



# Scotland Act 1998

## 1998 CHAPTER 46

### PART II

#### THE SCOTTISH ADMINISTRATION

##### *Ministerial functions*

#### **57 Community law and Convention rights.**

- (1) Despite the transfer to the Scottish Ministers by virtue of section 53 of functions in relation to observing and implementing obligations under Community law, any function of a Minister of the Crown in relation to any matter shall continue to be exercisable by him as regards Scotland for the purposes specified in section 2(2) of the <sup>M1</sup>European Communities Act 1972.
- (2) A member of the Scottish Executive has no power to make any subordinate legislation, or to do any other act, so far as the legislation or act is incompatible with any of the Convention rights or with Community law.
- (3) Subsection (2) does not apply to an act of the Lord Advocate—
  - (a) in prosecuting any offence, or
  - (b) in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland,

which, because of subsection (2) of section 6 of the <sup>M2</sup>Human Rights Act 1998, is not unlawful under subsection (1) of that section.

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#### **Commencement Information**

- II** [S. 57\(1\)](#) in force at 1.7.1998, s. 52(2) in force at 6.5.1998, s. 57(3) in force at 20.5.1999 by [S.I. 1998/3178](#), [arts. 2\(2\), 3](#)
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#### **Marginal Citations**

- M1** 1972 c. 68.

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*Status: Point in time view as at 01/07/1999. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects  
for the Scotland Act 1998, Section 57. (See end of Document for details)*

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**M2** 1998 c. 42.

**Status:**

Point in time view as at 01/07/1999. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 57.