

*These notes refer to the Scotland Act 1998 (c.46)  
which received Royal Assent on 19th November 1998*

## SCOTLAND ACT 1998

### EXPLANATORY NOTES

#### POWERS TO MAKE SUBORDINATE LEGISLATION

SECTION 129: Transitional provisions etc.

#### Purpose and Effect

This section provides for subordinate legislation to make transitory and transitional provision in connection with the commencement of the Act. It also provides for the interaction of the commencement of the Scotland Act and the Human Rights Act 1998.

#### Parliamentary Consideration

<i>Stage</i>	<i>Date</i>	<i>Column</i>	
CC	4- 1079 Mar-98		
CC	31-1162 Mar-98		
CR	6- 734 May-98		
<b>Stage</b>	<b>Date</b>	<b>Column</b>	
CR	19-785 May-98		
LC	6- 427 Oct-98		
LR	28-2072 Oct-98		

#### Details of Provisions

Subsection (1) enables Her Majesty by Order in Council or a Minister of the Crown by order to make such provision as is considered necessary or expedient for transitory or transitional purposes in connection with the coming into force of any provision of the Scotland Act.

As at September 2001 this power has been exercised as follows:

<a href="#">S.I. 1998/3216</a>	The Scotland Act 1998 (Transitional and Transitory Provisions) (Subordinate Legislation under the Act) Order 1998.
<a href="#">S.I. 1999/441</a>	The Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Order 1999.

*These notes refer to the Scotland Act 1998 (c.46)  
which received Royal Assent on 19th November 1998*

S.I. 1999/674	The Scotland Act 1998 (Transitory and Transitional Provisions) (Appropriations) Order 1999.
S.I. 1999/901	The Scotland Act 1998 (General Transitory, Transitional and Savings Provisions) Order 1999.
S.I. 1999/1017	The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of Judges) Order 1999.
S.I. 1999/1081	The Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders) Order 1999.
S.I. 1999/1082	The Scotland Act 1998 (Transitory and Transitional Provisions) (Scottish Parliamentary Pension Scheme) Order 1999.
S.I. 1999/1095	The Scotland Act 1998 (Transitory and Transitional Provisions) (Standing Orders and Parliamentary Publications) Order 1999.
S.I. 1999/1096	The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999.
S.I. 1999/1097	The Scotland Act 1998 (Transitory and Transitional Provisions) (Salaries and Allowances) Order 1999.
S.I. 1999/1098	The Scotland Act 1998 (Transitory and Transitional Provisions) (Administration of the Parliament) Order 1999.
S.I. 1999/1334	The Scotland Act 1998 (General Transitory, Transitional and Savings Provisions) Amendment Order 1999.
S.I. 1999/1350	The Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999.
S.I. 1999/1351	The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999.
S.I. 1999/1379	The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999.
S.I. 1999/1593	The Scotland Act 1998 (Transitory and Transitional Provisions) (Orders subject to Special Parliamentary Procedure) Order 1999.
S.I. 1999/1594	The Scotland Act 1998 (Transitory and Transitional Provisions) (Laying of Reports) Order 1999.
S.I. 1999/1595	The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Amendment Order 1999.
S.I. 1999/1891	The Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders and Scottish Parliamentary Pension Scheme) Amendment Order 1999.
S.I. 1999/3273	The Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Amendment Order 1999.
S.S.I. 1999/175	The Scotland Act 1998 (Transitory and Transitional Provisions) (Appropriations) Amendment Order 1999.
S.S.I. 2000/69	The Scotland Act 1998 (Transitory and Transitional Provisions) (Appropriations) Amendment (Scotland) Order 2000.

Subsection (2) makes provision to take account of the possibility (which occurred) that the Human Rights Act 1998 might not be brought into force until after the creation of the Scottish Executive and Parliament. In fact, the Human Rights Act did not come into force until 2 October 2000. It was, however, intended that the Scottish Executive

*These notes refer to the Scotland Act 1998 (c.46)  
which received Royal Assent on 19th November 1998*

and the Parliament should be required to observe the Convention rights from the date when they assumed their powers. The date of the assumption of powers was 1 July 1999 in the case of the Parliament and Scottish Ministers and 20 May 1999 in the case of the Lord Advocate (see the note on section 57). This subsection therefore provides that provisions of the Scotland Act, which refer to the Human Rights Act, were to have effect as they would have effect when the Human Rights Act was brought into force.