
STATUTORY INSTRUMENTS

1999 No. 1096

The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999

Application

4.—(1) This Order shall apply in relation to—

- (a) the exercise by a member of the Scottish Executive of a function to make, confirm or approve subordinate legislation conferred by an enactment;
- (b) the exercise by a relevant Scottish public authority of a function to make, confirm or approve subordinate legislation conferred by an enactment; or
- (c) the exercise, within devolved competence, by a person other than a Minister of the Crown, a member of the Scottish Executive or a relevant Scottish public authority of a function to make, confirm or approve subordinate legislation conferred by an enactment,

where the document by which that function is exercised is (whether by virtue of this Order or otherwise) a statutory instrument and is not an excepted instrument.

(2) A statutory instrument by which such a function is so exercised and which is not an excepted instrument shall be known as a Scottish statutory instrument.

(3) An excepted instrument is one—

- (a) which is made by a Minister of the Crown with the agreement of a member of the Scottish Executive or of a relevant Scottish public authority;
- (b) which is made jointly by a Minister of the Crown and by a member of the Scottish Executive or by a relevant Scottish public authority; or
- (c) which is an Order in Council made by Her Majesty under section 1 of the United Nations Act 1946⁽¹⁾.

(4) Articles 10 to 15 as they apply (or will, as from the principal appointed day, apply) to a Scottish statutory instrument shall also apply where any enactment provides, or has the effect of providing, that any other statutory instrument is—

- (a) to be laid before the Scottish Parliament after being made; or
- (b) to be subject to annulment in pursuance of a resolution of the Scottish Parliament,

or that any draft of any other statutory instrument is to be laid before the Scottish Parliament.

(5) Article 14 as it applies to a Scottish statutory instrument shall also apply where any enactment provides, or has the effect of providing, that any other instrument or document is to be laid before the Scottish Parliament.

(6) This article (apart from this paragraph) and the following articles shall cease to have effect on the day appointed by or under an Act of the Scottish Parliament.

(1) 1946 c. 45. Section 1 is amended by the Scotland Act 1998, Schedule 8, paragraph 6 with effect from 1st July 1999.