

SCHEDULE 2

MODIFICATIONS WHICH COME INTO FORCE ON THE DATE OF COMING INTO FORCE OF SECTION 44(1)(c) OF THE SCOTLAND ACT 1998

PART I

MODIFICATIONS OF PUBLIC GENERAL ACTS

Promissory Oaths Act 1868 (c. 72)

1. In the first part of the Schedule to the Promissory Oaths Act 1868, for “The Lord Advocate” there is substituted “The Advocate General for Scotland”.

Titles to Land Consolidation (Scotland) Act 1868 (c. 101)

2. In section 67 of the Titles to Land Consolidation (Scotland) Act 1868 (intimation of proposed rectification to be made to solicitor for Commissioners of Woods and Forests)(1), for “the Lord Advocate” there is substituted “the appropriate Law Officer within the meaning of section 4A of the Crown Suits (Scotland) Act 1857(2)”.

Burgh Registers (Scotland) Act 1926 (c. 50)

3. In each of subsections (1) and (3) of section 2 of the Burgh Registers (Scotland) Act 1926 (transmission of burgh registers of sasines to keeper of the records), “the Lord Advocate,” is omitted.

Crown Proceedings Act 1947 (c. 44)

4.—(1) The Crown Proceedings Act 1947 is amended as follows.

(2) In section 2(4) (liability of the Crown in tort), after “government department” there is inserted “, part of the Scottish Administration” and after “that department” in each place where those words appear there is inserted “, part”.

(3) In section 3(2)(a) (infringement of intellectual property rights), after “department” there is inserted “or any part of the Scottish Administration”.

Patents Act 1977 (c. 37)

5. In section 52(2) of the Patents Act 1977 (opposition, appeal and arbitration), for “the Lord Advocate” there is substituted “the appropriate Law Officer within the meaning of section 4A of the Crown Suits (Scotland) Act 1857”.

Customs and Excise Management Act 1979 (c. 2)

6. In section 1 of the Customs and Excise Management Act 1979 (interpretation), in the definition of “law officer of the Crown”, for “in Scotland, the Lord Advocate” there is substituted “for the purpose of criminal proceedings in Scotland, the Lord Advocate or, for the purpose of civil

(1) Section 67 was amended by [S.R.& O. 1924/1370](#), section 1 of the Crown Estate Act [1956 \(c. 73\)](#), and paragraph 4(1) of Schedule 2 to the Crown Estate Act [1961 \(c. 55\)](#).

(2) Section 4A of the Crown Suits (Scotland) Act [1857 \(c. 44\)](#) is inserted by paragraph 2(5) of Schedule 8 to the Scotland Act 1998. In terms of article 2(2) and Schedule 4 to the Scotland Act 1998 (Commencement) Order 1998 this provision comes into force on 20th May 1999.

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proceedings in Scotland, the appropriate Law Officer within the meaning of section 4A of the Crown Suits (Scotland) Act 1857”.

Solicitors (Scotland) Act 1980 (c. 46)

7.—(1) The Solicitors (Scotland) Act 1980 is amended as follows.

(2) In section 25A(1)(a) and (4)(3) (rights of audience in the Court of Session, the House of Lords, the Judicial Committee of the Privy Council and the High Court of Justiciary), after “the High Court of Justiciary” there is inserted “and the Judicial Committee of the Privy Council”.

(3) In section 51(3) (powers of tribunal), after paragraph (a) there is inserted—
“(aa) the Advocate General for Scotland”.

Court of Session Act 1988 (c. 36)

8. In sections 22 (Lord Advocate to sue and be sued on behalf of the Crown) and 23 (Lord Advocate may be heard last) of the Court of Session Act 1988, for “the Lord Advocate”, in each place where it appears, there is substituted “the appropriate Law Officer within the meaning of section 4A of the Crown Suits (Scotland) Act 1857”.

Transport and Works Act 1992 (c. 42)

9. In section 54(3)(b) of the Transport and Works Act 1992 (default powers), for “the Lord Advocate” there is substituted “the appropriate Law Officer within the meaning of section 4A of the Crown Suits (Scotland) Act 1857”.

Children (Scotland) Act 1995 (c. 36)

10. In section 40(4) of the Children (Scotland) Act 1995 (qualifications and employment of reporters), “and the Lord Advocate” is omitted.

Criminal Procedure (Scotland) Act 1995 (c. 46)

11. In section 287(6) of the Criminal Procedure (Scotland) Act 1995 (appointment of Lord Advocate), the words from “and he shall” to the end are omitted.

(3) Section 25A was inserted by section 24 of the Law Reform (Miscellaneous Provisions) Act 1990 (c. 40).