

*Changes to legislation:* There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: This Act. (See end of Document for details)

## SCHEDULES

### SCHEDULE 4

#### ENACTMENTS ETC. PROTECTED FROM MODIFICATION

##### **Modifications etc. (not altering text)**

- C1** Sch. 4 excluded by 1974 c. 53, Sch. 3 para. 9(1) (as inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 19, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 15)

#### **PART I**

##### THE PROTECTED PROVISIONS

###### *This Act*

- 4 (1) An Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, this Act.
- [<sup>F1</sup>(2) This paragraph does not apply to modifying—
- (a) the following sections in Part 1 (the Scottish Parliament)—
    - (i) section 1(2) to (5),
    - (ii) section 2(1), (2), (2B) and (3) to (6),
    - (iii) sections 3 to 12,
    - (iv) sections 13 to 22,
    - (v) sections 24 to 26,
    - (vi) section 27(1) and (2),
    - (vii) section 28(4) and (5),
    - (viii) section 31(3),
    - (ix) section 36(1)(a) and (b), and (2) and (3), and
    - (x) sections 38 to 42,
  - (b) the following sections in Part 2 (the Scottish Administration)—
    - (i) section 44(1)(a) to (c) and (2),
    - (ii) section 45(3) to (7),
    - (iii) section 46(1) to (3),
    - (iv) section 47(2) and (3)(b) to (e),
    - (v) section 48(2) to (4),
    - (vi) section 49(2), (3) and (4)(b) to (e), and
    - (vii) section 50,
  - (c) in Part 3 (financial provisions)—
    - (i) section 69(2) to (5), and
    - (ii) section 70(1) to (5) and (7) to (9),

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- (d) in Part 5 (miscellaneous and general), sections 81 to 83, 85, 91, 92(1), (2) and (4) to (6), 93, 94 and 97,
- (e) the following provisions in Part 6 (supplementary)—
  - (i) section 112(1) and (3) to (5), section 113 (except the application of subsection (9)), section 115 and Schedule 7 (so far as those sections and that Schedule apply to any power exercisable within devolved competence to make subordinate legislation),
  - (ii) sections 118, 120 and 121, and
  - (iii) section 124 (so far as that section applies to any power exercisable within devolved competence to make subordinate legislation),
- (f) Schedule 1 (constituencies, regions and regional members),
- (g) paragraphs 1, 2(1) and 3 to 6 of Schedule 2 (Scottish Parliamentary corporate body), and
- (h) paragraphs 1 to 6 of Schedule 3 (standing orders - further provision).]

F<sup>2</sup>(2A) . . . . .

F<sup>2</sup>(2B) . . . . .

F<sup>2</sup>(2C) . . . . .

- (3) This paragraph does not apply to modifying any provision of this Act (other than sections 64(7), 66(2), 71(7), 77, 78 and 119) which—
  - (a) charges any sum on the Scottish Consolidated Fund,
  - (b) requires any sum to be paid out of that Fund without further approval, <sup>F<sup>3</sup></sup> . . .
  - [<sup>F<sup>4</sup></sup>(c) requires any sum to be payable out of that Fund, or
  - (d)] requires or authorises the payment of any sum into that Fund.
- (4) This paragraph does not apply to any modifications of Part III which are necessary or expedient for the purpose or in consequence of the establishment of a new fund, in addition to the Scottish Consolidated Fund, out of which loans may be made by the Scottish Ministers.
- (5) This paragraph does not apply to—
  - (a) modifying so much of any enactment as is modified by this Act,
  - (b) repealing so much of any provision of this Act as amends any enactment, if the provision ceases to have effect in consequence of any enactment comprised in or made under an Act of the Scottish Parliament.

<b>Textual Amendments</b>	
<b>F1</b>	Sch. 4 para. 4(2) substituted (18.5.2017) by <a href="#">Scotland Act 2016 (c. 11)</a> , <b>ss. 12(2)</b> , 72(4)(a); S.I. 2017/608, <a href="#">reg. 2(1)(j)</a>
<b>F2</b>	Sch. 4 para. 4(2A)(2B)(2C) omitted (18.5.2017) by virtue of <a href="#">Scotland Act 2016 (c. 11)</a> , <b>ss. 10(4)</b> , 72(4)(a); S.I. 2017/608, <a href="#">reg. 2(1)(h)</a>
<b>F3</b>	Words in Sch. 4 Pt. I para. 4(3)(b)(c) left out (13.7.2000) by virtue of S.I. 2000/1831, <b>art. 3</b>
<b>F4</b>	Sch. 4 Pt. I para. 4(c) and word “(d)” inserted (13.7.2000) by S.I. 2000/1831, <b>art. 3</b>

F<sup>5</sup>4A . . . . .

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**Textual Amendments**

- F5** Sch. 4 para. 4A omitted (3.7.2012) by virtue of Scotland Act 2012 (c. 11), ss. 14(3), 44(5) (with s. 14(5)); S.I. 2012/1710, art. 2(g)

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