

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under the Scotland Act 1998 (“the 1998 Act”), provides for certain specified functions of a Minister of the Crown, so far as they are exercisable by him in or as regards Scotland, to be exercisable by the Scottish Ministers instead of, or concurrently with the Minister concerned, or to be exercisable by him in or as regards Scotland subject to a requirement as to agreement of or consultation with the Scottish Ministers.

Article 2 of the Order provides that the functions conferred on a Minister of the Crown by the enactments specified in Schedule 1 shall be exercisable, in or as regards Scotland, by the Scottish Ministers instead of by a Minister of the Crown, subject, in certain cases, to specified restrictions and requirements (being requirements which would otherwise cease to apply by virtue of section 63(2) of the 1998 Act or additional requirements imposed under section 63(3) of that Act).

Article 3 provides that the functions conferred on a Minister of the Crown by the enactments specified in Schedule 2 shall be exercisable, in or as regards Scotland, by the Scottish Ministers concurrently with the Minister of the Crown concerned subject, in certain cases, to specified restrictions or requirements.

Article 4 provides that the functions conferred on a Minister of the Crown by the enactments specified in Schedule 3 shall be exercisable by him, in or as regards Scotland, subject to the requirements as to agreement or consultation with the Scottish Ministers which are specified in the Schedule in relation to each of the specified functions.

Article 5 and Schedule 4 provide for certain non-statutory functions of a Minister of the Crown in relation to the radio spectrum, tribunals and welfare foods to be exercisable in or as regards Scotland by the Scottish Ministers instead.

Article 6(1) introduces Schedule 5 which makes modifications of enactments. Article 6(2) applies with modifications sections 94 and 117 to 121 of the 1998 Act (which make certain general modifications of enactments) in relation to the exercise of functions by the Scottish Ministers by virtue of the Order.

Article 7 makes transitional and saving provision.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 1 entries revoked by [S.I. 2008/2833 Sch. 3 para. 228\(v\)](#)
- Sch. 1 entry omitted by [2016 c. 11 Sch. 2 para. 28\(a\)](#)
- Sch. 1 entry omitted by [2016 c. 11 Sch. 2 para. 28\(b\)](#)
- Sch. 1 entry omitted by [2016 c. 11 Sch. 2 para. 28\(c\)](#)
- Sch. 1 entry omitted by [S.I. 2001/1283 art. 4\(2\)](#)
- Sch. 1 entry revoked by [2005 c. 13 Sch. 2](#)
- Sch. 1 entry revoked by [2007 c. 15 Sch. 23](#)
- Sch. 1 words omitted by [2012 c. 11 s. 17\(10\)\(a\)](#)
- Sch. 1 words omitted by [2014 c. 12 s. 109\(4\)\(a\)](#)
- Sch. 1 words omitted by [S.I. 2000/1563 art. 6\(2\)](#)
- Sch. 1 words omitted by [S.I. 2000/3253 art. 4\(3\)\(a\)\(ii\)](#)
- Sch. 1 Column 1 words omitted by [S.I. 2006/3258 art. 3\(1\)](#)
- Sch. 1 words omitted by [S.I. 2007/289 Sch. 1 para. 23\(a\)](#)
- Sch. 1 words omitted by [S.I. 2007/289 Sch. 1 para. 23\(b\)](#)
- Sch. 1 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(2\)\(a\)](#)
- Sch. 1 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(2\)\(b\)](#)
- Sch. 1 words omitted by [S.I. 2020/267 reg. 26\(a\)](#)
- Sch. 1 words repealed by [2012 c. 19 Sch. 9 para. 17](#)
- Sch. 1 words repealed by [2012 c. 19 Sch. 9 para. 17](#)
- Sch. 1 words revoked by [2013 c. 32 Sch. 12 para. 30](#)
- Sch. 1 words revoked by [S.I. 2013/686 Sch. 2](#)
- Sch. 1 words substituted by [2006 c. 34 s. 12\(1\)](#)
- Sch. 1 words substituted by [S.I. 2000/3253 art. 4\(3\)\(a\)\(i\)](#)
- Sch. 2 words omitted by [2012 c. 11 s. 17\(10\)\(b\)](#)
- Sch. 2 words omitted by [S.I. 2013/602 Sch. 2 para. 78\(2\)](#)
- Sch. 3 entry omitted by [2016 c. 11 Sch. 2 para. 29\(a\)](#)
- Sch. 3 entry omitted by [2016 c. 11 Sch. 2 para. 29\(b\)](#)
- Sch. 3 words omitted by [2012 c. 11 s. 22\(2\)\(a\)](#)
- Sch. 3 words omitted by [2012 c. 11 s. 22\(2\)\(b\)](#)
- Sch. 3 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(3\)](#)
- Sch. 3 words revoked by [2013 c. 32 Sch. 12 para. 30](#)
- Sch. 4 para. 3 omitted by [S.I. 2020/267 reg. 26\(b\)](#)
- Sch. 4 para. 1(1)(b)(c) substituted by [S.I. 2013/602 Sch. 2 para. 78\(3\)](#)
- Sch. 4 para. 3(1)(a) words omitted by [S.I. 2006/3258 art. 3\(2\)\(a\)](#)
- Sch. 4 para. 3(1)(b) words omitted by [S.I. 2006/3258 art. 3\(2\)\(b\)](#)
- Sch. 4 para. 3(2) words omitted by [S.I. 2006/3258 art. 3\(2\)\(c\)](#)
- Sch. 5 para. 10(4) omitted by [2012 c. 11 s. 17\(10\)\(c\)](#)
- Sch. 5 para. 3 omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 18(2)-(6) omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 18(7)(a) omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 18(8) omitted by [2014 c. 12 s. 109\(4\)\(b\)](#)
- Sch. 5 para. 6 omitted by [S.I. 2000/3253 art. 4\(3\)\(b\)](#)
- Sch. 5 para. 14(3)(4) omitted by [S.I. 2000/3253 art. 4\(3\)\(b\)](#)
- Sch 5 para. 1 revoked by [S.I. 2001/1149 Sch. 2](#)
- art. 2 restricted by [1984 c. 27, Sch. 9 para. 12A \(as inserted\) by 2004 c. 36 Sch. 2 para. 16\(4\)\(b\)](#)

Commencement Orders yet to be applied to the The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2007/598 art. 2Sch. 1](#) commences (2006 c. 34)