



# Scotland Act 1998

## 1998 CHAPTER 46

### PART II

#### THE SCOTTISH ADMINISTRATION

##### *Ministerial functions*

#### **54 Devolved competence.**

- (1) References in this Act to the exercise of a function being within or outside devolved competence are to be read in accordance with this section.
- (2) It is outside devolved competence—
  - (a) to make any provision by subordinate legislation which would be outside the legislative competence of the Parliament if it were included in an Act of the Scottish Parliament, or
  - (b) to confirm or approve any subordinate legislation containing such provision.
- (3) In the case of any function other than a function of making, confirming or approving subordinate legislation, it is outside devolved competence to exercise the function (or exercise it in any way) so far as a provision of an Act of the Scottish Parliament conferring the function (or, as the case may be, conferring it so as to be exercisable in that way) would be outside the legislative competence of the Parliament.

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

- C1** S. 54 applied (S.) (6.4.2011) by [Interpretation and Legislative Reform \(Scotland\) Act 2010 \(asp 10\)](#), [ss. 27\(4\), 58\(3\)](#); S.S.I. 2011/17, [art. 3\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Scotland Act 1998, Section 54.