



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministerial functions

53 General transfer of functions

- (1) The functions mentioned in subsection (2) shall, so far as they are exercisable within devolved competence, be exercisable by the Scottish Ministers instead of by a Minister of the Crown.
- (2) Those functions are—
 - (a) those of Her Majesty's prerogative and other executive functions which are exercisable on behalf of Her Majesty by a Minister of the Crown,
 - (b) other functions conferred on a Minister of the Crown by a prerogative instrument, and
 - (c) functions conferred on a Minister of the Crown by any pre-commencement enactment,but do not include any retained functions of the Lord Advocate.
- (3) In this Act, "pre-commencement enactment" means—
 - (a) an Act passed before or in the same session as this Act and any other enactment made before the passing of this Act,
 - (b) an enactment made, before the commencement of this section, under such an Act or such other enactment,
 - (c) subordinate legislation under section 106, to the extent that the legislation states that it is to be treated as a pre-commencement enactment.
- (4) This section and section 54 are modified by Part III of Schedule 4.