



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministers and their staff

51 The Civil Service.

- (1) The Scottish Ministers may appoint persons to be members of the staff of the Scottish Administration.
- (2) Service as—
- (a) the holder of any office in the Scottish Administration which is not a ministerial office, or
 - (b) a member of the staff of the Scottish Administration,
- shall be service in the [^{F1}civil service of the State].
- [^{F2}(3) See Part 1 of the Constitutional Reform and Governance Act 2010 (in particular, sections 3 and 4) for provision affecting—
- (a) subsection (1), and
 - (b) any other enactment about the appointment of persons mentioned in subsection (2).]

[^{F3}(4) See also section 1 of the Civil Service (Management Functions) Act 1992 under which functions conferred on the Minister for the Civil Service by section 3 of the Constitutional Reform and Governance Act 2010 may be delegated to the Scottish Ministers etc.]

(5) Any salary or allowances payable to or in respect of the persons mentioned in subsection (2) (including contributions to any pension scheme) shall be payable out of the Scottish Consolidated Fund.

*Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 1998, Section 51. (See end of Document for details)*

- (6) Section 1(2) and (3) of the ^{M1}Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes etc.) shall have effect as if references to a Minister of the Crown (other than the Minister for the Civil Service) included the Scottish Ministers.
- (7) The Scottish Ministers shall make payments to the Minister for the Civil Service, at such times as he may determine, of such amounts as he may determine in respect of—
- (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the ^{M2}Superannuation Act 1972 to or in respect of persons who are or have been in such service as is mentioned in subsection (2), and
 - (b) any expenses to be incurred in administering those pensions, allowances or gratuities.
- (8) Amounts required for payments under subsection (7) shall be charged on the Scottish Consolidated Fund.
- (9) ^{F4}

Textual Amendments

- F1** Words in s. 51(2) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 9\(2\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F2** S. 51(3) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 9\(3\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F3** S. 51(4) substituted (11.11.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 9\(4\)](#); S.I. 2010/2703, [art. 2\(a\)](#)
- F4** S. 51(9) omitted (11.11.2010) by virtue of [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), ss. 19, 52(2), [Sch. 2 para. 9\(5\)](#); S.I. 2010/2703, [art. 2\(a\)](#)

Modifications etc. (not altering text)

- C1** S. 51(2) excluded (15.2.2006) by [The Charities and Trustee Investment \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2006 \(S.I. 2006/242\)](#), arts. 1(2), [2\(2\)](#)
- C2** S. 51(5) modified (1.7.1999) (*temp.* until 1.4.2000) by S.I. 1999/441, [arts. 1\(5\)](#), 22(1)(5)

Commencement Information

- I1** S. 51 wholly in force at 6.5.1999; s. 51 not in force at Royal Assent see s. 130; s. 51(4)(7) in force for certain purposes at 25.1.1999 by [S.I. 1998/3178](#), [art. 2\(2\)](#), [Sch. 1](#), s. 51 in force at 6.5.1999 in so far as not already in force by [S.I. 1998/3178](#), [art. 2\(2\)](#), [Sch. 3](#)

Marginal Citations

- M1** 1972 c. 11.
M2 1972 c. 11.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 51.