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STATUTORY INSTRUMENTS

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**1998 No. 3178 (C. 79) (S. 193)**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Commencement) Order 1998**

*Made* - - - - *16th December 1998*

In exercise of the powers conferred upon me by sections 115(2), 126(1) and 130 of the Scotland Act 1998(1), I hereby make the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Scotland Act 1998 (Commencement) Order 1998.
- (2) In this Order, “the Act” means the Scotland Act 1998.

**Appointed days**

2.—(1) All the provisions of the Act, so far as not then in force, shall come into force on 1st July 1999, except the provisions specified in Schedule 5 to this Order.

(2) The provisions of the Act, specified in column 1 of any of the Schedules to this Order and the subject matter of which is described in column 2 of that Schedule shall, so far as not then in force, come into force on the day appointed in relation to that Schedule in the Table below but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

TABLE

<i>Schedule</i>	<i>Appointed day</i>
1	25th January 1999
2	1st April 1999
3	6th May 1999
4	20th May 1999
5	1st April 2000

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(1) 1998 c. 46. The definition of “the principal appointed day” in section 126(1) contains a power which is relevant to the making of this order.

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**Principal Appointed Day**

3. The principal appointed day is 1st July 1999.

St Andrew's House,  
Edinburgh  
16th December 1998

*Donald C Dewar*  
Secretary of State for Scotland

## SCHEDULE 1

Article 2(2)

## PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 25TH JANUARY 1999

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 21(8)	Scottish Parliamentary Corporate Body	Only for the purpose of bringing into force the provisions of Schedule 2 specified in column 1 below
Section 37	Acts of Union	
Section 38(3)	Letters Patent and proclamations	
Section 51(4) and (7)	Civil Service	Only for the purpose of enabling any delegation of civil service management functions or any determination of payments to be made to come into force not earlier than 6th May 1999
Section 56(2)	Shared powers	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 1st July 1999
Section 60	Transfers of property etc. to the Scottish Ministers	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 1st July 1999
Section 62	Transfers of property etc. to the Lord Advocate	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 20th May 1999
Section 71(6)	Existing debt	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 1st July 1999
Section 88	Cross-border public authorities: initial status	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 1st July 1999
Section 97	Assistance for opposition parties	Only for the purpose of enabling subordinate legislation to be made to come

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
		into force not earlier than 6th May 1999
Section 103(3)	Judicial Committee	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 6th May 1999
Section 105	Power to make provision consequential upon the Act	
Section 106	Power to adapt functions	
Schedule 2, paragraphs 2(2) to (4) and 7	Transfers of property etc. to, and Crown status of, Scottish Parliamentary Corporate Body	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 6th May 1999

## SCHEDULE 2

Article 2(2)

## PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST APRIL 1999

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 64(1), (2) and (8)	Scottish Consolidated Fund	

## SCHEDULE 3

Article 2(2)

## PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 6TH MAY 1999

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Sections 19 to 22	Presiding Officer, administration and proceedings	
Section 23	Power to call for witnesses and documents	Only for the purpose of enabling the Parliament to require any member of the Scottish Executive or his staff to attend its proceedings for the purpose of giving evidence or to produce documents in his custody or under his control
Sections 24 to 26	Witnesses and documents: notice, offences and general	

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 30	Legislative competence: supplementary	
Section 38(1), (2), (4) to (6)	Letters Patent and proclamations	
Sections 40 to 43	Legal issues	
Sections 44 to 47, except section 44(1)(c)	The Scottish Executive, First Minister and Ministers	
Section 48(1)	Appointment and removal of the Scottish Law Officers	Only for the purpose of enabling the First Minister to recommend the appointment of the Lord Advocate and Solicitor General for Scotland to take effect from a date not earlier than 20th May 1999
Sections 49 to 51	Junior Scottish Ministers, validity of acts of Scottish Ministers and the Civil Service	
Section 52	Exercise of functions	For all purposes except so far as relating to the Lord Advocate
Section 57(2)	Community law and Convention rights	
Section 58	Power to prevent or require action	
Sections 59 and 60	Property and liabilities of, and transfers to, the Scottish Ministers	
Section 61(4)	Rights and liabilities of the First Minister	
Section 63	Power to transfer functions	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 1st July 1999
Section 69	The Auditor General for Scotland	
Part IV	The tax-varying power	
Sections 81 to 85	Remuneration of, and other provisions about, members of the Scottish Parliament and Executive	
Section 89	Power to adapt etc. cross-border public authorities	Only for the purpose of enabling subordinate

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
		legislation to be made to come into force not earlier than 1st July 1999
Section 92	Queen's Printer for Scotland	
Section 93	Agency arrangements	Only for the purpose of enabling subordinate legislation to be made to come into force not earlier than 1st July 1999
Section 96	Provision of information to the Treasury	
Section 97	Assistance for opposition parties	
Sections 98 to 100 and 103	Juridical	
Sections 108 to 111	Supplementary powers	
Section 123	Stamp Duty	For all purposes except so far as relating to the Lord Advocate
Section 125	Amendments and repeals	Only for the purpose of bringing into force the provisions of Schedule 8 specified in column 1 below
Schedule 2	Scottish Parliamentary Corporate Body	
Schedule 3	Standing orders: further provision	
Schedule 5	Reserved matters	
Schedule 6	Devolution issues	
In Schedule 8, paragraphs 13, 14, 18, 24, 25, 26, 28, 30, 31 and 33		

## SCHEDULE 4

Article 2(2)

## PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 20TH MAY 1999

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 27	Participation of the Scottish Law Officers	
Section 44(1)(c)	The Scottish Executive	

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<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 48	The Scottish Law Officers	
Section 52	Exercise of functions	
Section 57(3)	Community law and Convention rights	
Sections 61(1) to (3) and 62 Section 87	Property rights and liabilities of, and transfer to, the Lord Advocate The Advocate General for Scotland	
Section 123	Stamp duty	
Section 125	Amendments and repeals	Only for the purpose of bringing into force the provisions of Schedules 8 and 9 specified in column 1 below
In Schedule 8, paragraphs 2, 7 and 32		
In Schedule 9, the entries relating to the House of Commons Disqualification Act 1975 and the Ministerial and other Salaries Act 1975		

SCHEDULE 5

Article 2(2)

PROVISIONS OF THE ACT WHICH COME INTO FORCE ON 1ST APRIL 2000

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 120	Accounts and audit	
Section 125	Amendments	Only for the purpose of bringing into force the paragraph of Schedule 8 specified in column 1 below
In Schedule 8, paragraph 20		

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order appoints various days for the coming into force of all the provisions of the Scotland Act 1998 (c. 46) (“the Act”), except those which were brought into force on enactment by virtue of section 130(1) of that Act.

Article 2(1) provides that all the provisions of the Act, so far as not then in force, should come into force on 1st July 1999, except those specified in Schedule 5. Article 3 designates 1st July 1999 as the principal appointed day for the purposes of the Act. It is on this day that the Scottish Parliament will acquire its power to make laws and that functions will be transferred to Scottish Ministers.

Article 2(2) appoints the following days for the coming into force of various provisions of the Act, namely:

- (a) 25th January 1999 for the provisions in Schedule 1 which are mainly about the making of subordinate legislation;
- (b) 1st April 1999 for the provisions in Schedule 2 which are mainly about the establishment of the Scottish Consolidated Fund;
- (c) 6th May 1999 for the provisions in Schedule 3 which are mainly about the constitution, proceedings and administration of the Scottish Parliament;
- (d) 20th May 1999 for the provision in Schedule 4 which are mainly about the Scottish Law Officers; and
- (e) 1st April 2000 for the provisions in Schedule 5 which are mainly about the examination and auditing of accounts.