

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Law Commissions Act 1965 (c. 22)

36.—(1) The Law Commissions Act 1965(1) is amended as follows.

(2) In section 2(1), (2) and (3) (the Scottish Law Commission)(2), for “Lord Advocate”, in each place where those words appear, there is substituted “Scottish Ministers”.

(3) In section 3 (functions of the Commissions)—

(a) in subsection (1)(e), after “Government” there is inserted “of the United Kingdom or the Scottish Administration”; and

(b) after subsection (3), there is inserted—

“(3A) Subsections (2) and (3) of this section shall have effect in relation to the Scottish Law Commission with the substitution of “the Scottish Parliament” for “Parliament”.”.

(4) In section 4 (remuneration and pensions of Commissioners)—

(a) in subsection (1), “and the Scottish Law Commission” and “or the Lord Advocate, as the case may be” are omitted;

(b) after subsection (1) there is inserted—

“(1A) There shall be paid to the Commissioners of the Scottish Law Commission, other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined by the Scottish Ministers.”;

(c) in subsection (3), for “the Lord Chancellor or the Lord Advocate, as the case may be, shall lay before each House of Parliament”, there is substituted—

“(a) in the case of the Law Commission, the Lord Chancellor shall lay before each House of Parliament; and

(b) in the case of the Scottish Law Commission, the Scottish Ministers shall lay before the Scottish Parliament.”;

(d) in subsection (4), there is inserted at the beginning—

“In the case of the Law Commission,”; and

(e) after subsection (4) there is inserted—

“(5) In the case of the Scottish Law Commission, the salaries or remuneration of the Commissioners, and any sums payable to or in respect of the Commissioners under subsection (2) of this section, shall be paid by the Scottish Ministers.”.

(5) In section 5 (staff and expenses)—

(a) in subsection (1) “and the Lord Advocate may appoint such officers and servants of the Scottish Law Commission” is omitted;

(b) after subsection (1) there is inserted—

“(1A) The Scottish Ministers may appoint such officers and servants of the Scottish Law Commission as they may determine.”;

(1) The references to the Lord Advocate in this Act have effect as references to the Secretary of State by virtue of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678).

(2) Section 2 was amended by S.I. 1972/2002.

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- (c) in subsection (4), “and the Scottish Law Commission” is omitted; and
- (d) after subsection (4) there is inserted—

“(5) The expenses of the Scottish Law Commission, including the remuneration of its officers and servants appointed under this section, shall be paid by the Scottish Ministers.”.

- (6) In section 6(2) (supplemental), for “and the Lord Advocate”, there is substituted “the Scottish Ministers”.