
STATUTORY INSTRUMENTS

2013 No. 192

**The Scotland Act 1998 (Modification
of Schedule 5) (No. 2) Order 2013**

Modification of enactments

3.—(1) After this Order comes into force, a pre-commencement devolved enactment has effect as if article 2 of this Order had been in force at the time when the enactment was passed or made.

(2) Paragraph (1) applies to such an enactment only in so far as it confers a function on—

- (a) the Scottish Ministers, or
- (b) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹⁾.

(3) Paragraph (1) does not affect anything done before this Order comes into force by or under any pre-commencement devolved enactment.

(4) In this article, “pre-commencement devolved enactment” means—

- (a) an Act of the Scottish Parliament passed before this Order comes into force,
- (b) subordinate legislation made, before this Order comes into force, under an Act of the Scottish Parliament, and
- (c) subordinate legislation made, before this Order comes into force, under an Act if the subordinate legislation—
 - (i) was made by Scottish statutory instrument, and
 - (ii) contains provision which, had it been in an Act of the Scottish Parliament, would have been within the legislative competence of that Parliament.

(5) For the purposes of this article, an Act of the Scottish Parliament is taken to have been passed at the time when the Bill for the Act was passed by that Parliament.

(1) 1994 c.39. There is an amendment to section 2 not relevant to this Order.