



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministerial functions

56 Shared powers.

- (1) Despite the transfer by virtue of section 53 of any function under—
- (a) section 17(1) of the ^{M1}Ministry of Transport Act 1919 (power to make advances for certain purposes),
 - (b) any Order in Council under section 1 of the ^{M2}United Nations Act 1946 (measures to give effect to Security Council decisions),
 - (c) section 9 of the ^{M3}Industrial Organisation and Development Act 1947 (levies for scientific research, promotion of exports, etc.),
 - (d) section 5 of the ^{M4}Science and Technology Act 1965 (funding of scientific research),
 - (e) section 1 of the ^{M5}Mineral Exploration and Investment Grants Act 1972 (contributions in respect of mineral exploration),
 - (f) sections 10 to 12 of the ^{M6}Industry Act 1972 (credits and grants for construction of ships and offshore installations),
 - (g) sections 2, 11(3) and 12(4) of the ^{M7}Employment and Training Act 1973 (power to make arrangements for employment and training etc. and to make certain payments),
 - (h) sections 7 to 9 and 11 to 13 of the ^{M8}Industrial Development Act 1982 (financial and other assistance for industry), and
 - (i) sections 39 and 40 of the ^{M9}Road Traffic Act 1988 (road safety information and training),

the function shall be exercisable by a Minister of the Crown as well as by the Scottish Ministers.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 56. (See end of Document for details)

- (2) Despite the transfer of any other function by virtue of section 53, the function shall, if subordinate legislation so provides, be exercisable (or be exercisable so far as the legislation provides) by a Minister of the Crown as well as by the Scottish Ministers.
- (3) Subordinate legislation under subsection (2) may not be made so as to come into force at any time after the function in question has become exercisable by the Scottish Ministers.
- (4) Any power referred to in section 53(2)(a) to establish, maintain or abolish a body, office or office-holder having functions which include both—
- (a) functions which are exercisable in or as regards Scotland and do not relate to reserved matters, and
 - (b) other functions,
- shall, despite that section, be exercisable jointly by the Minister of the Crown and the Scottish Ministers.
- (5) In subsection (4), “office-holder” includes employee or other post-holder.

Modifications etc. (not altering text)

- C1** S. 56(1)(g) modified (5.9.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 31(5)**, 72(4)(b); [S.I. 2016/759](#), **reg. 3(h)**

Commencement Information

- II** S. 56 wholly in force at 1.7.1999; s. 56 not in force at Royal Assent see s. 130; s. 56(2) in force for certain purposes at 25.1.1999 by [S.I. 1998/3178](#), **art. 2(2)**, **Sch. 1**; s. 56 in force at 1.7.1999 in so far as not already in force by [S.I. 1998/3178](#), **art. 2(1)**

Marginal Citations

- M1** 1919 c. 50.
M2 1946 c. 45.
M3 1947 c. 40.
M4 1965 c. 4.
M5 1972 c. 9.
M6 1972 c. 63.
M7 1973 c. 50.
M8 1982 c. 52.
M9 1988 c. 52.

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 56.