

SCHEDULE 3

Article 4

ENACTMENTS CONFERRING FUNCTIONS TO BE EXERCISED SUBJECT TO AGREEMENT OF OR CONSULTATION WITH THE SCOTTISH MINISTERS

Commencement Information

II Sch. 3 in force at 1.7.1999, see [art. 1\(1\)](#)

<i>Column 1 Enactment</i>	<i>Column 2 Restrictions and requirements</i>
The Nuclear Installations Act 1965 (c. 57), sections 1(1)(b) and (2), 16(1) and (1A), 18(1B), 21(1A) and (3) and 22(1) and (2), and in section 26(1) the definitions of “excepted matter” and “nuclear matter”(1).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Medicines Act 1968 (c. 67), sections 2(2) and (4) and 4(5)(2).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Employment and Training Act 1973 (c. 50), section 2(3A)(3).	The power to give, vary or revoke directions shall be exercisable only with the agreement of the Scottish Ministers.
The Offshore Petroleum Development (Scotland) Act 1975 (c. 8), section 3.	The function shall be exercisable only after consultation with the Scottish Ministers.
The Sex Discrimination Act 1975 (c. 65), section 53(1), as read with section 53(1A)(4).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The Race Relations Act 1976 (c. 74), section 43(1), as read with section 43(1A)(5).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The National Heritage Act 1980 (c. 17), section 9(1) to (5), as read with section 9(8) and (9)(d)(6).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The Road Traffic Regulation Act 1984 (c. 27)– (a) section 17(2); (b) (b) sections 25(1) and 64(1)(a);	The functions other than those exercisable by the Scottish Ministers by virtue of article 2 of this Order shall be exercisable only after consultation with the Scottish Ministers. The functions shall be exercisable only after consultation with the Scottish Ministers.

- (1) Section 16(1) was amended and section 16(1A) inserted by the Energy Act 1983 (c. 25), section 27; section 18(1B) was inserted by that Act, section 28(2); section 21(1A) was inserted by that Act, section 29(2); section 26(1) was amended by that Act, section 32.
- (2) Functions under this enactment are treated as Exercisable in or as Regards Scotland for the purposes of section 63 of the 1998 Act by virtue of the Scotland Act 1998 (Functions exercisable in or as regards Scotland) Order 1999 (S.I.1999/1756).
- (3) Subsection (3A) was inserted in section 2 by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(1).
- (4) The function under this enactment was modified by the Scotland Act 1998 (Modification of Functions) Order 1999 S.I. 1999/1756 which inserted subsection (1A).
- (5) The function under this enactment was modified by S.I. 1999/1756, which inserted subsection (1A).
- (6) The function under this section was modified by S.I. 1999/1756, which added subsections (8) and (9).

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 Enactment</i>	<i>Column 2 Restrictions and requirements</i>
(c) (c) section 65(1);	The function of giving general directions with respect to traffic signs shall be exercisable only after consultation with the Scottish Ministers.
(d) (d) section 81(2);	The function shall be exercisable only after consultation with the Scottish Ministers.
(e) (e) section 85(2)(a); and	The function of giving general directions with respect to traffic signs to indicate speed limits shall be exercisable only after consultation with the Scottish Ministers.
(f) (f) sections 86(2) and 88(1) and (4).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Food and Environment Protection Act 1985 (c. 48), sections 5, 6, 7 and 10(1) and Schedule 3(7).	(a) (a) The functions of the licensing authority described in paragraph (b) (i) of the definition of “licensing authority” in section 24(1) shall, so far as they are exercisable in relation to the deposit of a marine structure, be exercisable only after consultation with the Scottish Ministers; and (b) the functions of the licensing authority described in paragraph(b) (ii)(8) of the definition of “licensing authority” in section 24(1) shall be exercisable only after consultation with the Scottish Ministers.
The Road Traffic Act 1988 (c. 52), section 36(5).	The function shall be exercisable only after consultation with the Scottish Ministers.
The Electricity Act 1989 (c. 29), sections 5(1) and 6(1) and (2).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Enterprise and New Towns (Scotland) Act 1990 (c. 35), section 14A(9).	The power to give a direction shall be exercisable only with the agreement of the Scottish Ministers.
The Broadcasting Act 1990 (c. 42)– (a) section 1(2)(b), as read with paragraph 2(3) of Schedule 1; and	The function of appointing a member of the Independent Television Commission suited to make the interests of Scotland his special care shall be exercisable only after consultation with the Scottish Ministers.
(b) (b) section 83(2)(b), as read with paragraph 2(1A) of Schedule 8(10).	The functions shall be exercisable only after consultation with the Scottish Ministers.

(7) Sections 5 and 6 were amended by the Environmental Protection Act 1990 (c. 43), section 146(2) and (3). The functions under sections 7 and 10 of the 1985 Act were modified by S.I. 1999/1756.

(8) Paragraph (b)(i) and (ii) was inserted by S.I. 1999/1756.

(9) Section 14A was inserted by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(5).

(10) The function under this enactment was modified by S.I. 1999/1756 which inserted paragraph 2(1A) of Schedule 8.

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<i>Column 1</i> <i>Enactment</i>	<i>Column 2</i> <i>Restrictions and requirements</i>
The National Lottery etc. Act 1993 (c. 39)– (a) section 26(1) and (2) as read with section 26A(2)(a), section 26(3A) as read with section 26A(1)(b)(11), section 28, section 43C(1) as read with section 43CC(2)(a)(12), and Schedule 3A, paragraph 2(1) and (2) as read with paragraph 2(6)(b)(13); (b) (b) section 29(1), (3), (4) and (5) as read with section 29(6)(a) and (b)(14); and (c) (c) Schedule 6A, paragraph 1(1) and (2)(15).	The functions shall be exercisable only after consultation with the Scottish Ministers. The functions shall be exercisable only with the agreement of the Scottish Ministers. The function shall be exercisable only with the agreement of the Scottish Ministers as regards appointment of a member of the New Opportunities Fund suited to make the interests of Scotland his special care.
The Merchant Shipping Act 1995 (c. 21), section 10(2)(f)(16).	The function, so far as exercisable in relation to fishing vessels, shall be exercisable only after consultation with the Scottish Ministers.
The Disability Discrimination Act 1995 (c. 50), paragraph 3(3), as read with paragraph 3(3A) of Schedule 5(17).	The function shall be exercisable only with the agreement of the Scottish Ministers.
The Reserve Forces Act 1996 (c. 14), sections 90(1) and (3) and 91(1) and (3)(18).	The functions shall be exercisable only after consultation with the Scottish Ministers.
The Broadcasting Act 1996 (c. 55), section 106(2)(c), as read with paragraph 3(1A) of Schedule 3(19).	The function shall be exercisable only after consultation with the Scottish Ministers.
The Petroleum Act 1998 (c. 17), sections 32(1), 33(1), 34(7), 35(1), 37(1) and 39(1).	The functions, so far as exercisable in relation to the abandonment of offshore installations in relevant waters in Scotland or in relevant waters which are adjacent to Scotland (within the meaning of the Food and Environment Protection Act 1985), shall be exercisable only after consultation with the Scottish Ministers.

(11) The functions under section 26 were adapted by S.I. 1999/1756, which inserted section 26A.

(12) Section 43C was inserted by the National Lottery Act 1998, section 7(2). The function under section 43C(1) was adapted by S.I. 1999/1756, which inserted section 43CC.

(13) Schedule 3A was inserted by the National Lottery Act 1998, section 12 and Schedule 3. The functions under paragraph 2(1) and (2) were adapted by S.I. 1999/1756, which added subparagraph (6).

(14) The functions under section 29 were adapted by the S.I. 1999/1756 Order, which added subsection (6).

(15) Schedule 6A was inserted by the National Lottery Act 1998, section 7 and Schedule 2.

(16) The function under this enactment was modified by S.I. 1999/1756.

(17) The function under this enactment was modified by S.I. 1999/1756.

(18) Function transferred from Lord Advocate to Secretary of State by the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678). Functions under this enactment are treated as Exercisable in or as Regards Scotland for the purposes of section 63 of the 1998 Act by virtue of the Scotland Act 1998 (Functions exercisable in or as regards Scotland) Order 1999 (S.I. 1999/1748).

(19) The function under this enactment was modified by S.I. 1999/1756, which inserted paragraph 3(1A).

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Changes and effects yet to be applied to :

- Sch. 3 entry omitted by [2016 c. 11 Sch. 2 para. 29\(a\)](#)
- Sch. 3 entry omitted by [2016 c. 11 Sch. 2 para. 29\(b\)](#)
- Sch. 3 words omitted by [2012 c. 11 s. 22\(2\)\(a\)](#)
- Sch. 3 words omitted by [2012 c. 11 s. 22\(2\)\(b\)](#)
- Sch. 3 words omitted by [S.I. 2016/562 Sch. 2 para. 8\(3\)](#)
- Sch. 3 words revoked by [2013 c. 32 Sch. 12 para. 30](#)

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](#))