
STATUTORY INSTRUMENTS

1999 No. 1351

The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999

Modifications of enactments

17.—(1) In the 1967 Act—

- (a) in subsection (2) of section 3 (administrative provisions) the reference to any officer of the Health Service Commissioner for Scotland authorised as mentioned in that subsection shall be read as if it included a reference to any member of staff so authorised of the Scottish Commissioner;
- (b) in section 11(2A)((1) (provision for secrecy of information), the reference to a Health Service Commissioner shall be read as if it included a reference to the Scottish Commissioner;
- (c) in section 11A((2) (consultations between Parliamentary Commissioner and Health Service Commissioners), the references in subsections (1)(b) and (2) to the Health Service Commissioner for Scotland shall be read as if they included references to the Scottish Commissioner and the reference in subsection (2) to the Health Service Commissioners Act 1993 shall be read as if it included a reference to this Order; and
- (d) in section 11B((3) (the criminal injuries compensation scheme), the reference to the Secretary of State in subsection (3)(a) shall be read as if it included a reference to the Scottish Ministers.

(2) The following enactments shall be read as if references to the Parliamentary Commissioner included references to the Scottish Commissioner:—

- (a) Part III of Schedule 1 to the House of Commons Disqualification Act 1975((4);
- (b) section 134(3)(c) of the Mental Health Act 1983((5);
- (c) section 115(3)(c) of the Mental Health (Scotland) Act 1984((6);
- (d) section 123(8)(c) of the Social Security Administration Act 1992((7);
- (e) section 117(8)(e) of the Social Security Administration (Northern Ireland) Act 1992((8);
- (f) section 79(1) of the Deregulation and Contracting Out Act 1994((9);
- (g) rule 62B of the Prisons and Young Offenders Institutions (Scotland) Rules 1994((10);
- (h) Part I of the Schedule to the Scottish Parliament (Disqualification) Order 1999((11).

(1) Section 11(2A) was inserted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), section 4(1).

(2) Section 11A was inserted by the Parliamentary and Health Service Commissioners Act 1987, section 4(2).

(3) Section 11B was inserted by Criminal Injuries Compensation Act 1995 (c. 53), section 10.

(4) 1975 c. 24.

(5) 1983 c. 20.

(6) 1984 c. 36.

(7) 1992 c. 5.

(8) 1992 c. 8.

(9) 1994 c. 40.

(10) S.I.1994/1931. Rule 62B was inserted by S.I. 1998/1589.

(11) S.I. 1999/680

- (3) In the Local Government (Scotland) Act 1975((**12**))—
- (a) in section 31(1) to (4), the references to the Parliamentary Commissioner and to any provision of the 1967 Act shall be read as if they included references to the Scottish Commissioner and to this Order; and
 - (b) in section 31(5), the reference to section 11(2) of the 1967 Act shall be read as if it included a reference to article 15(1) of this Order.
- (4) In section 2(3) of the Tribunals and Inquiries Act 1992((**13**)), the reference to the Parliamentary Commissioner being, by virtue of his office, a member of the Council on Tribunals and of Scottish Committee of that Council shall be read as if it included a reference to the Scottish Commissioner.
- (5) In the Health Service Commissioners Act 1993—
- (a) in sections 17 and 18 and paragraph 6 of Schedule 1, the references to the Parliamentary Commissioner shall be read as if they included references to the Scottish Commissioner; and
 - (b) in section 18(1)(b) the reference to the 1967 Act shall be read as if it included a reference to this Order.
- (6) In Schedule 1 to the Public Supply Contracts Regulations 1995((**14**)) the reference to the office of the Parliamentary Commissioner for Administration and the Health Service Commissioners shall be read as if it included a reference to the office of the Scottish Commissioner.
- (7) In each of the following enactments the reference to the 1967 Act shall be read as if it were a reference to this Order:—
- (a) paragraph 8 of Schedule 4 to the Town and Country Planning (Scotland) Act 1997((**15**));
 - (b) paragraph 7 of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997((**16**)); and
 - (c) paragraph 7 of Schedule 1 to the Planning (Hazardous Substances) (Scotland) Act 1997((**17**)).
- (8) In Schedule 2 to the Official Secrets Act 1989 (Prescription) Order 1990((**18**)), the reference to the Parliamentary Commissioner shall be read as if it included a reference to the Scottish Commissioner, and the reference to the officers of the Commissioner shall be read as if it included a reference to the staff of the Scottish Commissioner.

(12) 1975 c. 30.

(13) 1992 c. 53.

(14) S.I. 1995/201, to which there are amendments not relevant to this Order.

(15) 1997 c. 8.

(16) 1997 c. 9.

(17) 1997 c. 10.

(18) S.I. 1990/200. Schedule 2 is amended by paragraph 18 of Part II of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) Order 1999 (S.I. 1999/1042).