

SCHEDULE 1

Article 3

FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: GENERAL

Wireless Telegraphy Act 1949 (c. 54)

1.—(1) The function of the Secretary of State under [^{F1}section 5(1)(b)] of the 1949 Act (misleading messages and interception and disclosure of messages) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as a function exercisable in or as regards Scotland if it is exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where an authorisation of the Secretary of State under [^{F2}section 5(1)(b)] of the 1949 Act would authorise a person—

- (a) to use any wireless telegraphy apparatus with intent to obtain information as to the contents, sender or addressee of any message (whether sent by means of wireless telegraphy or not) [^{F3}of which neither the person using the apparatus nor a person on whose behalf he is acting is an intended recipient] where—
 - (i) the person authorised to use the wireless telegraphy apparatus is in Scotland; and
 - (ii) the person who is the sender or addressee of any such message is, or is reasonably believed by the person authorised to use the wireless telegraphy apparatus to be, located in Scotland when the apparatus is used with intent to obtain information as to the contents, sender or addressee of the message; and
- (b) to disclose any information as to the contents, sender or addressee of any such message.

Textual Amendments

- F1** Words in Sch. 1 para. 1(1) substituted (15.12.2000) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253), arts. 1(1), **4(2)(b)(i)** (with art. 6)
- F2** Words in Sch. 1 para. 1(2) substituted (15.12.2000) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253), arts. 1(1), **4(2)(b)(ii)** (with art. 6)
- F3** Words in Sch. 1 para. 1(2)(a) substituted (15.12.2000) by The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253), arts. 1(1), **4(2)(b)(iii)** (with art. 6)

Commencement Information

- I1** Sch. 1 para. 1 in force at 30.6.1999, see **art. 1**

Pharmacy Act 1954 (c. 61)

^{F4}2.

Textual Amendments

- F4** Sch. 1 para. 2 omitted (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by virtue of The Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), **Sch. 1 para. 22**

Changes to legislation: There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, SCHEDULE 1. (See end of Document for details)

Medicines Act 1968 (c. 67)

3.—(1) The function of the Ministers under section 2 of the Medicines Act 1968 of appointing members of the Medicines Commission is to be treated, for the purposes of section 63 of the 1998 Act, as exercisable in or as regards Scotland.

(2) The function of the Ministers, the Health Ministers or the Agriculture Ministers under section 4(1) and (5) of the Medicines Act 1968 of establishing committees and appointing the members and chairmen of such committees is to be treated, for the purposes of section 63 of the 1998 Act, as exercisable in or as regards Scotland.

Commencement Information
I2 Sch. 1 para. 3 in force at 30.6.1999, see [art. 1](#)

Taxes Management Act 1970 (c. 9)

^{F5}4.

Textual Amendments
F5 Sch. 1 para. 4 omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), [Sch. 2 para. 72](#)

Data Protection Act 1984 (c. 35)

5. The Secretary of State’s functions under section 3(3)(a) and (b) of the Data Protection Act 1984 (c. 35)(1) (functions of being consulted by the Lord Chancellor on appointments of chairman and deputy chairman of the Data Protection Tribunal) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information
I3 Sch. 1 para. 5 in force at 30.6.1999, see [art. 1](#)

Interception of Communications Act 1985 (c. 56)

^{F6}6.

Textual Amendments
F6 Sch. 1 para. 6 omitted (15.12.2000) by virtue of The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 (S.I. 2000/3253), arts. 1(1), [4\(2\)\(c\)](#) (with art. 6)

Transport Act 1985 (c. 67)

7. The Secretary of State’s functions under paragraph 15 of Schedule 4(2) to the Transport Act 1985 (function of being consulted by the Lord Chancellor on appointments of president and chairman

(1) The whole Act is repealed (prospectively) by the Data Protection Act 1998 (c. 29), Schedule 16, Part I.
(2) Paragraph 15 was amended by S.I. 1989/495.

of the Transport Tribunals removal of such persons from office and determining their terms and conditions) are to be treated, for the purposes of section 63 of the 1998 Act, as being functions which are exercisable in or as regards Scotland.

Commencement Information

I4 Sch. 1 para. 7 in force at 30.6.1999, see [art. 1](#)

Building Societies Act 1986 (c. 53)

F78.

Textual Amendments

F7 Sch. 1 para. 8 revoked (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **262(a)**, 582(a)

Financial Services Act 1986 (c. 60)

F89.

Textual Amendments

F8 Sch. 1 para. 9 revoked (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **262(b)**, 582(b)

Copyright, Designs and Patents Act 1988 (c. 48)

10. The Secretary of State's functions under sections 145 and 150 of the Copyright, Designs and Patents Act 1988 (c. 48)(3) (functions of being consulted by the Lord Chancellor on appointments of chairman and deputy chairman of the Copyright Tribunal and on rules for regulating proceedings before that Tribunal) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I5 Sch. 1 para. 10 in force at 30.6.1999, see [art. 1](#)

Education (Student Loans) Act 1990 (c. 6)

11. The Secretary of State's functions under the Education (Student Loans) Act 1990(4) are to be treated, for the purposes of section 53 of the 1998 Act, as exercisable in or as regards Scotland only where they relate to a loan—

(3) Section 145 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 10, paragraph 73. Section 150 was amended by the Arbitration Act 1996 (c. 23), Schedule 3, paragraph 50.
(4) 1990 c. 6; amended by the Further and Higher Education Act 1992 (c. 13), Schedule 8, paragraph 67; by the Further and Higher Education (Scotland) Act 1992 (c. 37), Schedule 9, paragraphs 12(2) and (3); by the Education Act 1994 (c. 30), Schedule 2, paragraph 9; by the Education (Student Loans) Act 1996 (c. 9), section 1(1) and the Schedule; by the Education Act 1996 (c. 56), Schedule 37, paragraph 98 and Schedule 38; and by the Education (Student Loans) Act 1998 (c. 1), sections 1 to 3 and repealed by the Teaching and Higher Education Act 1998 (c. 30), Schedule 4 subject to transitional and savings

Changes to legislation: There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, SCHEDULE 1. (See end of Document for details)

- (a) to a student whose earliest available home address in the computer records of the Student Loans Company Limited as at 1st July 1999 is in Scotland; or
- (b) to a student who obtains a loan for the first time after 1st July 1999 and who gives an address in Scotland as the home address in the first application for a loan.

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Commencement Information

I6 Sch. 1 para. 11 in force at 30.6.1999, see [art. 1](#)

Child Support Act 1991 (c. 48)

12. The Secretary of State's functions under sections 22(3), 24(9), 25(6) and 45(6) of and paragraph 7 of Schedule 4 to, the Child Support Act 1991 (c. 48) (functions of being consulted by the Lord Chancellor on regulations about proceedings before the Child Support Commissioners, and about appeals to and from those Commissioners; on orders abolishing appeal tribunals, and on removal of those Commissioners and appointments of deputy Child Support Commissioners), are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

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Commencement Information

I7 Sch. 1 para. 12 in force at 30.6.1999, see [art. 1](#)

Social Security Administration Act 1992 (c. 5)

13. The Secretary of State's functions under sections 51, 52 and 189(10) of, and paragraph 1 of Schedule 2 to, the Social Security Administration Act 1992 (c. 5)(5) (functions of being consulted by the Lord Chancellor on appointments of President and chairman of tribunals and deputy Social Security Commissioners; on regulations under the Act generally; and on removal of Social Security Commissioners or the President or a chairman of tribunals) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

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Commencement Information

I8 Sch. 1 para. 13 in force at 30.6.1999, see [art. 1](#)

Finance (No.2) Act 1992 (c. 48)

14. The function of the Secretary of State under section 75(1) of the Finance (No.2) Act 1992 (c. 48) (function of consenting to regulations by the Lord Chancellor providing for Commissioners to hold office by a different name) is to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

provisions specified in article 3 of the Teaching and Higher Education Act 1998 (Commencement No. 2 and Transitional Provisions) Order 1998 (S.I. 1998/2004).

(5) Paragraph 1 of Schedule 2 was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 6, paragraph 21. Sections 51, 52 and 189(10) and Schedule 2 are repealed (prospectively) by the Social Security Act 1998 (c. 14), Schedule 8.

Commencement Information

I9 Sch. 1 para. 14 in force at 30.6.1999, see [art. 1](#)

Intelligence Services Act 1994 (c. 13)

15.—(1) The function of the Secretary of State under section 5 of the Intelligence Services Act 1994 (warrants: general) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if it is exercisable in the class of case mentioned in sub-paragraph (2) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(2) The class of case mentioned in this sub-paragraph constitutes any case where the warrant under section 5 of the said Act of 1994 would authorise—

- (a) the taking of action in respect of heritable property situated in Scotland or any moveable property which is located, or is reasonably believed by the Secretary of State to be located, in Scotland at the time when the warrant is issued; or
- (b) the taking of action in respect of interference with wireless telegraphy where the action amounting to interference takes place in Scotland.

(3) Any function of the Secretary of State under section 6(3) or (4) of the said Act of 1994 (warrants: procedure and duration, etc.) is, for the purposes of section 63 of the 1998 Act, to be treated—

- (a) as being exercisable in or as regards Scotland if it is exercisable in the class of case mentioned in sub-paragraph (4) below; but
- (b) as otherwise not being exercisable in or as regards Scotland.

(4) The class of case mentioned in this sub-paragraph constitutes any case where—

- (a) the function is exercisable in relation to a warrant issued under section 5 of the said Act of 1994; and
- (b) the function of issuing such a warrant is, under sub-paragraphs (1) and (2) above, to be treated for the purposes of section 63 of the 1998 Act as a case where the function is, for those purposes, treated as being exercisable in or as regards Scotland.

Commencement Information

I10 Sch. 1 para. 15 in force at 30.6.1999, see [art. 1](#)

Value Added Tax Act 1994 (c. 23)

16. The Secretary of State's functions under paragraphs 2, 3 and 9 of Schedule 12 to the Value Added Tax Act 1994 (c. 23) (functions of being consulted by the Lord Chancellor on appointment of President of VAT tribunals, on his continuation in, or removal from, office and on rules for procedure before VAT tribunals) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I11 Sch. 1 para. 16 in force at 30.6.1999, see [art. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, SCHEDULE 1. (See end of Document for details)

Trade Marks Act 1994 (c. 26)

17. The Secretary of State's functions under section 77(4) of the Trade Marks Act 1994 (c. 26) (function of being consulted by the Lord Chancellor on appointments as persons to hear appeals under the Act and removal of such persons from office) are to be treated for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I12 Sch. 1 para. 17 in force at 30.6.1999, see [art. 1](#)

Reserve Forces Act 1996 (c. 14)

18. The functions of the Lord Chancellor and the Secretary of State under sections 90(1) and (3) and 91(1) and (3) of the Reserve Forces Act 1996 (c. 14) (functions of appointing panels of chairmen and ordinary members of reserve forces appeal tribunals and determining their terms of office) are to be treated for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I13 Sch. 1 para. 18 in force at 30.6.1999, see [art. 1](#)

Social Security Act 1998 (c. 14)

19. The Secretary of State's functions under sections 5(1) and 79(2) of, and paragraph 1(4) of Schedule 1 and paragraph 8 of Schedule 4 to, the Social Security Act 1998 (c. 14) (functions of being consulted by the Lord Chancellor on appointment and removal of President of appeal tribunals, appointments of deputy Commissioners, removal of Commissioners and on regulations under the Act generally) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I14 Sch. 1 para. 19 in force at 30.6.1999, see [art. 1](#)

Data Protection Act 1998 (c. 29)

20. The Secretary of State's functions under section 6(4)(a) and (b) of the Data Protection Act 1998 (c. 29) (functions of being consulted by the Lord Chancellor on appointments of chairman and deputy chairmen of the Data Protection Tribunal) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I15 Sch. 1 para. 20 in force at 30.6.1999, see [art. 1](#)

Competition Act 1998 (c. 41)

21. The Secretary of State's functions under paragraphs 2(4) and 4(4) of Schedule 7 to the Competition Act 1998 (c. 41) (function of being consulted by the Secretary of State on appointments

Changes to legislation: There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, SCHEDULE 1. (See end of Document for details)

to the panel of chairmen of the Competition Commission and on appointment of the President of the Competition Commission Appeal Tribunals) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I16 Sch. 1 para. 21 in force at 30.6.1999, see [art. 1](#)

Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)

22. The Secretary of State's functions under section 13(1) of the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) (function of concurring in regulations by the Board concerning appeals to the tax appeal Commissioners) are to be treated, for the purposes of section 63 of the 1998 Act, as being exercisable in or as regards Scotland.

Commencement Information

I17 Sch. 1 para. 22 in force at 30.6.1999, see [art. 1](#)

Building Societies Appeal Tribunal Regulations 1987 (S.I.1987/891)

^{F9}**23.**

Textual Amendments

F9 Sch. 1 para. 23 revoked (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **262(a)**, 582(a)

Changes to legislation:

There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, SCHEDULE 1.