



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministers and their staff

48 The Scottish Law Officers.

- (1) It is for the First Minister to recommend to Her Majesty the appointment or removal of a person as Lord Advocate or Solicitor General for Scotland; but he shall not do so without the agreement of the Parliament.
- (2) The Lord Advocate and the Solicitor General for Scotland may at any time resign and shall do so if the Parliament resolves that the [^{F1}Scottish Government] no longer enjoys the confidence of the Parliament.
- (3) Where the Lord Advocate resigns in consequence of such a resolution, he shall be deemed to continue in office until the warrant of appointment of the person succeeding to the office of Lord Advocate is granted, but only for the purpose of exercising his retained functions.
- (4) Subsection (3) is without prejudice to section 287 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (demission of office by Lord Advocate).
- (5) Any decision of the Lord Advocate in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland shall continue to be taken by him independently of any other person.
- (6) In Schedule 2 to the ^{M2}House of Commons Disqualification Act 1975 (Ministerial offices) and Part III of Schedule 1 to the ^{M3}Ministerial and other Salaries Act 1975 (salaries of the Law Officers), the entries for the Lord Advocate and the Solicitor General for Scotland are omitted.

*Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 1998, Section 48. (See end of Document for details)*

Textual Amendments

- F1** Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 12(2)(a)**, 44(5) (with [s. 12\(3\)](#));
[S.I. 2012/1710](#), **art. 2(f)**

Commencement Information

- I1** S. 48(1) in force at 6.5.1999 for certain purposes and 20.5.1999 otherwise and s. 48(2)-(6) in force at
20.5.1999 by [S.I. 1998/3178](#), **art. 2(2)**, **Schs. 3, 4**

Marginal Citations

- M1** [1995 c. 46](#).
M2 [1975 c. 24](#).
M3 [1975 c. 27](#).

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 48.