



Scotland Act 1998

1998 CHAPTER 46

PART II

THE SCOTTISH ADMINISTRATION

Ministerial functions

57 ^{F1}... **Convention rights** ^{F2}....

^{F3}(1)

(2) A member of the [^{F4}Scottish Government] has no power to make any subordinate legislation, or to do any other act, so far as the legislation or act is incompatible with any of the Convention rights ^{F5}....

(3) Subsection (2) does not apply to an act of the Lord Advocate—

- (a) in prosecuting any offence, or
- (b) in his capacity as head of the systems of criminal prosecution and investigation of deaths in Scotland,

^{F6}
...

^{F7}(4)

^{F7}(5)

^{F7}(6)

^{F7}(7)

^{F7}(8)

^{F7}(9)

^{F7}(10)

^{F7}(11)

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Section 57. (See end of Document for details)

- ^{F7}(12)
- ^{F7}(13)
- ^{F7}(14)
- ^{F7}(15)

Textual Amendments

- F1** Words in s. 57 heading omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 3 para. 13\(2\)\(a\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F2** Words in s. 57 heading omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018](#) (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), [2\(4\)\(a\)](#)
- F3** S. 57(1) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 3 para. 13\(2\)\(c\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F4** Words in Act substituted (3.7.2012) by [Scotland Act 2012](#) (c. 11), [ss. 12\(2\)\(a\)](#), 44(5) (with s. 12(3)); S.I. 2012/1710, art. 2(f)
- F5** Words in s. 57(2) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 3 para. 1\(a\)](#) (with s. 19, Sch. 8 paras. 37, 41, 42); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F6** Words in s. 57(3) omitted (22.4.2013) by virtue of [Scotland Act 2012](#) (c. 11), [ss. 36\(2\)](#), 44(5); S.I. 2013/6, art. 2(c)
- F7** S. 57(4)-(15) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018](#) (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), [2\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 57(2) restricted (1.3.2019) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), Sch. 8 para. 41(6)(9) (with s. 19, Sch. 8 para. 37); S.I. 2019/399, reg. 2
- C2** S. 57(2) excluded (19.5.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 64](#) (with s. 38(3)); S.I. 2020/518, reg. 2(p)(v)
- C3** S. 57(2) restricted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(6)(g), [Sch. 6 para. 12](#)
- C4** S. 57(2) excluded in part (6.5.2021) by [Trade Act 2021](#) (c. 10), [Sch. 3 para. 4](#); S.I. 2021/550, reg. 2(h)

Commencement Information

- I1** S. 57(1) in force at 1.7.1998, s. 52(2) in force at 6.5.1998, s. 57(3) in force at 20.5.1999 by S.I. 1998/3178, [arts. 2\(2\), 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 57.