



Scotland Act 1998

1998 CHAPTER 46

PART V

MISCELLANEOUS AND GENERAL

Supplementary powers

108 Agreed redistribution of functions exercisable by the Scottish Ministers etc

- (1) Her Majesty may by Order in Council provide for any functions exercisable by a member of the Scottish Executive to be exercisable—
 - (a) by a Minister of the Crown instead of by the member of the Scottish Executive,
 - (b) by a Minister of the Crown concurrently with the member of the Scottish Executive, or
 - (c) by the member of the Scottish Executive only with the agreement of, or after consultation with, a Minister of the Crown.
- (2) Where an Order is made under subsection (1)(a) or (b) in relation to a function of the Scottish Ministers, the First Minister or the Lord Advocate which is exercisable only with the agreement of, or after consultation with, any other of those persons, the function shall, unless the Order provides otherwise, be exercisable by the Minister of the Crown free from any such requirement.
- (3) An Order under this section may, in particular, provide for any function exercisable by a Minister of the Crown 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, another person.
- (4) This section does not apply to any retained functions of the Lord Advocate which fall within section 52(6)(a).