

SCHEDULE 2

Article 3

ENACTMENTS CONFERRING FUNCTIONS EXERCISABLE CONCURRENTLY
BY THE SCOTTISH MINISTERS AND MINISTERS OF THE CROWN

Commencement Information

II Sch. 2 in force at 1.7.1999, see [art. 1\(1\)](#)

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The Police (Scotland) Act 1967 (c. 77), section 32A(1).	
The Sewerage (Scotland) Act 1968 (c. 47), sections 37B and 55(4)(2).	The functions shall be exercisable only after consultation with the Secretary of State.
The European Communities Act 1972 (c. 68), section 2(2) and the European Communities (Designation) Order 1988 (S.I.1988/785).	Only so far as the functions are exercisable in relation to the subject matter of Part III (electricity applications) of the Environmental Assessment (Scotland) Regulations 1988 (S.I. 1988/1221)(3).
The Control of Pollution Act 1974 (c. 40), sections 36(2B), 42A(1), 42A(2), 42A(4) and 105(3C)(4).	The functions shall be exercisable only after consultation with the Secretary of State.
The Water (Scotland) Act 1980 (c. 45), section 110A(4)(5).	The functions shall be exercisable only after consultation with the Secretary of State.
The Electricity Act 1989 (c. 29), section 98(1) and (2).	
The Broadcasting Act 1990 (c. 42), Schedule 1, paragraph 15(1), Schedule 8, paragraph 15(1) and Schedule 19, paragraph 12(3)(6).	
The Environmental Protection Act 1990 (c. 43), sections 21(1), 21(2), 21(4), 65(1), 65(2), 65(4) and 159(4).	The functions shall be exercisable only after consultation with the Secretary of State.
The Social Security Administration Act 1992 (c. 5), paragraph 7(1)(b) of Schedule 2(7).	Function of paying allowances only.
The Radioactive Substances Act 1993 (c. 12), sections 25(1), 25(2) and 39(1).	The functions shall be exercisable only after consultation with the Secretary of State.

(1) Section 32A was inserted by the Police and Magistrates' Courts Act 1994 (c. 29), section 56.

(2) Section 37B was inserted by the Local Government etc. (Scotland) Act 1994 (c. 39), section 103; section 55(4) is substituted by the Environment Act 1995 (c. 25), Schedule 21, paragraph 2; it has not yet been commenced.

(3) Part III was amended by S.I. 1990/526 and 1994/2012.

(4) Sections 36(2B) and 42A were added by the Environment Act 1995 (c. 25), Schedule 22 and section 105(3C) was added by Schedule 21 to that Act.

(5) Section 110A(4) was inserted by the Environment Act 1995 (c. 25), Schedule 21, paragraph 5. It has not yet been commenced.

(6) The functions under these enactments were modified by the Scotland Act 1998 (Modification of Functions) Order 1999 (S.I. 1999/1756).

(7) Schedule 2 is repealed (prospectively) by the Social Security Act 1998 (c. 14), Schedule 8.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
<p>The National Lottery etc. Act 1993 (c. 39)–</p> <p>(a) section 14(8);</p> <p>(b) (b) section 25C(5)(c) and (d) and (6)(9);</p> <p>(c) (c) sections 34, 35(4) and 39(3)(10); and</p> <p>(d) (d) section 43D(3)(11).</p>	
<p>The Railways Act 1993 (c. 43)–</p> <p>(a) sections 74(1) and (3), 75(1) and (2), 76(6)(a) and 79(1);</p> <p>(b) (b) section 137; and</p> <p>(c) (c) section 139(1), (2), (3), (5) and (6).</p>	<p>The functions shall be exercisable only after consultation with the Secretary of State.</p> <p>The functions shall be exercisable only after consultation with the Secretary of State.</p>
<p>The Local Government etc. (Scotland) Act 1994 (c. 39), section 117(1), (2) and (5).</p>	<p>The functions shall be exercisable only after consultation with the Secretary of State.</p>
<p>The Environment Act 1995 (c. 25), sections 113(2), 113(3) and 115(5).</p>	<p>The functions shall be exercisable only after consultation with the Secretary of State.</p>
<p>The Broadcasting Act 1996 (c. 55), section 125(1)(12).</p>	

- (8) Section 14 was amended by the National Lottery Act 1998 (c. 22), Schedule 1, paragraph 13. The functions under this enactment were modified by S.I. 1999/1756.
- (9) Section 25C was inserted by the National Lottery Act 1998, section 13; and section 25D by S.I. 1999/1756. These functions under section 25C were modified by S.I. 1999/1756.
- (10) The functions under these enactments were modified by S.I. 1999/1756.
- (11) Section 43D was inserted by the National Lottery Act 1998, section 7(2). The function under this enactment was modified by S.I. 1999/1756, which added subsection (6).
- (12) The function under this enactment was modified by S.I. 1999/1756.

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Changes and effects yet to be applied to :

- Sch. 2 words omitted by [2012 c. 11 s. 17\(10\)\(b\)](#)
- Sch. 2 words omitted by [S.I. 2013/602 Sch. 2 para. 78\(2\)](#)

Commencement Orders yet to be applied to the The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999

Commencement Orders bringing legislation that affects this Instrument into force:

- [S.I. 2007/598 art. 2Sch. 1](#) commences ([2006 c. 34](#))