
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for transfer to the Advocate General for Scotland of the functions of the Lord Advocate under the enactments specified in the Schedule to the Order.

Articles 3 and 4 of the Order contain provisions which are supplementary to, or consequential on, this transfer. In particular, article 3 provides for the transfer to the Advocate General for Scotland of all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any function transferred.

The Order comes into force immediately before the time by reference to which the Lord Advocate's retained functions are determined for the purposes of section 52(6)(a) of the Scotland Act 1998 (c. 46). The Lord Advocate's retained functions are determined for the purposes of section 52(6)(a) as being "any functions exercisable by him immediately before he ceases to be a Minister of the Crown". The Lord Advocate ceases to be a Minister of the Crown when he becomes a member of the Scottish Executive by virtue of section 44(1)(c) of the Scotland Act 1998 and when there are repealed the entries relating to him in Schedule 2 to the House of Commons Disqualification Act 1975 (c. 24) and in Part III of Schedule 1 to the Ministerial and other Salaries Act 1975 (c. 27). These provisions are due to come into force on 20th May 1999 by virtue of the Scotland Act 1998 (Commencement) Order 1998 (S.I.1998/3178).