



Scotland Act 2012

2012 CHAPTER 11

PART 1

THE PARLIAMENT AND ITS POWERS

Legislative competence

9 Continued effect of provisions ceasing to be within legislative competence

(1) In section 30 of the 1998 Act (legislative competence: supplementary) after subsection (4) insert—

“(5) Subsection (6) applies where any alteration is made—

- (a) to the matters which are reserved matters, or
- (b) to Schedule 4,

(whether by virtue of the making, revocation or expiry of an Order in Council under this section or otherwise).

(6) Where the effect of the alteration is that a provision of an Act of the Scottish Parliament ceases to be within the legislative competence of the Parliament, the provision does not for that reason cease to have effect (unless an enactment provides otherwise).”

(2) After section 29(4) of that Act (legislative competence) insert—

“(5) Subsection (1) is subject to section 30(6).”

(3) In section 92 of that Act (Queen’s Printer for Scotland), after subsection (4A) (inserted by section 13) insert—

“(4B) If, following an alteration such as is mentioned in section 30(5)—

- (a) subordinate legislation is made, confirmed or approved under a provision which continues to have effect by virtue of section 30(6), and

Status: This is the original version (as it was originally enacted).

- (b) the making, confirmation or approval would be within devolved competence but for the alteration,
the subordinate legislation is to be regarded for the purposes of this section as being made, confirmed or approved within devolved competence.”

10 Air weapons

In Part 2 of Schedule 5 to the 1998 Act, in Section B4 (specific reservations: firearms) at the end insert—

“Exception

The regulation of air weapons within the meaning given by section 1(3)(b) of the Firearms Act 1968 (which is subject to the following which remain powers of the Secretary of State—

- (a) the power to make rules under section 53 of that Act for the purposes of that provision (specially dangerous weapons requiring firearms certificate), and
(b) the power to make an order under section 1(4) of the Firearms (Amendment) Act 1988 (specially dangerous weapons to be prohibited).”

11 Antarctica

- (1) In Part 2 of Schedule 5 to the 1998 Act, under Head L (miscellaneous) at the end insert—

“L7. Antarctica

Regulation of activities in Antarctica.

Interpretation

“Antarctica” has the meaning given by section 1 of the Antarctic Act 1994.”

- (2) The provision inserted by subsection (1) is to be regarded as having been included in Schedule 5 to the 1998 Act since the day on which that Schedule came into force.