



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministers and their staff

51 The Civil Service

- (1) The Scottish Ministers may appoint persons to be members of the staff of the Scottish Administration.
- (2) Service as—
 - (a) the holder of any office in the Scottish Administration which is not a ministerial office, or
 - (b) a member of the staff of the Scottish Administration,shall be service in the Home Civil Service.
- (3) Subsection (1) and the other enactments conferring power to appoint such persons shall have effect subject to any provision made in relation to the Home Civil Service by or under any Order in Council.
- (4) Any Civil Service management function shall be exercisable by the Minister for the Civil Service in relation to the persons mentioned in subsection (2) as it is exercisable in relation to other members of the Home Civil Service; and, accordingly, section 1 of the Civil Service (Management Functions) Act 1992 (delegation of functions by Ministers) shall apply to any such function as extended by this section.
- (5) Any salary or allowances payable to or in respect of the persons mentioned in subsection (2) (including contributions to any pension scheme) shall be payable out of the Scottish Consolidated Fund.
- (6) Section 1(2) and (3) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes etc.) shall have effect as if references to a

Status: This is the original version (as it was originally enacted).

Minister of the Crown (other than the Minister for the Civil Service) included the Scottish Ministers.

- (7) The Scottish Ministers shall make payments to the Minister for the Civil Service, at such times as he may determine, of such amounts as he may determine in respect of—
- (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of persons who are or have been in such service as is mentioned in subsection (2), and
 - (b) any expenses to be incurred in administering those pensions, allowances or gratuities.
- (8) Amounts required for payments under subsection (7) shall be charged on the Scottish Consolidated Fund.
- (9) In this section—
- “Civil Service management function” means any function to which section 1 of the Civil Service (Management Functions) Act 1992 applies and which is vested in the Minister for the Civil Service,
 - “the Home Civil Service” means Her Majesty’s Home Civil Service.