
STATUTORY INSTRUMENTS

2002 No. 2636

**The Scotland Act 1998 (Cross-Border Public Authorities)
(Adaptation of Functions etc.) (Amendment) Order 2002**

Amendment of the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999

3. In Schedule 16 to the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999—

(a) in paragraph 1(2) of Part I (Application and Interpretation)—

(i) after the definition of “the Commission”, “and” is omitted; and

(ii) after the definition of “the Consumers Committee” there are added the following definitions—

““levy” means the levy received by the Commission under a levy scheme confirmed under section 13 of the 1967 Act⁽¹⁾; and

“the Scottish levy” means that part of the levy which is determined in accordance with paragraph 6(1).”;

(b) in Part II (Modifications)—

(i) at the end of paragraph 2(4), there is added “and shall, with effect from the coming into force date of the Scotland Act 1998 (Cross Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002, be disapplied to any function to which paragraph 4 or 5 applies”; and

(ii) after paragraph 3 there is added—

“**4.**—(1) This paragraph applies to the function of giving directions to the Commission under section 20 of the 1967 Act in so far as it relates to the use of the Scottish levy.

(2) The function to which this paragraph applies shall be exercisable by the Scottish Ministers acting alone.

5.—(1) This paragraph applies, where there is in force a determination under paragraph 6(1), to the function of giving directions to the Commission under section 20 of the 1967 Act in so far it relates to the use of the levy other than the Scottish levy.

(2) The function to which this paragraph applies shall be exercisable by the Secretary of State and the National Assembly for Wales acting jointly.”; and

(c) after Part II (Modifications), there is added—

“PART III

THE SCOTTISH LEVY

6.—(1) The Secretary of State, the National Assembly for Wales and the Scottish Ministers, acting jointly, may from time to time make a determination of the Scottish levy.

(2) Before making a determination under paragraph 1, the Secretary of State, the National Assembly for Wales and the Scottish Ministers shall in such manner as they consider appropriate consult the Commission and such other persons as appear to them to represent the interests concerned.

PART IV

ANNUAL REPORTS

7.—(1) Notwithstanding section 19(1) of the 1967 Act⁽²⁾, the Commission shall prepare and transmit annually a report to the Scottish Ministers with respect to the discharge of their functions in relation to the Scottish levy, and the Scottish Ministers shall lay a copy of the report before the Scottish Parliament.

(2) For the purposes of paragraph 2(3) of Part II of Schedule 1 to the 1967 Act the functions of the Commission under this paragraph shall be treated as functions conferred on the Commission by Part I of the 1967 Act.”.

(2) Following the preparation and transmission of an annual report under section 19(1) of the 1967 Act, a copy of that report is, by virtue of section 88(3) of the Scotland Act 1998 (c. 46), required to be laid before the Scottish Parliament.