
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to pre-commencement enactments and prerogative instruments and other instruments or documents made before the principal appointed day which appear to be necessary or expedient in consequence of the Scotland Act 1998 (c. 46) (“the Act”). The Order will come into force on the principal appointed day. That day is currently 1st July 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998 (S.I. 1998/3178).

Articles 2 and 3 of the Order provide for the general modification of enactments, prerogative instruments and other instruments or documents. The general modification contained in article 2(2) does not, however, apply to the enactments mentioned in Schedule 1 to the Order.

Article 4 provides for the modification of the enactments specified in Schedule 2 to the Order. In Schedule 2, modifications of Acts of Parliament are in Part I and modifications of subordinate legislation are in Part II. Modifications of prerogative instruments are in Part III and repeals are listed in Part IV.

Article 5 contains a saving provision which ensures that, in interpreting enactments which have not been textually amended because reliance is placed on the general modifications in the Act or in this Order, no adverse implication can be drawn because of the presence in Schedule 2 of textual amendments to some enactments which replicate the effect of the general modifications.