (Scotland) Act 1927 (c.35)*

3 (1) The Sheriff Courts and Legal Officers (Scotland) Act 1927...

### *Administration of Justice (Scotland) Act 1933 (c.41)*

4 In the Administration of Justice (Scotland) Act 1933, in sections...

### *Private Legislation Procedure (Scotland) Act 1936 (c.52)*

5 In section 1 of the Private Legislation Procedure (Scotland) Act...

### *United Nations Act 1946 (c.45)*

6 In section 1 of the United Nations Act 1946 (measures...

### *Crown Proceedings Act 1947 (c.44)*

7 (1) The Crown Proceedings Act 1947 is amended as follows....

### *Public Registers and Records (Scotland) Act 1948 (c.57)*

8 In section 1(1) of the Public Registers and Records (Scotland)...

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*Lands Tribunal Act 1949 (c.42)*

- 9 In section 2 of the Lands Tribunal Act 1949 (members...

*Defamation Act 1952 (c.66)*

- 10 In section 10 of the Defamation Act 1952 (limitation on...

*Defamation Act (Northern Ireland) 1955 (c.11 (N.I.))*

- 11 In section 10(2) of the Defamation Act (Northern Ireland) 1955...

*Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c.49)*

- 12 In section 1(1) of the Registration of Births, Deaths and...

*Pensions (Increase) Act 1971 (c.56)*

- 13 In Part II of Schedule 2 to the Pensions (Increase)...

*Superannuation Act 1972 (c.11)*

- 14 In section 1(6) of the Superannuation Act 1972 (superannuation as...

*European Communities Act 1972 (c.68)*

- 15 (1) The European Communities Act 1972 is amended as follows....

*Interpretation Act 1978 (c.30)*

- 16 (1) The Interpretation Act 1978 is amended as follows.

*Education (Scotland) Act 1980 (c.44)*

- 17 In section 135(1) of the Education (Scotland) Act 1980 (interpretation),...

*Civil Jurisdiction and Judgments Act 1982 (c.27)*

- 18 (1) Section 46 of the Civil Jurisdiction and Judgments Act...

*Mental Health Act 1983 (c.20)*

- 19 In section 141 of the Mental Health Act 1983 (members...

*National Audit Act 1983 (c.44)*

- 20 Sections 6 and 7 of the National Audit Act 1983...

*Tourism (Overseas Promotion) (Scotland) Act 1984 (c.4)*

- 21 In section 1 of the Tourism (Overseas Promotion) (Scotland) Act...

*Bankruptcy (Scotland) Act 1985 (c.66)*

- 22 For section 1 of the Bankruptcy (Scotland) Act 1985 there...

*Insolvency Act 1986 (c.45)*

- 23 (1) The Insolvency Act 1986 is amended as follows.



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*Public Order Act 1986 (c.64)*

24 In section 26(1) of the Public Order Act 1986 (savings...

*Copyright, Designs and Patents Act 1988 (c.48)*

25 (1) The Copyright, Designs and Patents Act 1988 is amended...

*Official Secrets Act 1989 (c.6)*

26 (1) Section 12 of the Official Secrets Act 1989 (meaning...

*Prisons (Scotland) Act 1989 (c.45)*

27 (1) The Prisons (Scotland) Act 1989 is amended as follows....

*European Communities (Amendment) Act 1993 (c.32)*

28 In section 6 of the European Communities (Amendment) Act 1993...

*Scottish Land Court Act 1993 (c.45)*

29 In section 1 of the Scottish Land Court Act 1993...

*Value Added Tax Act 1994 (c.23)*

30 In section 41 of the Value Added Tax Act 1994...

*Requirements of Writing (Scotland) Act 1995 (c.7)*

31 In section 12(1) of the Requirements of Writing (Scotland) Act...

*Criminal Procedure (Scotland) Act 1995 (c.46)*

32 (1) The Criminal Procedure (Scotland) Act 1995 is amended as...

*Defamation Act 1996 (c.31)*

33 (1) The Defamation Act 1996 is amended as follows.

*Damages Act 1996 (c.48)*

34 In section 6 of the Damages Act 1996 (guarantees for...

SCHEDULE 9 — Repeals

**Status:**

Point in time view as at 31/10/2018.

**Changes to legislation:**

Scotland Act 1998 is up to date with all changes known to be in force on or before 26 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.