

## SCHEDULE 2

### PART I

#### MODIFICATIONS OF ACTS OF PARLIAMENT

##### **Heritable Jurisdictions (Scotland) Act 1746 (c. 43)**

1. Section 43 of the Heritable Jurisdictions (Scotland) Act 1746 (Sheriff's fines abolished)(1) is omitted.

##### **Sea Fisheries Act 1868 (c. 45)**

2. In section 64 of the Sea Fisheries Act 1868 (application of penalties), at the end there is inserted "or, in relation to Scotland, shall be paid into the Scottish Consolidated Fund".

##### **Land Registers (Scotland) Act 1868 (c. 64)**

3.—(1) The Land Registers (Scotland) Act 1868 is amended as follows.

(2) In section 13 (no higher fees to be chargeable for writs registered for preservation and execution as well as publication), the words from "and the salaries" to the end are omitted.

(3) In section 25 (fees), "with the consent of the Treasury" is omitted.

##### **College Charter Act 1871 (c. 63)**

4. In section 2 of the College Charter Act 1871 (copy of college charter to be laid before Parliament), after "Houses of Parliament" there is inserted "or, in the case of an application in respect of a college or university which will have its principal establishment in Scotland, before the Scottish Parliament".

##### **Sea Fisheries Act 1883 (c. 22)**

5. In section 21(1) of the Sea Fisheries Act 1883 (application of fines), at the end there is inserted "or, in relation to Scotland, be paid into the Scottish Consolidated Fund".

##### **Sea Fisheries (Scotland) Amendment Act 1885 (c. 70)**

6.—(1) The Sea Fisheries (Scotland) Amendment Act 1885 is amended as follows.

(2) For "Secretary of State", in each place where it appears except the second reference to that term in section 7, there is substituted "Scottish Ministers".

(3) In section 2 (application), for "parts of the sea adjoining Scotland" there is substituted "Scottish zone; and in this Act, "the Scottish zone" has the same meaning as in the Scotland Act 1998".

(4) In sections 5 (identification of steam trawlers fishing off Scotland), 6 (power to require statistics of sea fisheries)(2) and 7 (compensation)(3) for "any part of the sea adjoining Scotland" there is substituted "the Scottish zone".

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(1) Functions of the Treasury under section 43 are now exercisable by the Secretary of State by virtue of [S.I. 1974/1274](#), article 2(4), Schedule.

(2) Section 6 was amended by the Reorganisation of Offices (Scotland) Act [1939 \(c. 20\)](#), section 1(6)(b), the Secretaries of State Act [1926 \(c. 18\)](#), section 1(3), S.R. & O. 1939/782, the Board of Agriculture and Fisheries Act [1903 \(c. 31\)](#), section 1(6), the Ministry of Agriculture and Fisheries Act [1919 \(c. 91\)](#), section 1(1), [S.I. 1955/554](#), the Sea Fisheries Act [1968 \(c. 77\)](#),

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(5) In section 7, for “an officer of the Secretary of State” there is substituted “a member of the staff of the Scottish Administration”.

#### **Universities (Scotland) Act 1889 (c. 55)**

7. In section 9 of the Universities (Scotland) Act 1889 (constitution of Scottish Universities Committee of Privy Council)(4) for “Secretary of State” there is substituted “First Minister”.

#### **Fisheries Act 1891 (c. 37)**

8. In section 6(1) of the Fisheries Act 1891 (construction, title and commencement of this Part of Act)(5) for “parts of the sea adjoining Scotland” there is substituted “Scottish zone within the meaning of the Scotland Act 1998”.

#### **Courts of Law Fees (Scotland) Act 1895 (c. 14)**

9. In section 2(1) of the Courts of Law Fees (Scotland) Act 1895 (power of Secretary of State to regulate court fees etc.)(6)

- (a) “with the concurrence of the Treasury” is omitted; and
- (b) in paragraph (a), for “out of the Consolidated Fund or out of moneys provided by Parliament” there is substituted “by the Scottish Ministers”.

#### **National Galleries of Scotland Act 1906 (c. 50)**

10. In the Schedule to the National Galleries of Scotland Act 1906 (further provision as to Board)(7)

- (a) in paragraph 4(5), “given with the Treasury’s consent” is omitted;
- (b) in paragraph 6, “with the Treasury’s approval” is omitted;
- (c) in paragraph 8(3), “with the Treasury’s consent” is omitted; and
- (d) in paragraph 8(5), for “Comptroller and Auditor General” there is substituted “Auditor General for Scotland”.

#### **Census Act 1920 (c. 41)**

11. In section 9 of the Census Act 1920 (application to Scotland)(8)–

- (a) in subsection (1) for “the Secretary of State” there is substituted “the Scottish Ministers”; and
- (b) after subsection (2) there is inserted–
  - “(3) The Scottish Parliament shall be substituted for references to Parliament or either House of Parliament.
  - (4) In section 2(3) “with the sanction of the Treasury” is omitted.”.

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Schedule 1, paragraph 26, the Criminal Procedure (Scotland) Act 1975 (c. 21), section 289(4), (5) and (8), the Fishery Limits Act 1976 (c. 86), section 2(8)(a).

(3) Section 7 was amended by the Reorganisation of Offices (Scotland) Act 1939 (c. 30), section 1(6)(b), the Sea Fisheries Act 1968 (c. 77), Schedule 1, paragraph 28, the Decimal Currency Act 1969 (c. 19), section 10(1), the Sheriff Courts (Scotland) Act 1971 (c. 58), section 4 and the Fishery Limits Act 1976 (c. 86), section 2(8)(a).

(4) Section 9 was amended by the Secretaries of State Act 1926 (c. 18), section 1(3).

(5) Section 6(1) was amended by the Sea Fisheries Act 1968 (c. 77), Schedule 2, Part II.

(6) Section 2 was substituted by the Divorce Jurisdiction, Court Fees and Legal Aid (Scotland) Act 1983 (c. 12), section 4.

(7) The Schedule was inserted by the National Heritage (Scotland) Act 1985 (c. 16), section 17.

(8) Section 9 was amended by the Statute Law (Repeals) Act 1993 (c. 50), Schedule 1, pt XVI, by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 10 and by S.I. 1996/273, Schedule 2.

### **Conveyancing (Scotland) Act 1924 (c. 27)**

12. In section 34 (service of notice)(9), for “Secretary of State” there is substituted “Scottish Ministers”.

### **National Library of Scotland Act 1925 (c. 73)**

13.—(1) The National Library of Scotland Act 1925 is amended as follows.

(2) In section 2A(2) (appointment of Librarian)(10), “given with the Treasury’s consent” is omitted.

(3) In the Schedule (constitution and proceedings of Board)(11)—

- (a) in paragraph 1 for “The Secretary of State” and “The Member of Parliament for Edinburgh Central” there is substituted respectively “A member of the Scottish Executive” and “The Member of the Scottish Parliament for Edinburgh Central”;
- (b) in paragraph 8(3) “with the Treasury’s consent” is omitted; and
- (c) in paragraph 8(5) for “Comptroller and Auditor General” there is substituted “Auditor General for Scotland”.

### **Sheriff Courts and Legal Officers (Scotland) Act 1927 (c. 35)**

14.—(1) The Sheriff Courts and Legal Officers (Scotland) Act 1927 is amended as follows.

(2) Section 6 (tenure of whole-time officers)(12) is omitted.

(3) In section 12 (prosecutions at instance of procurator fiscal)(13), the words from “and, where” to the end are omitted.

(4) Section 13 (expenses) is omitted.

### **Administration of Justice (Scotland) Act 1933 (c. 41)**

15.—(1) The Administration of Justice (Scotland) Act 1933 is amended as follows.

(2) In section 23(1) (appointment of clerks in the Court of Justiciary), for “Secretary of State” there is substituted “Scottish Ministers”.

(3) In section 24 (appointment of officers of the Court of Session)(14)—

- (a) in subsection (1)—
  - (i) for “Secretary of State” there is substituted “Scottish Ministers”;
  - (ii) for “he” there is substituted “they”; and
  - (iii) “, with the sanction of the Treasury as to numbers,” is omitted; and
- (b) in subsection (7)—
  - (i) for “Secretary of State” in each place where it appears there is substituted “Scottish Ministers”; and
  - (ii) for “him” there is substituted “them”.

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(9) Section 34 was amended by the Conveyancing and Feudal Reform (Scotland) Act 1970 (c. 35), section 34 and the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), article 4.

(10) Section 2A was inserted by the National Heritage (Scotland) Act 1985 (c. 16), section 18(4).

(11) Paragraph 1 of the Schedule was substituted, and paragraph 8 inserted, by the National Heritage (Scotland) Act 1985, section 18(5) and (6) respectively.

(12) Section 6 was amended by the Superannuation Act 1972 (c. 11), Schedule 6, paragraph 10.

(13) Section 12 was amended by the Scotland Act 1998 (c. 46), Schedule 9.

(14) Section 24 was amended by the Scotland Act 1998 (c. 46), Schedule 9.

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- (4) In section 25 (appointment of Principal Clerk of Justiciary, &c.)(15), for “Secretary of State” there is substituted “Scottish Ministers”.
- (5) In section 26 (age limit for officers of High Court of Justiciary and Court of Session)–
- (a) for “Secretary of State” in each place where it appears there is substituted “Scottish Ministers”;
  - (b) for “any office” there is substituted “the office of Auditor of the Court of Session”;
  - (c) for “considers” there is substituted “consider”;
  - (d) for “he” in the second and third place where it appears there is substituted “they”; and
  - (e) “, with the approval of the Treasury,” is omitted.
- (6) In section 27 (remuneration of officers of High Court of Justiciary and Court of Session)(16)–
- (a) in subsection (1)–
    - (i) for “Secretary of State” in each place where it appears there is substituted “Scottish Ministers”; and
    - (ii) for the words after “President” there is substituted “, from time to time determine”; and
  - (b) in subsection (2), for “Treasury” there is substituted “Scottish Ministers”.
- (7) In section 28 (regulations for admission of officers of High Court of Justiciary and Court of Session)(17)–
- (a) for “Secretary of State” where it first appears there is substituted “Scottish Ministers”;
  - (b) “and with the concurrence of the Treasury and the Civil Service Commissioners” is omitted; and
  - (c) for the words after “admitted to” there is substituted “the office of Auditor of the Court of Session”.

### **Harbours, Piers and Ferries (Scotland) Act 1937 (c. 28)**

- 16.** In section 20 of the Harbours, Piers and Ferries (Scotland) Act 1937 (discontinuance of marine work)–
- (a) in subsection (1) the words from “given after consultation” to the end are omitted; and
  - (b) in subsection (2) the proviso is omitted.

### **Public Records (Scotland) Act 1937(c. 43)**

- 17.**—(1) The Public Records (Scotland) Act 1937 is amended as follows.
- (2) In section 5(3) (provision for transfer of departmental and local authority records to the Keeper)–
- (a) after the word “received” there is inserted “or to any part of the Scottish Administration”; and
  - (b) after the word “person”, where it appears for the second time, there is inserted “or of such part of the Scottish Administration”.
- (3) In section 11 (catalogues, &c. of records) “, with the consent of the Treasury,” is omitted.

(15) Section 25 was amended by the Public Records (Scotland) Act 1937 (c. 43), Schedule 2 and by the Scotland Act 1998 (c. 46), Schedule 9.

(16) Section 27(1) was amended by the Statute Law (Repeals) Act 1981 (c. 19), Schedule 1, Part I.

(17) Section 28 was amended by the Superannuation Act 1972 (c. 11), Schedule 6, paragraph 12.

### **Statistics of Trade Act 1947 (c. 39)**

**18.** For section 9(1)(a) of the Statistics of Trade Act 1947 (disclosure of information) there is substituted—

- “(a) where the estimates, returns or information are in the possession of a government department and the Minister in charge of the department so directs, to a government department or the Scottish Ministers for the purposes of the exercise by the department or, as the case may be, the Scottish Ministers of any of their functions,
- (aa) where the estimates, returns or information are in the possession of the Scottish Administration and the Scottish Ministers so direct, to a government department for the purposes of the exercise by the department of any of their functions.”.

### **Fire Services Act 1947 (c. 41)**

**19.**—(1) The Fire Services Act 1947 is amended as follows.

(2) In section 23 (training centres), after subsection (1) there is inserted—

“(1A) The Scottish Ministers may arrange for members of fire brigades to attend such courses at the central training institution.”.

(3) The function under subsection (1)(a) of section 23 is not transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

### **Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)**

**20.**—(1) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 is amended as follows.

(2) In section 3(4) (power to extinguish certain public rights of way over land acquired), for “appropriate Minister” there is substituted “Scottish Ministers”.

(3) Section 7(2) (interpretation) is omitted.

(4) In Part III of the First Schedule (special provisions as to certain descriptions of land), in paragraph 10 for “appropriate Minister” where the words first appear there is substituted “Scottish Ministers”, for “appropriate Minister is”, in each place where those words appear, there is substituted “Scottish Ministers are” and for “he is” there is substituted “they are”.

### **Crown Proceedings Act 1947 (c. 44)**

**21.** In section 2(6) of the Crown Proceedings Act 1947 (liability of the Crown in tort), after “Parliament” there is inserted “the Scottish Consolidated Fund”.

### **Public Registers and Records (Scotland) Act 1948 (c. 57)**

**22.** In section 1 of the Public Registers and Records (Scotland) Act 1948 (substitution of a Keeper of the Registers and a Keeper of the Records for the Keeper of the Registers and Records for Scotland)—

- (a) subsections (4) and (5) are omitted; and
- (b) in subsection (6) for “Secretary of State” there is substituted “Scottish Ministers”.

### **Juries Act 1949 (c. 27)**

**23.**—(1) The Juries Act 1949 is amended as follows.

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(2) In section 24(1) (payments in respect of jury service in Scotland)(18), “with the consent of the Minister for Civil Service” is omitted.

(3) In sections 26(1) (fee payable by party applying for jury trial in civil cause)(19) and 32(1) (interpretation of Part II), “with the consent of the Treasury” is omitted.

#### **Coast Protection Act 1949 (c. 74)**

**24.**—(1) The Coast Protection Act 1949 is amended as follows.

(2) In section 17 (notification to coast protection authority of coast protection work to be carried out by certain authorities)(20), as it applies to Scotland—

- (a) in subsection (3)(b), for “Minister” there is substituted “Scottish Ministers”;
- (b) in subsection (4)—
  - (i) for “Minister and any other Minister being a Minister concerned”, there is substituted “Scottish Ministers”; and
  - (ii) for “said Ministers”, there is substituted “Scottish Ministers”;
- (c) in subsection (5), for “appropriate Minister”, in both places where those words appear, there is substituted “Scottish Ministers”; and
- (d) subsections (8) to (10) are omitted.

(3) In section 21(3) (Exchequer grants)(21), before paragraph (a) there is inserted—

- “(za) subsection (1) shall have effect as if the words “Subject to such conditions as the Treasury may determine” were omitted;”.

#### **Registered Designs Act 1949 (c. 88)**

**25.** In section 45 of the Registered Designs Act 1949 (application to Scotland), after subsection (3) there is inserted—

- “(4) References to the Crown shall be construed as including references to the Crown in right of the Scottish Administration.”.

#### **Civil List Act 1952 (c. 37)**

**26.** In section 1 of the Civil List Act 1952 (payment of hereditary revenues to the Exchequer)—

- (a) at the beginning there is inserted “(1) Subject to subsection (2) below,”; and
- (b) at the end there is inserted—
  - “(2) In relation to Scotland, the hereditary revenues of the Crown from *bona vacantia*, *ultimus haeres* and treasure trove shall be paid into the Scottish Consolidated Fund.”.

#### **Historic Buildings and Ancient Monuments Act 1953 (c. 49)**

**27.** In section 2 of the Historic Buildings and Ancient Monuments Act 1953 (Historic Buildings Council for Scotland)—

(18) Section 24 was substituted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), Schedule 2.

(19) Section 26 was amended by the Divorce Jurisdiction and Legal Aid (Scotland) Act 1982 (c. 12), Schedule 1, paragraph 9 and Schedule 2.

(20) Section 17 was amended by S.I. 1955/554, the Water Resources Act 1963 (c. 38), Schedule 3, paragraph 4, and the Roads (Scotland) Act 1984 (c. 54), Schedule 9, paragraph 38(2).

(21) Section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 29, paragraph 17, the Southern Water Authority Act 1980 (c. xxxviii), section 18(1) and Schedule 1, Part I, and the Roads (Scotland) Act 1984 (c. 54), section 156(1), Schedule 19, paragraph 38(4).

- (a) in subsection (5), after “House of Commons”, in each place where those words appear, there is inserted “or the Scottish Parliament”; and
- (b) in subsections (5) and (6) “out of moneys provided by Parliament” and “with the approval of the Treasury” are omitted.

#### **Atomic Energy Authority Act 1954 (c. 32)**

**28.** In section 6(3)(c) of the Atomic Energy Authority Act 1954 (miscellaneous provision as to the Authority), at the end there is added “or a member of staff of the Scottish Administration specially authorised in that behalf by or on behalf of the Scottish Ministers,”.

#### **Building (Scotland) Act 1959 (c. 24)**

**29.**—(1) The Building (Scotland) Act 1959 is amended as follows.

(2) For “Secretary of State”, in each place in the Act where those words appear, there is substituted “Scottish Ministers”.

(3) In section 12(3) (Building Standards Advisory Committee), “with the approval of the Minister for the Civil Service” is omitted.

#### **Town and Country Planning (Scotland) Act 1959 (c. 70)**

**30.** In section 54(1) of the Town and Country Planning (Scotland) Act 1959 (interpretation)(**22**), in the definition of “grant-aided function”, after “Parliament” there is inserted “or out of money paid out of the Scottish Consolidated Fund”.

#### **Highlands and Islands Shipping Services Act 1960 (c. 31)**

**31** In section 2 of the Highlands and Islands Shipping Services Act 1960 (advances and charter of ships), after subsection (3) there is inserted—

“(4) In the application of subsection (3) to any advance proposed to be made by the Scottish Ministers, the reference to an undertaking being laid in draft before Parliament and approved by the House of Commons shall be a reference to an undertaking being laid in draft before and approved by the Scottish Parliament.”.

#### **Flood Prevention (Scotland) Act 1961 (c. 41)**

**32.** In section 13(1) of the Flood Prevention (Scotland) Act 1961 (financial provisions), “with the consent of the Treasury”, in each place where those words occur, is omitted.

#### **Sea Fish Industry Act 1962 (c. 31)**

**33.** In section 33(2) of the Sea Fish Industry Act 1962 (interpretation)(**23**)—

- (a) in paragraph (b), “the said Secretary of State” is omitted;
- (b) in paragraph (c), the words from “the Secretary” to “Scotland” are omitted; and
- (c) at the end there is inserted “and, in relation to Scotland, “the Ministers”, and any reference to one of the Ministers, means the Scottish Ministers”.

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(22) Section 54(1) was amended by the Local Government (Scotland) Act 1966 (c. 51), Schedule 5, paragraph 5 and the Housing (Financial Provisions) (Scotland) Act 1972 (c. 46), Schedule 11, Part III.

(23) Section 33(2) was amended by the Sea Fish (Conservation) Act 1967 (c. 84), Schedule and the Sea Fish Industry Act 1970 (c. 11), Schedule 6, Part I.



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### **Harbours Act 1964 (c. 40)**

**34.** In section 36 of the Harbours Act 1964 (section 31 not to apply to charges at certain harbours), at the end of paragraph (c) there is inserted “or by the Scottish Ministers”.

### **Teaching Council (Scotland) Act 1965 (c. 19)**

**35.** In section 15 of the Teaching Council (Scotland) Act 1965 (financial provisions)–

- (a) in subsection (3) “, with the approval of the Treasury” is omitted; and
- (b) subsection (5) is omitted.

### **Law Commissions Act 1965 (c. 22)**

**36.**—(1) The Law Commissions Act 1965<sup>(24)</sup> is amended as follows.

(2) In section 2(1), (2) and (3) (the Scottish Law Commission)<sup>(25)</sup>, for “Lord Advocate”, in each place where those words appear, there is substituted “Scottish Ministers”.

(3) In section 3 (functions of the Commissions)–

- (a) in subsection (1)(e), after “Government” there is inserted “of the United Kingdom or the Scottish Administration”; and
- (b) after subsection (3), there is inserted–

“(3A) Subsections (2) and (3) of this section shall have effect in relation to the Scottish Law Commission with the substitution of “the Scottish Parliament” for “Parliament”.”.

(4) In section 4 (remuneration and pensions of Commissioners)–

- (a) in subsection (1), “and the Scottish Law Commission” and “or the Lord Advocate, as the case may be” are omitted;
- (b) after subsection (1) there is inserted–

“(1A) There shall be paid to the Commissioners of the Scottish Law Commission, other than a Commissioner who holds high judicial office, such salaries or remuneration as may be determined by the Scottish Ministers.”;

- (c) in subsection (3), for “the Lord Chancellor or the Lord Advocate, as the case may be, shall lay before each House of Parliament”, there is substituted–

“(a) in the case of the Law Commission, the Lord Chancellor shall lay before each House of Parliament; and

(b) in the case of the Scottish Law Commission, the Scottish Ministers shall lay before the Scottish Parliament.”;

- (d) in subsection (4), there is inserted at the beginning–

“In the case of the Law Commission,”; and

- (e) after subsection (4) there is inserted–

“(5) In the case of the Scottish Law Commission, the salaries or remuneration of the Commissioners, and any sums payable to or in respect of the Commissioners under subsection (2) of this section, shall be paid by the Scottish Ministers.”.

(5) In section 5 (staff and expenses)–

- (a) in subsection (1) “and the Lord Advocate may appoint such officers and servants of the Scottish Law Commission” is omitted;

<sup>(24)</sup> The references to the Lord Advocate in this Act have effect as references to the Secretary of State by virtue of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678).

<sup>(25)</sup> Section 2 was amended by S.I. 1972/2002.



(b) after subsection (1) there is inserted—

“(1A) The Scottish Ministers may appoint such officers and servants of the Scottish Law Commission as they may determine.”;

(c) in subsection (4), “and the Scottish Law Commission” is omitted; and

(d) after subsection (4) there is inserted—

“(5) The expenses of the Scottish Law Commission, including the remuneration of its officers and servants appointed under this section, shall be paid by the Scottish Ministers.”.

(6) In section 6(2) (supplemental), for “and the Lord Advocate”, there is substituted “the Scottish Ministers”.

### **Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)**

**37.**—(1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is amended as follows.

(2) In section 2(1) (Registrar General’s staff)(**26**) “, subject to the consent of the Minister for the Civil Service as to number” is omitted.

(3) In section 3(3) (General Register Office), for “Secretary of State” there is substituted “Scottish Ministers”.

(4) Section 4 (salaries, receipts and expenses)(**27**) is omitted.

### **Nuclear Installations Act 1965 (c. 57)**

**38.**—(1) The Nuclear Installations Act 1965 is amended as follows.

(2) In section 16(3)(ii) (satisfaction of claims by virtue of sections 7 to 10), at the end there is inserted “or where the government department concerned is a part of the Scottish Administration the Scottish Ministers”.

(3) In section 21(4)(c) (supplementary provisions with respect to cover for compensation in respect of carriage), at the end there is inserted “or in relation to any part of the Scottish Administration the Scottish Ministers”.

(4) In section 24(3) (recovery by Secretary of State of expenses incurred in connection with the enforcement and execution of the Act)(**28**), at the end there is inserted “and except that in so far as sums so repaid relate to expenses incurred by the Scottish Administration they shall be paid to the Scottish Ministers.”.

(5) In paragraph 3(2)(d) of Schedule 1 (security provisions applicable by order under section 2), at the end there is inserted “or a member of the staff of the Scottish Administration specially authorised in that behalf by or on behalf of the Scottish Ministers”.

### **Parliamentary Commissioner Act 1967 (c. 13)**

**39.**—(1) The Parliamentary Commissioner Act 1967 is amended as follows.

(2) In section 4 (departments etc. subject to investigation)(**29**), for subsection (3B) there is substituted—

“(3B) No entry shall be made in respect of—

(a) the Scottish Administration of any part of it;

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(26) Section 2(1) was amended by [S.I. 1968/1656](#).

(27) Section 4(1) was amended by [S.I. 1968/1656](#).

(28) Section 24 was substituted by [S.I. 1974/2056](#) and amended by the Atomic Energy Act 1989 ([c. 7](#)), section 6(1).

(29) Subsection (3B) of section 4 was inserted by [S.I. 1999/1042](#).

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- (b) any Scottish public authority with mixed functions or no reserved functions within the meaning of the Scotland Act 1998; or
  - (c) the Scottish Parliamentary Corporate Body.”.
- (3) In section 5 (matters subject to investigation)–
  - (a) after subsection (5) there is inserted–
 

“(5A) For the purposes of this section, administrative functions of a government department to which this Act applies include functions exercised by the department on behalf of the Scottish Ministers by virtue of section 93 of the Scotland Act 1998.

(5B) The Commissioner shall not conduct an investigation under this Act in respect of any action concerning Scotland and not relating to reserved matters which is taken by or on behalf of a cross-border public authority within the meaning of the Scotland Act 1998.”; and
  - (b) after subsection (9) there is inserted–
 

“(9A) No entry shall be made in the said Schedule 4 in respect of the holder of any office in the Scottish Administration which is not a ministerial office or in respect of any Scottish public authority with mixed functions or no reserved functions within the meaning of the Scotland Act 1998.”.
- (4) For section 6(1)(b) (provisions relating to complaints), there is substituted–
 

“(b) any other authority or body within subsection (1A) below.

(1A) An authority or body is within this subsection if–

  - (a) its members are appointed by–
    - (i) Her Majesty;
    - (ii) any Minister of the Crown;
    - (iii) any government department;
    - (iv) the Scottish Ministers;
    - (v) the First Minister; or
    - (vi) the Lord Advocate, or
  - (b) its revenues consist wholly or mainly of–
    - (i) money provided by Parliament; or
    - (ii) sums payable out of the Scottish Consolidated Fund (directly or indirectly).”.
- (5) In Schedule 2 (departments etc. subject to investigation by Parliamentary Commissioner)(**30**)–
  - (a) the following entries are omitted–
    - the entries relating to–
    - the Accounts Commission for Scotland(**31**),
    - the Scottish Arts Council(**32**),
    - the Crofters Commission,
    - the Deer Commission for Scotland(**33**),

(30) Schedule 2 was substituted by the Parliamentary and Health Service Commissioners Act 1987 (c. 39), section 1(2) and Schedule 1.

(31) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(32) Inserted in Schedule 2 by S.I. 1995/1615, article 2.

(33) Inserted in Schedule 2 by the Deer (Amendment) (Scotland) Act 1996 (c. 44), section 13, Schedule 1, paragraph 3.

the General Teaching Council for Scotland(34),  
the Local Government Boundary Commission for Scotland(34),  
the National Galleries of Scotland(34),  
the National Library of Scotland(35),  
the National Museums of Scotland(35),  
the Parole Board for Scotland(35),  
the Department of the Registers of Scotland,  
General Register Office, Scotland,  
the Royal Botanic Garden, Edinburgh(35),  
the Royal Commission on the Ancient and Historical Monuments of Scotland(35),  
the Scottish Agricultural Wages Board(35),  
the Scottish Children's Reporter Administration(35),  
the Scottish Community Education Council(35),  
the Scottish Consultative Council on the Curriculum(35),  
the Scottish Council for Educational Technology(35),  
Scottish Courts Administration,  
the Scottish Environment Protection Agency(36),  
the Scottish Further Education Funding Council(37),  
the Scottish Further Education Unit(37),  
the Scottish Higher Education Funding Council(37),  
Scottish Homes(38),  
the Scottish Legal Aid Board(39),  
the Scottish Medical Practices Committee,  
Scottish Natural Heritage(40),  
the Scottish Office,  
the Scottish Record Office,  
the Scottish Qualifications Authority(41),

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(34) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(34) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(34) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(35) Inserted in Schedule 2 by S.I. 1999/277, article 2.

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(35) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(36) Inserted in Schedule 2 by the Environment Act 1995 (c. 25), section 120 and Schedule 22, paragraph 11.

(37) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(37) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(37) Inserted in Schedule 2 by S.I. 1999/277, article 2.

(38) Inserted in Schedule 2 by the Housing (Scotland) Act 1988 (c. 43), sections 1 and 3 and Schedule 2, paragraph 2.

(39) Inserted in Schedule 2 by S.I. 1988/585, article 2.

(40) Inserted in Schedule 2 by the Natural Heritage (Scotland) Act 1991 (c. 28), section 27(1) and Schedule 10, paragraph 3.

(41) Inserted in Schedule 2 by S.I. 1999/277, article 2.

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Scottish Screen Limited<sup>(41)</sup>,  
the Scottish Sports Council,  
the Scottish Studentship Selection Committee<sup>(41)</sup>,  
the Scottish Tourist Board,  
the Scottish Water and Sewerage Customers' Council<sup>(41)</sup>; and

(b) the following entry shall be inserted at the appropriate place—

“Office of the Secretary of State for Scotland”.

(6) In Schedule 4 (relevant tribunals for purposes of section 5(7))<sup>(42)</sup>, the following entries are omitted—

the entries relating to—  
the Court of the Lord Lyon,  
the Dairy Produce Quota Tribunal for Scotland,  
the Independent Schools Tribunals for Scotland,  
the Lands Tribunal for Scotland,  
Rent Assessment Committees for Scotland,  
the Scottish Land Court,

and, at the end of the entry relating to the Meat Hygiene Appeals Tribunal there is inserted the words “other than a Tribunal any of whose members was appointed by the Secretary of State for Scotland or by the Scottish Ministers”.

### **Slaughter of Poultry Act 1967 (c. 24)**

**40.** In section 3A of the Slaughter of Poultry Act 1967 (codes of practice)<sup>(43)</sup>, after subsection (7) there is inserted—

“(8) In relation to the exercise by the Scottish Ministers of functions under this section—

- (a) references to Parliament or to either or both Houses of Parliament shall be read as if they were references to the Scottish Parliament;
- (b) subsection (4)(a) shall cease to have effect; and
- (c) in subsection (4)(b) the reference to any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days shall be read as if it were a reference to any time during which the Scottish Parliament is dissolved or is in recess for more than four days.”.

### **Police (Scotland) Act 1967 (c. 77)**

**41.**—(1) The Police (Scotland) Act 1967 is amended as follows.

(2) In section 32 (police grant)<sup>(44)</sup>—

- (a) in subsection (3), for “Secretary of State shall with the approval of the Treasury” there is substituted “Scottish Ministers shall”; and

<sup>(41)</sup> Inserted in Schedule 2 by [S.I. 1999/277](#), article 2.

<sup>(41)</sup> Inserted in Schedule 2 by [S.I. 1999/277](#), article 2.

<sup>(41)</sup> Inserted in Schedule 2 by [S.I. 1999/277](#), article 2.

<sup>(42)</sup> Schedule 4 was inserted by the Parliamentary Commissioner Act 1994 (c. 14), section 1(3) and amended by [S.I. 1996/1914](#).

<sup>(43)</sup> Section 3A was inserted by the Animal Health and Welfare Act 1984 (c. 40), section 7.

<sup>(44)</sup> Section 32 was substituted by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 45.

- (b) in subsection (5), for “Secretary of State may with the approval of the Treasury”, there is substituted “Scottish Ministers may”.
- (3) In section 33 (inspectors of constabulary)—
  - (a) in subsection (1), for “Secretary of State with the consent of the Treasury”, there is substituted “Scottish Ministers”;
  - (b) in subsection (2), for the word “Treasury” there is substituted “Scottish Ministers”; and
  - (c) in subsection (4), for “Secretary of State” in each place where the words appear, there is substituted “Scottish Ministers”.
- (4) In section 34 (assistant inspectors and staff officers), in subsection (2) for “Secretary of State may, with the consent of the Treasury,” there is substituted “Scottish Ministers may”.

### **Sea Fisheries (Shellfish) Act 1967 (c. 83)**

**42.**—(1) The Sea Fisheries (Shellfish) Act 1967 is amended as follows.

- (2) In section 1 (power to make orders as to fisheries for shellfish)(**45**)—
  - (a) in subsection (1), for “Great Britain” there is substituted “England and Wales”;
  - (b) after subsection (1) there is inserted—

“(1A) Subsection (1) above has effect in relation to Scotland, with the modification that for “waters adjacent to England and Wales to” there is substituted “that part of the Scottish zone within”.”.
- (3) In section 6 (report to Parliament), at the end there is inserted “or, in the case of a report in relation to Scotland, before the Scottish Parliament”.
- (4) In section 8 (proof of certain matters), after “department” there is inserted “or, as regards Scotland, signed by a member of the staff of the Scottish Administration”.
- (5) In section 9 (grants and loans for restoration of fisheries), after subsection (1) there is inserted—

“(1A) Subsection (1) above has effect in relation to Scotland with the modification that the words “with the approval of the Treasury” are omitted.”.
- (6) In section 12 (power to prohibit deposit of shellfish)—
  - (a) in subsection (2)(a), for “Great Britain” there is substituted “England and Wales”; and
  - (b) after subsection (2) there is inserted—

“(2A) Subsection (2) above has effect in relation to Scotland with the modification that in paragraph (a) for “adjacent to England and Wales” there is substituted “within the Scottish zone”.”.
- (7) In section 13 (power to prohibit importation of shellfish in certain cases)(**46**)—
  - (a) in subsection (4), for “Great Britain” there is substituted “England and Wales”; and
  - (b) after subsection (4) there is inserted—

“(5) This section has effect in relation to Scotland with the modification that in subsection (4) for “England and Wales” there is substituted “Scotland”.”.
- (8) In section 17 (taking and sale of certain crabs and lobsters prohibited)(**47**)—
  - (a) in subsection (3), for “Great Britain” there is substituted “England and Wales”; and
  - (b) after subsection (3) there is inserted—

(45) Section 1 was amended by the Sea Fisheries Act 1968 (c. 77), section 15(2) and the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 15.

(46) Section 13 was amended by S.I. 1972/971 and the Hovercraft Act 1968 (c. 59), Schedule, paragraph 4.

(47) Section 17 was amended by S.I. 1978/272 and the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 8.

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“(3A) Subsection (3) of this section has effect in relation to Scotland, with the modifications that—

- (a) for “Minister and the Secretary of State for Scotland and the Secretary of State for Wales” there is substituted “Scottish Ministers”; and
- (b) for “England and Wales” there is substituted “Scotland”.”.

(9) In section 20 (orders and regulations)—

- (a) in subsection (2), at the end there is inserted “or, in the case of an order in relation to Scotland, the Scottish Parliament”; and
- (b) in subsection (3), at the end there is inserted “or, in the case of an order in relation to Scotland, the Scottish Parliament”.

(10) In section 22 (interpretation)—

- (a) in subsection (1), for “Secretary of State” there is substituted “Scottish Ministers”; and
- (b) in subsection (2), there is inserted in the appropriate place—  
““the Scottish zone” has the same meaning as in the Scotland Act 1998.”.

### **Sea Fish (Conservation) Act 1967 (c. 84)**

**43.**—(1) The Sea Fish (Conservation) Act 1967 is amended as follows.

(2) In that Act—

- (a) for “Great Britain”, in each place where it appears, there is substituted “England and Wales”; and
- (b) before “British fishery limits”, “British fishing boat” or “British fishing boats”, in each place where it appears, there is inserted “relevant”.

(3) In section 1 (size limits, etc. for fish)(**48**)—

- (a) in subsection (3), after “by any” there is inserted “Scottish or”;
- (b) in subsection (8), after “relevant British fishing boat” there is inserted “or a Scottish fishing boat”; and
- (c) in subsection (9)(**49**)—
  - (i) in the definition of “relevant British fishing boat”, after “a fishing boat” there is inserted “which is not a Scottish fishing boat and”; and
  - (ii) in the definition of “foreign fishing boat”, after “relevant British fishing boat” there is inserted “or a Scottish fishing boat”.

(4) In section 3(2) (regulation of nets and other fishing gear), after “by” there is inserted “Scottish fishing boats or”.

(5) In section 4 (licensing of fishing boats)(**50**)—

- (a) in subsection (1)(a) for “(whether British or foreign)” there is substituted “(whether relevant British fishing boats, Scottish fishing boats or foreign fishing boats)”.
- (b) in subsection (12)—
  - (i) in the definition of “relevant British fishing boat”, after “a fishing boat” there is inserted “which is not a Scottish fishing boat and”; and

(48) Section 1 was substituted by the Fisheries Act 1981 (c. 29), section 19(1).

(49) Section 1(9) was substituted by the Merchant Shipping Act 1995 (c. 21), section 314 and Schedule 13, paragraph 38.

(50) Section 4 was substituted by the Fishery Limits Act 1976 (c. 86), section 3 and extended by S.I. 1978/280 and S.I. 1978/281.

- (ii) in the definition of “foreign fishing boat” after “owned” there is inserted “and which is not a Scottish fishing boat”.
- (6) In section 6 (prohibition of landing of sea fish caught in certain areas)(**51**)—
- (a) in subsection (1), for “the United Kingdom” there is substituted “England and Wales and Northern Ireland”; and
- (b) in subsection (4), the words “Secretary of State for Scotland or” are omitted and after “Ireland” there is inserted “or of a member of the staff of the Scottish Administration”.
- (7) In section 7 (declarations for purposes of section 6 orders)(**52**) for “the United Kingdom”, in each place where it appears, there is substituted “England and Wales or Northern Ireland”.
- (8) In section 8 (regulation of landing of foreign-caught sea fish)—
- (a) for “the United Kingdom”, in each place where it appears (apart from subsection (1)(a) and the second and third references to that term in subsection (4)), there is substituted “England and Wales and Northern Ireland”, and
- (b) in subsection (1)(a), after “relevant British fishing boats” there is inserted “or Scottish fishing boats”.
- (9) In section 17 (enforcement of orders under section 3) after “relevant British fishing boat” there is inserted “or Scottish fishing boat”.
- (10) In section 18 (enforcement of orders in relation to salmon and migratory trout)(**53**), in subsection (2) for “Secretary of State” there is substituted “Scottish Ministers”.
- (11) In section 22(1) (interpretation)(**54**) there is inserted in the appropriate places—
- ““relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;”;
- ““relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone;”;
- ““the Scottish zone” has the same meaning as in the Scotland Act 1998;”;
- ““Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;”.
- (12) In section 22(2)(**55**), in the definition of “the appropriate Minister”, the words from “and, in relation to Scotland” to “Scotland” are omitted.
- (13) After section 22 there is inserted—

### **“Application to Scotland**

**22A.**—(1) This Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).

(2) Except in sections 17 and 22—

- (a) for “England and Wales”, “England and Wales and Northern Ireland” or “England and Wales or Northern Ireland” there is substituted “Scotland”;

(51) Section 6 was amended by the Fisheries Act 1981 (c. 29), section 33(1) and Schedule 4, Part I, paragraph 17.

(52) Section 7 was amended by the Fisheries Act 1981 (c. 29), section 23.

(53) Section 18(2) was amended by the Fishery Limits Act 1976 (c. 86), Schedule 2, paragraph 16(5).

(54) Section 22(1) was amended by the Sea Fisheries Act 1981 (c. 29) Schedule 1, paragraph 39, the Fisheries Act 1981 (c. 29), section 21(2)(c), the Merchant Shipping (Registration, etc.) Act 1993 (c. 22), section 8(1) and Schedule 2, paragraph 8, and the Merchant Shipping Act 1995 (c. 21), section 314 and Schedule 13, paragraph 38(c).

(55) Section 22(2) was amended by the Fisheries Act 1981 (c. 29), section 19.



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- (b) for “relevant British fishing boat” or “relevant British fishing boats” there is substituted “Scottish fishing boat” or “Scottish fishing boats”;
  - (c) for “Scottish fishing boat” or “Scottish fishing boats” there is substituted “relevant British fishing boat” or “relevant British fishing boats”; and
  - (d) for “relevant British fishery limits” there is substituted “the Scottish zone”.
- (3) In sections 4 and 4A any reference to one of the Ministers or any reference (however expressed) to the Minister who grants or has granted the licence shall be construed as a reference to the Scottish Ministers.
- (4) In sections 4(4) and 4A(4) the words from “if made” to “subsection” are omitted.
- (5) In section 4B(4) for “either House of Parliament” there is substituted “the Scottish Parliament”.
- (6) In section 5(8)–
- (a) paragraph (b) is omitted; and
  - (b) for “those limits” there is substituted “that zone”.
- (7) In section 6(1) and (1A), the words “after consultation with the Secretary of State for Trade” are omitted.
- (8) In section 8–
- (a) for “Secretary of State for Trade”, wherever it occurs, there is substituted “Scottish Ministers”; and
  - (b) the words “after consultation with the Ministers”, wherever they appear, are omitted.
- (9) In section 9(1) to (4), for “one of the Ministers”, wherever those words appear, there is substituted “Scottish Ministers”.
- (10) In section 15(3)–
- (a) the words “and any British owned fishing boat (not so registered)” are omitted; and
  - (b) for “those limits” there is substituted “that zone”.
- (11) In section 20–
- (a) any reference to the laying of a statutory instrument before Parliament shall be construed as a reference to the laying of the instrument before the Scottish Parliament;
  - (b) any reference to the approval or annulment of an instrument by resolution of each or either House of Parliament shall be construed as a reference to approval of the instrument by resolution of the Scottish Parliament; and
  - (c) in subsection (4) the words “or prorogued” are omitted.
- (12) In section 22(2)–
- (a) in the definition of “the appropriate Minister”, for “England” to the end there is substituted “Scotland means the Scottish Ministers”; and
  - (b) except in relation to section 4AA, in the definition of “the Ministers”, for paragraphs (a) to (c) there is substituted “means the Scottish Ministers”.
- (13) In subsection (3), at the end there is inserted “; but this subsection shall not apply to Scotland”.

### **Countryside (Scotland) Act 1967 (c. 86)**

**44.** In section 38(6) of the Countryside (Scotland) Act 1967 (supplementary provisions as to creation, closure and diversion of public paths)(**56**), for the words from “appropriate Minister” to the end there is substituted “Scottish Ministers”.

### **Erskine Bridge Tolls Act 1968 (c. 4)**

**45.**—(1) The Erskine Bridge Tolls Act 1968 is amended as follows.

(2) In section 16(1) (financial provisions), for “received by that person on behalf of the Secretary of State” there is substituted “sums received by the Scottish Ministers” and the words from “and all such sums” to the end are omitted.

(3) In section 17(1) (annual accounts), the words from “in such form” to the end are omitted.

### **Agriculture (Miscellaneous Provisions) Act 1968 (c. 34)**

**46.** In section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (codes of recommendations for the welfare of livestock), after subsection (4) there is inserted—

“(5) In relation to the exercise by the Scottish Ministers of functions under this section, the references in subsection (2) of this section to both Houses of Parliament shall be read as references to the Scottish Parliament.”.

### **Sewerage (Scotland) Act 1968 (c. 47)**

**47.** In section 55(3) of the Sewerage (Scotland) Act 1968 (application of Act to Crown premises), after “Commissioners” there is inserted “or the Scottish Ministers”.

### **Sea Fisheries Act 1968 (c. 77)**

**48.**—(1) The Sea Fisheries Act 1968 is amended as follows.

(2) In section 5 (regulation of conduct of fishing operations)(**57**)—

(a) in subsection (2)—

(i) in paragraph (a), before “British fishing boats” there is inserted “relevant”; and

(ii) for paragraph (b) there is substituted—

“(b) to all Scottish or foreign fishing boats, and things done by such boats and their crews, in waters within relevant British fishery limits”.

(b) in subsection (3), before “British fishery limits” there is inserted “relevant”; and

(c) after subsection (5) there is inserted—

“(6) This section has effect in relation to Scotland with the following modifications—

(a) in subsection (2)(a), for “relevant British fishing boats” there is substituted “Scottish fishing boats”;

(b) in subsection (2)(b)—

(i) for “Scottish” there is substituted “relevant British”; and

(ii) for “relevant British fishery limits” there is substituted “the Scottish zone”;  
and

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(**56**) Section 38(6) was amended by the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Schedule 2, paragraph 15(2).

(**57**) Section 5 was amended by Fishery Limits Act 1976 (c. 86), section 4.

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- (c) in subsection (3) for “relevant British fishery limits” there is substituted “the Scottish zone”.
- (3) In section 7 (sea-fishery officers)—
  - (a) in subsection (1)(d), after “Secretary of State” there is inserted “or of the Scottish Ministers”; and
  - (b) in subsection (5)(b), for “Secretary of State” there is substituted “Scottish Ministers”.
- (4) In section 18(2)(orders)(58), at the end there is inserted “or, in the case of an order in relation to Scotland, the Scottish Parliament”.
- (5) In section 19(1) (interpretation)(59)—
  - (a) there is inserted in the appropriate places—
    - ““relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat”;
    - ““relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone”;
    - ““the Scottish zone” has the same meaning as in the Scotland Act 1998”;
    - ““Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging”;
  - (b) in the definition of “foreign fishing boat”, before “British fishing boat” there is inserted “relevant”, and after those words there is inserted “or a Scottish fishing boat”;
  - (c) in the definition of “the Ministers”—
    - (i) after “means” there is inserted “, in relation to England, Wales and Northern Ireland;” and
    - (ii) at the end there is inserted “and, in relation to Scotland, the Scottish Ministers”; and
  - (d) in the definition of “Sea Fisheries Acts”, after “sea-fishing”, there is inserted “including any Act of the Scottish Parliament and any subordinate legislation made under such an Act, and”.

### **Sea Fish Industry Act 1970 (c. 11)**

- 49.**—(1) The Sea Fish Industry Act 1970 is amended as follows.
- (2) In section 14 (restrictions on disclosure of information), in subsection (2) after “Ministers” there is inserted “, to the Scottish Ministers”.
  - (3) In section 42 (publication or disclosure of information), after “Food” there is inserted “, the Scottish Ministers”.

### **Sheriff Courts (Scotland) Act 1971 (c. 58)**

- 50.**—(1) The Sheriff Courts (Scotland) Act 1971 is amended as follows.
- (2) In sections 2(3)(b) (power of Secretary of State to alter sheriffdoms) and 3(4) (sheriff court districts and places where sheriff courts are to be held), there is inserted at the end “but no payment

(58) Section 18(2) was amended by Sea Fish Industry Act 1970 (c. 11), Schedule 6, Part I.

(59) Section 19 was amended by the Sea Fish Industry Act 1970 (c. 11), Schedule 6, Part I, the Fishery Limits Act 1976 (c. 86), Schedule 4, the Merchant Shipping Act 1988 (c. 12), section 57(4), Schedule 6 and Schedule 8, paragraph 1, the Merchant Shipping (Registration, etc.) Act 1993 (c. 22), section 8(1) and Schedule 2, paragraph 9 and the Merchant Shipping Act 1995 (c. 21), section 314 and Schedule 13, paragraph 43(c).

shall be made under this provision to or in respect of any person who is mentioned in section 51(2) of the Scotland Act 1998”.

(3) In section 10 (Secretary of State may authorise sheriff principal or direct sheriff to act in another sheriffdom)(60)–

- (a) in subsections (1), (1A) and (2), for “Secretary of State”, wherever those words appear there is substituted “Scottish Ministers”;
- (b) in subsection (1), for “him” there is substituted “them”;
- (c) in each of subsections (1) and (1A), for “decides” there is substituted “decide”; and
- (d) in subsection (4)–
  - (i) for the words before “pay” there is substituted “The Scottish Ministers may”; and
  - (ii) after “State”, where that word appears for the second time, there is inserted “,with the consent of the Treasury,”.

### **Superannuation Act 1972 (c. 11)**

**51.** In section 4 of the Superannuation Act 1972 (payments due to deceased persons)–

- (a) in subsection (3), at the end there is added “and as including a reference to any part of the Scottish Administration”; and
- (b) in subsection (4), after “government department,” there is inserted “, the Scottish Ministers in respect of any part of the Scottish Administration,”.

### **European Communities Act 1972 (c. 68)**

**52.**—(1) The Secretary of State concerned with agriculture in Scotland shall cease to be among the Ministers whose function it is, acting jointly, to–

- (a) consult any body before making regulations under section 6(2)(a) of the European Communities Act 1972;
- (b) give written directions under section 6(2)(a) of that Act; or
- (c) make regulations under section 6(2)(a) or (b) of that Act.

(2) The functions mentioned in sub-paragraph (1) above are not transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(3) In section 12 of the European Communities Act 1972 (furnishing of information to Communities), after “government department” where these words first appear there is inserted “, the Scottish Ministers”.

### **Local Government (Scotland) Act 1973 (c. 65)**

**53.**—(1) The Local Government (Scotland) Act 1973 is amended as follows.

(2) In section 82 (power of local authority to promote or oppose private legislation)–

- (a) in subsection (1), “ in Parliament” is omitted;
- (b) in subsection (2)(b), after the words “ fourteen days after” there is inserted “(i)” and after the words “the Act of 1936” there is inserted–
  - “ ; or
  - (ii) the Bill has been introduced in the Scottish Parliament”; and

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(60) Section 10 was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55), section 10.

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- (c) in subsection (7), for the definition of “private legislation in Parliament” and “private legislation”, there is substituted—
  - ““private legislation” includes—
  - (a) a provisional order and the confirmation Bill relating thereto under the Act of 1936;
  - (b) any local or personal Bill in Parliament; and
  - (c) any private Bill in the Scottish Parliament.”.
- (3) In Schedule 4 to the Local Government (Scotland) Act 1973<sup>(61)</sup>—
  - (a) in paragraphs 2(1), (2) and (3) and 4(2), “with the consent of the Treasury” is omitted;
  - (b) in paragraph 2(3), “, with the consent aforesaid,” is omitted;
  - (c) in paragraph 8(1), “, with the approval of the Treasury” is omitted;
  - (d) in paragraph 8(3), “with the approval of the Treasury” is omitted;
  - (e) in paragraph 8(4), “and of the Treasury,” is omitted; and
  - (f) in paragraph 9, for “Parliament” there is substituted “the Scottish Ministers”.

#### **Lord High Commissioner (Church of Scotland) Act 1974 (c. 19)**

- 54.** In section 1 of the Lord High Commissioner (Church of Scotland) Act 1974 (allowance payable to the Lord High Commissioner to the General Assembly of the Church of Scotland)—
- (a) for “Secretary of State” in each place where those words appear there is substituted “Scottish Ministers”; and
  - (b) “,with the concurrence of the Treasury,” is omitted.

#### **Ministerial and other Salaries Act 1975 (c. 27)**

- 55.** In Part III of Schedule 1 to the Ministerial and other Salaries Act 1975<sup>(62)</sup> (salaries of the Law Officers), in column 2, opposite the entry for the Advocate General for Scotland, there is inserted “56,031”.

#### **Local Government (Scotland) Act 1975 (c. 30)**

- 56.** In section 25(1)(b) of the Local Government (Scotland) Act 1975 (provisions relating to complaints), after “Parliament” there is inserted “or money paid out of the Scottish Consolidated Fund”.

#### **Fishery Limits Act 1976 (c. 86)**

- 57.**—(1) The Fishery Limits Act 1976 is amended as follows.
- (2) In section 2 (access to British fisheries)<sup>(63)</sup>—
    - (a) before “British fishery limits”, in each place where those words appear, there is inserted “relevant”; and
    - (b) after subsection (8) there is inserted—
      - “(9) This section applies to Scotland with the modifications that—

<sup>(61)</sup> Schedule 4 was amended by [S.I. 1981/1670](#).

<sup>(62)</sup> Part III of Schedule 1 was amended by the Scotland Act 1998, section 87(1).

<sup>(63)</sup> Section 2 was amended by the Fisheries Act 1981 (c. 29), Schedule 5, the Inshore Fishing (Scotland) Act 1984 (c. 26), Schedule 2, and the Merchant Shipping Act 1988 (c. 12), Schedule 7.

- (a) for “relevant British fishery limits”, in each place where it appears, there is substituted “the Scottish zone”;
  - (b) for “those limits” or “limits”, in each place where those words occur, there is substituted “that zone” or “zone” respectively; and
  - (c) in subsection (7) for “either House of Parliament” there is substituted “the Scottish Parliament”.”.
- (3) In section 8 (interpretation)(**64**)–
- (a) there is inserted in the appropriate places–
    - ““relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone;”; and
    - ““the Scottish zone” has the same meaning as in the Scotland Act 1998;”; and
  - (b) in the definition of “the Ministers”–
    - (i) after “means” there is inserted “, in relation to England and Wales and Northern Ireland;”; and
    - (ii) at the end there is inserted “and, in relation to Scotland, the Scottish Ministers”.

#### **Patents Act 1977 (c. 37)**

**58.** After section 131 of the Patents Act 1977 (Northern Ireland), there is inserted–

##### **“Scotland**

**131A.** In the application of this Act to Scotland–

- (a) “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
- (b) any reference to a government department includes a reference to any part of the Scottish Administration; and
- (c) any reference to the Crown includes a reference to the Crown in right of the Scottish Administration.”.

#### **Customs and Excise Management Act 1979 (c. 2)**

**59.** In paragraph 17(4) of Schedule 3 to the Customs and Excise Management Act 1979 (provisions relating to forfeiture – power to deal with seizures before condemnation, etc.), after “an official of any government department” there is inserted “or an office-holder in, or a member of the staff of, the Scottish Administration”.

#### **Tobacco Products Duty Act 1979 (c. 7)**

**60.** In section 5(4) of the Tobacco Products Duty Act 1979 (retail price of cigarettes), after “any government department” there is inserted “or an office-holder in, or a member of the staff of, the Scottish Administration”.

#### **Agricultural Statistics Act 1979 (c. 13)**

**61.** In section 3(2)(a) of the Agricultural Statistics Act 1979 (restriction on disclosure of information)–

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(64) Section 8 was amended by the Merchant Shipping Act 1988 (c. 12), Schedule 6; the Merchant Shipping (Registration, etc.) Act 1993 (c. 22), Schedule 2, and the Merchant Shipping Act 1995 (c. 21), Schedule 13.

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- (a) after “Government department” there is inserted “, to the Scottish Ministers”; and
- (b) after “such Minister” there is inserted “, the Scottish Ministers”.

#### **Slaughter of Animals (Scotland) Act 1980 (c. 13)**

- 62.** In section 19A of the Slaughter of Animals (Scotland) Act 1980 (codes of practice)(**65**)—
- (a) in subsections (2), (3) and (4), for “both Houses of Parliament”, “either House” and “Parliament”, as the case may be, there is substituted in each case “the Scottish Parliament”;
  - (b) subsection (4)(a) is omitted; and
  - (c) in subsection (4)(b), for “prorogued or during which both Houses are adjourned” there is substituted “is in recess”.

#### **Education (Scotland) Act 1980 (c. 44)**

**63.** In section 103(5) of the Education (Scotland) Act 1980 (proceedings before Independent Schools Tribunals and matters relating thereto)(**66**) “, with the consent of the Minister for the Civil Service,” is omitted.

#### **Water (Scotland) Act 1980 (c. 45)**

**64.** In Schedule 4 to the Water (Scotland) Act 1980 (provisions to be incorporated in Orders relating to Water Undertakings), in paragraph 46 (copies of special Act to be deposited), after “Queen’s Printer” there is inserted “or the Queen’s Printer for Scotland”.

#### **Solicitors (Scotland) Act 1980 (c. 46)**

**65.** In paragraph 6 of Schedule 4 to the Solicitors (Scotland) Act 1980 (constitution, procedure and power of tribunal), “, with the approval of the Minister for the Civil Service,” is omitted.

#### **Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)**

**66.** In section 17(2)(b) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (power of judges to act as arbiters), for “Secretary of State may, with the consent of the Treasury,” there is substituted “Scottish Ministers may”.

#### **Local Government, Planning and Land Act 1980 (c. 65)**

**67.** In section 120(1)(b) of the Local Government, Planning and Land Act 1980 (compulsory acquisition: exclusion of special parliamentary procedure), after “statutory undertakers” there is inserted “, the Scottish Ministers”.

#### **Fisheries Act 1981 (c. 29)**

- 68.**—(1) Part II of the Fisheries Act 1981 is amended as follows.
- (2) For “the United Kingdom”, in each place where those words appear (apart from section 18(2)(a)), there is substituted “England and Wales and Northern Ireland”.
  - (3) In section 18(1) (interpretation of Part II), in the definition of “the Ministers”, in paragraph (b) “Scotland” is omitted.

(65) Section 19A was inserted by the Welfare of Animals at Slaughter Act 1991 (c. 30), section 5(2).

(66) Functions of the Treasury under section 103(5) are now exercisable by the Minister for the Civil Service by virtue of S.I. 1981/1670.



(4) After section 18 there is inserted—

“**18A.**—(1) This Part of the Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).

(2) For “England and Wales and Northern Ireland”, wherever it occurs, there is substituted “Scotland”.

(3) In sections 15(1) and 16(3) the words “with the approval of the Treasury” are omitted.

(4) In section 15(3) and (4) and in section 16(5) for any reference to “Parliament” and to “each House of Parliament” there is substituted “the Scottish Parliament”.

(5) In section 15(4)—

(a) for the reference to “both Houses are” there is substituted “the Scottish Parliament is”; and

(b) the words “or prorogued” are omitted.

(6) In section 16(6), for “Comptroller and Auditor General” there is substituted “Auditor General for Scotland”.

(7) In section 18(1), in the definition of “the Ministers”, from “(a)” to the end there is substituted “the Scottish Ministers”.

(5) Section 30 (enforcement of Community rules)—

(a) after subsection (2) there is inserted—

“(2A) Proceedings for an offence under any order made under subsection (2) above may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”; and

(b) after subsection (4) there is inserted—

“(5) This section has effect in relation to Scotland with the following modifications (and any other necessary modifications)—

(a) in subsection (3), in the definition of “the Ministers”, from “Minister” to the end there is substituted “Scottish Ministers”; and

(b) in subsection (5) for “either House of” there is substituted “the Scottish”.

(6) In section 31 (financial assistance)—

(a) in subsection (1), for “Great Britain” there is substituted “England and Wales”;

(b) in subsection (4), for the words from “the whole” to the end there is substituted “to England, or to Wales, or to both of them.”;

(c) in subsection (5)—

(i) paragraph (a) is omitted;

(ii) in paragraph (b) the words “or Scotland”, in both places where those words appear are omitted; and

(iii) for paragraph (c) there is substituted—

“(c) in relation to a scheme extending to Wales, the Secretary of State concerned with fisheries in Wales.”;

(d) after subsection (8) there is inserted—

“(9) This section has effect in relation to Scotland with the following modifications (and any other necessary modifications)—

(a) in subsection (1), for “England and Wales” there is substituted “Scotland”, and the words “with the approval of Treasury” are omitted;

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- (b) subsection (4) is omitted;
  - (c) in subsection (5), for “(a)” to the end there is substituted “the Scottish Ministers”;
  - (d) in subsection (6), for “Parliament” and “each House of Parliament” there is substituted “the Scottish Parliament”; and
  - (e) in subsection (7)—
    - (i) for “Parliament” there is substituted “the Scottish Parliament”;
    - (ii) the words “or prorogued” are omitted; and
    - (iii) for “both Houses are” there is substituted “the Scottish Parliament is”.
- (7) In section 32 (research, development and advice), from “and the Secretaries” to “Wales” there is substituted “, the Secretary of State concerned with fisheries in Wales, and Scottish Ministers”.
- (8) In section 33 (exclusion of offences under conservation legislation)—
- (a) in subsection (3), at the end there is inserted “or, in the case of regulations in relation to Scotland, the Scottish Parliament”; and
  - (b) in subsection (4), the words “or Scotland,” are omitted and at the end there is inserted “and, in relation to Scotland, the Scottish Ministers”.
- (9) In section 41 (orders and schemes), for “or Ministers” there is substituted “, Ministers or of the Scottish Ministers”.

#### **Civil Aviation Act 1982 (c. 16)**

**69.**—(1) The Civil Aviation Act 1982 is amended as follows.

- (2) In section 18(4) (official secrets)—
  - (a) after paragraph (c) there is inserted—
    - “(d) a member of the staff of the Scottish Administration specially authorised for the purpose by or on behalf of the Scottish Ministers;”;
  - (b) for the words from “the Secretary of State” where first occurring to the end there is substituted “the Secretary of State or the Scottish Ministers as the case may be for an authorisation to exercise the right, the Secretary of State or the Scottish Ministers may if he or they think fit authorise that person to exercise it subject to such conditions, if any, as the Secretary of State or the Scottish Ministers may determine”.

#### **British Fishing Boats Act 1983 (c. 8)**

**70.**—(1) The British Fishing Boats Act 1983 is amended as follows.

- (2) In section 1 (restrictions on fishing etc., by British fishing boats)—
  - (a) before “British fishing boat” or “British fishing boats”, in each place where it appears, there is inserted “relevant”; and
  - (b) in subsection (4) for “British sea fishing industry” there is substituted “sea fishing industry in England and Wales and Northern Ireland”.
- (3) In section 9 (interpretation)(**67**), there is inserted in the appropriate places—
 

““relevant British fishing boat” means a British fishing boat which is not a Scottish fishing boat;”;

(67) Section 9 was amended by the Merchant Shipping Act 1988 (c. 12), Schedule 6, the Merchant Shipping (Registration, etc.) Act 1993 (c. 22), Schedule 2 and the Merchant Shipping Act 1995 (c. 21), Schedule 13.

““relevant British fishery limits” means British fishery limits so far as they do not relate to the Scottish zone;”;

““the Scottish zone” has the same meaning as it has for the purposes of the Scotland Act 1998;”;

““Scottish fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging;”.

(4) After section 9 there is inserted—

“**9A.**—(1) This Act has effect in relation to Scotland with the following modifications (and any other necessary modifications).

(2) In section 1—

(a) for “relevant British fishing boat” or “relevant British fishing boats” there is substituted “Scottish fishing boat” or “Scottish fishing boats”; and

(b) for “England and Wales and Northern Ireland” there is substituted “Scotland”.

(3) In section 1(8) for “either House of Parliament” there is substituted “the Scottish Parliament”.

(4) In section 9, in the definition of “the Ministers”, from “Minister” to the end there is substituted “Scottish Ministers”.”.

### **Mental Health Act 1983 (c. 20)**

**71.**—(1) The Mental Health Act 1983 is amended as follows.

(2) In section 134(3)(a) (correspondence of patients)(**68**), after “Minister of the Crown” there is inserted “or the Scottish Ministers” and after “House of Parliament” there is inserted “or member of the Scottish Parliament”.

(3) In section 142(1) (pay, pensions, etc., of mentally disordered persons), after “Consolidated Fund” there is inserted “or the Scottish Consolidated Fund”.

### **Inshore Fishing (Scotland) Act 1984 (c. 26)**

**72.**—(1) The Inshore Fishing (Scotland) Act 1984 is amended as follows.

(2) For “Secretary of State”, in each place where it appears, there is substituted “Scottish Ministers”.

(3) In section 9(1)—

(a) in the definition of “Scottish inshore waters”, after “Scotland” there is inserted “and within the Scottish zone;”;

(b) there is inserted in the appropriate place—

““the Scottish zone” has the same meaning as in the Scotland Act 1998;”.

(4) In section 9(2), for “either House of Parliament” there is substituted “the Scottish Parliament”.

### **Road Traffic Regulation Act 1984 (c. 27)**

**73.**—(1) The Road Traffic Regulation Act 1984 is amended as follows.

(2) In section 121A (traffic authorities)(**69**)—

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(68) Section 134 was amended by the Northern Ireland Act 1998 (c. 47), Schedule 13, paragraph 5(2).

(69) Section 121A was inserted by the New Roads and Street Works Act 1991 (c. 22), section 168(1), Schedule 8, paragraph 70.

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- (a) in subsection (1), for paragraph (b) there is substituted—
  - “(b) for every road in Scotland in relation to which he exercises functions relating to the matters reserved by paragraph (c) of Section E1 of Schedule 5 to the Scotland Act 1998.”; and
- (b) after subsection (1) there is inserted—
  - “(1A) The Scottish Ministers are the traffic authority for every road in Scotland for which they are the roads authority within the meaning of the Roads (Scotland) Act 1984.”.

#### **Mental Health (Scotland) Act 1984 (c. 36)**

**74.—**(1) The Mental Health (Scotland) Act 1984 is amended as follows.

(2) In section 115(3)(a) (correspondence of patients), after “Minister of the Crown” there is inserted “or the Scottish Ministers” and after “House of Parliament” there is inserted “or member of the Scottish Parliament”.

(3) In section 119 (code of practice)—

- (a) in subsections (1), (2), (3) and (5) for “Secretary of State” in each place where it appears there is substituted “Scottish Ministers”;
- (b) in subsection (3), for “Parliament” where it first appears and “either House of Parliament” there is substituted in each place “Scottish Parliament”; and
- (c) in subsection (4)—
  - (i) for “either House of Parliament”, “that House” and “Parliament”, where it second appears, there is substituted “the Scottish Parliament”, and
  - (ii) for “or prorogued or during which both Houses are adjourned” there is substituted “or is in recess”.

#### **Repatriation of Prisoners Act 1984 (c. 47)**

**75.—**(1) The Repatriation of Prisoners Act 1984 is amended as follows.

(2) In section 1 (issue of warrant for transfer)—

- (a) for “Secretary of State”, wherever those words appear, there is substituted “relevant Minister”; and
- (b) after subsection (8), there is inserted—
  - “(9) In this section “relevant Minister” means—
    - (a) the Scottish Ministers in a case where the person who is the subject of the proposed transfer is for the time being required to be detained in a prison, a hospital or any other institution either—
      - (i) in Scotland; or
      - (ii) in the country or territory referred to in subsection (1)(b) above if it is proposed to transfer him from that country or territory to Scotland; and
    - (b) the Secretary of State in any other case.”.

(3) In section 2 (transfer out of the United Kingdom)—

- (a) in subsection (3), for “Secretary of State”, in both places where those words appear, there is substituted “relevant Minister”; and
- (b) after subsection (3) there is inserted—
  - “(3A) In subsection (3) above, “relevant Minister” means—

- (a) the Scottish Ministers where the order referred to in subsection (2) above relates to a person who has been removed from Scotland by virtue of a warrant issued under section 1 above; and
  - (b) the Secretary of State in any other case.”.
- (4) In sections 3(1)(c) and (3) (transfer into the United Kingdom), for “Secretary of State” there is substituted “relevant Minister”.
- (5) In section 4 (temporary return)–
  - (a) in subsection (1), for “Secretary of State”, there is substituted “relevant Minister”; and
  - (b) after subsection (4) there is inserted–
    - “(5) In this section “relevant Minister” means–
      - (a) the Scottish Ministers in a case where the prisoner is a person who is either–
        - (i) detained in Scotland and the transfers are for the purpose of a temporary return of the prisoner to a country or territory outside the British Islands from which he has previously been transferred into Scotland under this Act or any other enactment; or
        - (ii) detained in a country or territory outside the British Islands to which he has previously been transferred from Scotland under this Act; and
      - (b) the Secretary of State in any other case.”.
- (6) In section 5 (operation of warrant and retaking prisoners)–
  - (a) in subsections (2) and (3), for “Secretary of State”, there is substituted “relevant Minister”; and
  - (b) after subsection (7) there is inserted–
    - “(8) In this section “relevant Minister” means–
      - (a) the Scottish Ministers where the warrant provides for the transfer of a prisoner to or from Scotland; and
      - (b) the Secretary of State in any other case.”.
- (7) In section 6 (revocation etc. of warrants)–
  - (a) in subsection (1), for “Secretary of State”, there is substituted “relevant Minister”; and
  - (b) after subsection (4) there is inserted–
    - “(5) In this section “relevant Minister” means–
      - (a) the Scottish Ministers where the warrant provides for the transfer of a prisoner to or from Scotland; and
      - (b) the Secretary of State in any other case.”.
- (8) In section 7 (expenses)–
  - (a) in subsections (2) and (3), for “Secretary of State” wherever it appears, there is substituted “relevant Minister”;
  - (b) after subsection (3) there is inserted–
    - “(3A) In subsections (2) and (3) above, “relevant Minister” means–
      - (a) the Scottish Ministers where the transfer is to Scotland; and
      - (b) the Secretary of State in any other case.”; and
    - (c) after subsection (5) there is inserted–

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“(5A) The Scottish Ministers shall pay any sums received by them by virtue of subsection (2) above into the Scottish Consolidated Fund.”.

(9) In section 8 (interpretation and certificates)–

(a) in subsection (3), for “Secretary of State”, there is substituted “relevant Minister”; and

(b) after subsection (3) there is inserted–

“(4) In subsection (3) above, “relevant Minister” means–

(a) the Scottish Ministers where the proceedings relate to a transfer which they have the responsibility under this Act to make or consider making; and

(b) the Secretary of State in any other case.”.

### **Roads (Scotland) Act 1984 (c. 54)**

**76.**—(1) The Roads (Scotland) Act 1984 is amended as follows.

(2) In section 3(1) (power of Secretary of State to make advances to local roads authorities etc.), “with the consent of the Treasury” is omitted.

(3) In section 19(1) (construction of new roads by Secretary of State as roads authority), “with the consent of the Treasury” is omitted.

(4) In section 146(3) (application of Act to Crown land), from “but the approval of the Treasury” to the end is omitted.

### **Rent (Scotland) Act 1984 (c. 58)**

**77.** In section 43 of the Rent (Scotland) Act 1984 (registration areas and rent officers)(**70**), subsections (5) and (6) are omitted.

### **Companies Act 1985 (c. 6)**

**78.** In section 449(3) of the Companies Act 1985 (provision for security of information obtained)(**71**), after paragraph (m) there is inserted–

“(n) the Scottish Ministers.”.

### **Business Names Act 1985 (c. 7)**

**79.** In section 2(1)(a) of the Business Names Act 1985 (prohibition of use of certain business names), after “Her Majesty’s Government” there is inserted “, with any part of the Scottish Administration,”.

### **National Heritage (Scotland) Act 1985 (c. 16)**

**80.**—(1) The National Heritage (Scotland) Act 1985 is amended as follows.

(2) In section 22 (finance)–

(a) in subsection (1) “such” and “as the Treasury may approve” are omitted; and

(b) in subsection (3) “with Treasury approval” is omitted.

(70) Section 43 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 137(3) and the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 16, paragraph 5.

(71) Subsection (3) was substituted by the Companies Act 1989 (c. 40), section 65(6) and amended by the Friendly Societies Act 1992 (c. 40), section 120 and Schedules 21 and 22.

(3) In section 23(1) (power of Secretary of State to make grants)(72) “such” and “as the Treasury may approve” are omitted.

(4) In Part I of Schedule 1 (the Board of the National Museums of Scotland)–

- (a) in paragraph 4(5) “given with the Treasury’s consent” is omitted;
- (b) in paragraph 7 “with the Treasury’s approval” is omitted; and
- (c) in paragraph 9(3) “with the Treasury’s consent” is omitted.

### **Food and Environment Protection Act 1985 (c. 48)**

**81.** In section 17 of the Food and Environment Protection Act 1985 (codes of practice), after subsection (7) there is inserted–

“(8) In relation to the exercise by the Scottish Ministers of functions under this section–

- (a) references in this section to Parliament or to either or both Houses of Parliament shall be read as if they were references to the Scottish Parliament;
- (b) subsection (4)(a) shall cease to have effect; and
- (c) in subsection (4)(b) the reference to any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days shall be read as if it were a reference to any time during which the Scottish Parliament is dissolved or is in recess for more than four days.”.

### **Bankruptcy (Scotland) Act 1985 (c. 66)**

**82.**—(1) The Bankruptcy (Scotland) Act 1985 is amended as follows.

(2) In section 1A(1) (supervisory functions of the Accountant in Bankruptcy)(73)–

(a) in paragraph (b)–

- (i) after sub-paragraph (i) “and” is omitted; and
- (ii) after sub-paragraph (ii) there is inserted–

“and

(iii) the winding up and receivership of business associations which the Court of Session has jurisdiction to wind up.”;

(b) in paragraph (c), in sub-paragraph (i) after “sequestrations” there is inserted “and the winding up and receivership of business associations”; and

(c) after paragraph (c) “and” is omitted and after paragraph (d) there is inserted–

“and

(e) in this subsection “business association” has the meaning given in Section C2 of Part II of Schedule 5 to the Scotland Act 1998.”.

(3) In section 69A (fees for the Accountant in Bankruptcy)(74), at the end of paragraph (a) there is inserted “or the Insolvency Act 1986”.

### **Law Reform (Miscellaneous Provisions)(Scotland) Act 1985 (c. 73)**

**83.** In section 22 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (re-employment of retired judges)–

(72) Section 23(1) was amended by the Museums and Galleries Act 1992 (c. 44), Schedule 8, paragraph 14(4).

(73) Section 1A was inserted by the Bankruptcy (Scotland) Act 1993 (c. 6), section 1.

(74) Section 69A was inserted by the Bankruptcy (Scotland) Act 1993, section 8.



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- (a) in subsection (1), for “Secretary of State” there is substituted “Scottish Ministers”; and
- (b) in subsection (5)–
  - (i) for “Secretary of State”, there is substituted “Scottish Ministers” ; and
  - (ii) for the words after “as” there is substituted “they may determine”.

#### **Local Government Act 1986 (c. 10)**

**84.** In section 4 of the Local Government Act 1986 (codes of recommended practice as regards publicity)<sup>(75)</sup>, after subsection (6) there is inserted–

“(7) Subsections (5) and (6) do not apply to a code which applies only to Scottish local authorities and such a code shall not be issued unless a draft of it has been laid before and approved by a resolution of the Scottish Parliament.

(8) Where the Scottish Ministers propose to revise such a code as is mentioned in subsection (7), they shall lay a draft of the proposed alterations before the Scottish Parliament and–

- (a) they shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid, and
- (b) if within that period the Parliament resolves that the alterations be withdrawn, they shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

In computing the period of 40 days no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.”.

#### **Insolvency Act 1986 (c. 45)**

**85.** In section 155 of the Insolvency Act 1986 (inspection of books by creditors etc.), after subsection (2) there is inserted–

“(3) For the purposes of subsection (2) above, references to a government department shall be construed as including references to any part of the Scottish Administration.”.

#### **Legal Aid (Scotland) Act 1986 (c. 47)**

**86.**—(1) The Legal Aid (Scotland) Act 1986 is amended as follows.

(2) In section 4 (Scottish Legal Aid Fund)<sup>(76)</sup>–

- (a) in subsection (2)(c) “with the concurrence of the Treasury” is omitted; and
- (b) in subsection (3)(e) “with the concurrence of the Treasury” is omitted.

(3) In section 5(2) (accounts and audit), “with the approval of the Treasury” is omitted.

(4) Section 37(3) (parliamentary procedure) is omitted.

(5) In section 40 (finance)–

- (a) in subsection (1)(b) “with the approval of the Treasury” is omitted; and
- (b) in subsection (2) “with the approval of the Treasury” is omitted.

(6) In Schedule 1 (the Scottish Legal Aid Board)–

- (a) in paragraph 6(1) “with the approval of the Treasury” is omitted;

<sup>(75)</sup> Section 4 was amended by the Local Government Act 1988 (c. 9), section 27(2).

<sup>(76)</sup> Section 4(2)(c) was amended by the Legal Aid Act 1988 (c. 34), section 44 and Schedule 4, paragraph 1(b).

- (b) in paragraph 6(2) “with the consent of the Treasury”, in each place where those words appear, is omitted;
- (c) in paragraph 8(2) “given with the consent of the Treasury” is omitted;
- (d) in paragraph 8(3) “and the consent of the Treasury” is omitted;
- (e) in paragraph 8(5)(b) “given with the approval of the Treasury” is omitted; and
- (f) in paragraph 13 “with the approval of the Treasury” is omitted.

### **Income and Corporation Taxes Act 1988 (c. 1)**

**87.**—(1) The Income and Corporation Taxes Act 1988 is amended as follows.

(2) In section 400 (write-off of government investment)—

(a) in subsection (7)—

- (i) in paragraph (a), after “Minister of the Crown” there is inserted “or the Scottish Ministers”; and
- (ii) in paragraph (b), after “Minister of the Crown has” there is inserted “, or the Scottish Ministers have,”; and

(b) in subsections (8) and (9), after “Minister of the Crown” in each place where those words appear there is inserted “or the Scottish Ministers”.

(3) In section 560(2)(aa) (persons who are contractors)(77), after “Northern Ireland department” there is inserted “and any part of the Scottish Administration”.

### **Farm Land and Rural Development Act 1988 (c. 16)**

**88.**—(1) The Farm Land and Rural Development Act 1988 is amended as follows.

(2) After section 1(5) (grants in respect of farm businesses), there is inserted—

“(6) In subsection (5) in the definition of “the appropriate authority” the words from “or, if it extends to more than one part,” to the end shall not extend to Scotland.”.

(3) After section 2(7) (grants in respect of farm woodlands), there is inserted—

“(8) In the application of subsection (3) to any scheme relating to Scotland, including any scheme which relates also to other parts of Great Britain, any references in that subsection to the Secretary of State and the Minister of Agriculture, Fisheries and Food acting jointly shall in so far as the scheme relates to Scotland be read as a reference to the Scottish Ministers and the appropriate Minister for a part of Great Britain other than Scotland shall have no functions under that subsection in respect of any such scheme in so far as it relates to Scotland.”.

### **Court of Session Act 1988 (c. 36)**

**89.** In section 1(4) of the Court of Session Act 1988 (number of judges of Court)(78), “, with the concurrence of the Treasury,” is omitted.

### **Scotch Whisky Act 1988 (c. 22)**

**90.** In section 3(1) of the Scotch Whisky Act 1988 (interpretation, orders and consequential amendments), in the definition of “the Ministers” there is inserted at the end “except that in relation

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(77) Paragraph (aa) was inserted by the Finance Act 1995 (c. 4), Schedule 27, paragraph 2(1)(a).

(78) Section 1 was amended by S.I. 1993/3154.

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to any order made under sections 2(1)(b), 3(1) or 3(2) which relates to England or Wales or England and Wales, the Secretary of State shall not act”.

### **Education Reform Act 1988 (c. 40)**

**91.**—(1) The Education Reform Act 1988 is amended as follows.

(2) In section 214 (unrecognised degrees), after subsection (9) there is inserted—

“(9A) For the purposes of this section and section 215, as they extend to Scotland, the reference to the Secretary of State is to be read as a reference to the Scottish Ministers.”.

(3) In section 216 (identification of bodies granting or providing courses for recognised awards), after subsection (2) there is inserted—

“(2A) For the purposes of this section, as it extends to Scotland, the references in subsections (1) and (2) above to the Secretary of State are to be read as references to the Scottish Ministers.”.

### **Housing (Scotland) Act 1988 (c. 43)**

**92.**—(1) The Housing (Scotland) Act 1988 is amended as follows.

(2) In section 2(3)(a) (general functions of Scottish Homes), “given with the consent of the Treasury” and “with such consent” are omitted.

(3) In section 5(1) (determination of financial duties of Scottish Homes) “, with the approval of the Treasury,” is omitted.

(4) In section 6(1) (government grants to Scottish Homes) “, with the consent of the Treasury,” is omitted.

(5) In section 7 (borrowing by and government loans to Scottish Homes)—

(a) in subsection (1) “given with the approval of the Treasury” is omitted;

(b) in subsection (3) “and the approval of the Treasury.” is omitted; and

(c) subsection (7) is omitted.

(6) In section 9 (limit on borrowing etc.)—

(a) in subsection (1) “made with the consent of the Treasury” is omitted;

(b) in subsection (1)(b) “and approval of the Treasury” is omitted; and

(c) in subsection (3) “, with the approval of the Treasury,” is omitted.

(7) Section 10(4) (miscellaneous financial directions) is omitted.

(8) In section 11(1) (accounts, annual report of Scottish Homes, etc.), “, with the approval of the Treasury,” is omitted.

(9) In Schedule 1 (Scottish Homes)—

(a) in paragraphs 7(1), 7(3) (in both places) and 17(2), “,with the approval of the Treasury,” is omitted;

(b) in paragraphs 8, 9 and 10(4), “, with the consent of the Treasury,” is omitted;

(c) in paragraphs 9 and 10(1) and (2), “given with the consent of the Treasury,” is omitted; and

(d) in paragraph 10(5)(b), “given with the approval of the Treasury” is omitted.

### **Copyright, Designs and Patents Act 1988 (c. 48)**

**93.**—(1) The Copyright, Designs and Patents Act 1988 is amended as follows.

(2) In section 241 (settlement of terms of Crown use), at the end of subsection (2) there is inserted—

“In the application of this subsection to Scotland, where the government department referred to in that subsection is any part of the Scottish Administration, the words “with the approval of the Treasury” are omitted.”.

(3) In section 243 (Crown use: compensation for loss of profit), at the end there is inserted—

“(7) In the application of this section to Scotland, where the government department referred to in subsection (5) is any part of the Scottish Administration, the words “with the approval of the Treasury” in that subsection are omitted.”.

(4) In section 263 (minor definitions), in subsection (1)—

- (a) in the definition of “the Crown”, after “Her Majesty’s Government in Northern Ireland” there is inserted “and the Crown in right of the Scottish Administration”;
- (b) in the definition of “government department”, after “Northern Ireland Department” there is inserted “and any part of the Scottish Administration”.

### **Transport (Scotland) Act 1989 (c. 23)**

**94.**—(1) The Transport (Scotland) Act 1989 is amended as follows.

(2) In section 1 (transfer of operations of Scottish Transport Group), subsection (8) is omitted.

(3) In section 10 (guarantees)—

- (a) in subsection (1) “with the consent of the Treasury” is omitted;
- (b) in subsection (2) for “each House of Parliament” there is substituted “the Scottish Parliament”; and
- (c) in subsection (4) “with the consent of the Treasury” is omitted.

(4) In section 14(4) (dissolution of the Group)—

- (a) “with the approval of the Treasury” is omitted; and
- (b) in paragraph (a) “with the agreement of the Treasury” is omitted.

### **Electricity Act 1989 (c. 29)**

**95.** In section 98(5) of the Electricity Act 1989 (provision of statistical information) after “department” there is inserted “or to the Scottish Ministers”.

### **Companies Act 1989 (c. 40)**

**96.** In section 87(4) of the Companies Act 1989 (exceptions from restrictions on disclosure), at the end of the table there is inserted—

|                              |   |
|------------------------------|---|
| “The Scottish Ministers      | Functions under the enactments relating to insolvency           |
| The Accountant in Bankruptcy | Functions he has under the enactments relating to insolvency.”. |

### **Local Government and Housing Act 1989 (c. 42)**

**97.** In section 31 of the Local Government and Housing Act 1989 (National Code of Local Government Conduct)(79), after subsection (6) there is inserted—

(79) Section 31 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 161(9).

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“(6A) Subsections (4) to (6) above do not apply to a code which applies only to Scotland and such a code shall not be issued unless a draft of it has been laid before and approved by a resolution of the Scottish Parliament.

(6B) Where the Scottish Ministers propose to revise such a code as is mentioned in subsection (6A), they shall lay a draft of the proposed alterations before the Scottish Parliament and—

- (a) they shall not make the revision until after the expiration of the period of 40 days beginning with the day on which the draft is laid; and
- (b) if within that period the Parliament resolves that the alterations be withdrawn, they shall not proceed with the proposed alterations (but without prejudice to the laying of a further draft).

(6C) In reckoning any period of 40 days for the purposes of subsection (6B) above no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.”.

#### **Prisons (Scotland) Act 1989 (c. 45)**

**98.**—(1) The Prisons (Scotland) Act 1989 is amended as follows.

(2) In section 7 (appointment and functions of Her Majesty’s Chief Inspector of Prisons for Scotland)—

- (a) in subsections (2), (3), (4) and (5), for “Secretary of State” in each place where it appears, there is substituted “Scottish Ministers”; and
- (b) in subsection (6), for “Secretary of State may with the consent of the Treasury”, there is substituted “Scottish Ministers may”.

(3) In paragraph 3 of Schedule 1 (provisions as to Parole Board and local review committees), “with the consent of the Treasury” is omitted.

#### **Food Safety Act 1990 (c. 16)**

**99.** In section 40(1) of the Food Safety Act 1990 (power to issue codes of practice), after “Parliament” there is inserted “, or in the case of a code which applies only to Scotland, before the Scottish Parliament,”.

#### **Enterprise and New Towns (Scotland) Act 1990 (c. 35)**

**100.**—(1) The Enterprise and New Towns (Scotland) Act 1990 is amended as follows.

(2) In section 2(6) (functions in relation to training for employment etc.), “, with the consent of the Treasury,” is omitted.

(3) In section 6(3)(b) (development and improvement of the environment), “and the Treasury” is omitted.

(4) In section 8(7) (powers of Scottish Enterprise and Highlands and Islands Enterprise), for “Secretary of State or a nominee of his” there is substituted “Scottish Ministers or a nominee of theirs”.

(5) In section 24(1) (financial duties of Scottish Enterprise), “, with the approval of the Treasury,” is omitted.

(6) In section 26 (finances of Highlands and Islands Enterprise)—

- (a) in subsection (1) “, with the consent of the Treasury,” is omitted; and
- (b) in subsection (3) “and of the Treasury” is omitted.

(7) In section 30(1) (accounts and annual reports), “, with the approval of the Treasury,” is omitted.

(8) In Schedule 1 (constitution and proceedings etc. of Scottish Enterprise and Highlands and Islands Enterprise)—

(a) in paragraph 12—

(i) in subparagraph (1)(a) “, with the approval of the Treasury,” is omitted; and

(ii) in subparagraph (2) “, with the approval of the Treasury,” and “, with such approval,” are omitted;

(b) in paragraph 13 “, with the consent of the Treasury,” is omitted;

(c) in paragraph 14 “, with the consent of the Treasury,” and “given with the consent of the Treasury” are omitted;

(d) in paragraph 15—

(i) in subparagraph (1) “given with the consent of the Treasury” is omitted;

(ii) in subparagraph (2) “given with the consent of the Treasury,” is omitted; and

(iii) in subparagraph (4) “given with the approval of the Treasury” is omitted; and

(e) in paragraph 22(2) “with the approval of the Treasury” is omitted.

(9) In Schedule 2 (financial provisions relating to Scottish Enterprise)—

(a) in paragraph 1 “, with the consent of the Treasury,” is omitted;

(b) in paragraph 2 “, with the consent of the Treasury,” and “given with the approval of the Treasury” are omitted;

(c) in paragraph 3 “, with the consent of the Treasury,” is omitted;

(d) in paragraph 4 “and the approval of the Treasury” is omitted; and

(e) in paragraph 5(1) and (4) “, with the consent of the Treasury,” is omitted.

#### **Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40)**

**101.**—(1) The Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 is amended as follows.

(2) In section 16 (conveyancing and executry services)—

(a) in subsection (2) “, with the consent of the Treasury,” is omitted, and

(b) in subsection (3) “, with the consent of the Treasury,” and “with such consent” are omitted.

(3) In Schedule 3 (Scottish legal services ombudsman) in paragraphs 3 and 4, “with the consent of the Treasury”, in each place where those words appear, is omitted.

(4) In Schedule 4 (temporary judges)—

(a) in paragraph 5(1), for “Secretary of State” there is substituted “Scottish Ministers”; and

(b) in paragraph 10—

(i) for “Secretary of State” there is substituted “Scottish Ministers”; and

(ii) for the words after “as” there is substituted “they may determine”.

#### **Environmental Protection Act 1990 (c. 43)**

**102.**—(1) The Environmental Protection Act 1990 is amended as follows.

(2) In section 34(9) (duty of care etc. as respects waste)—

(a) for “The” there is substituted “A”;

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(b) after “laid” there is inserted “(a)”; and

(c) at the end there is inserted

“;or

(b) if it relates only to Scotland before the Scottish Parliament.”.

(3) In section 78YA (supplementary provisions with respect to guidance by the Secretary of State)(80), after subsection (4) there is inserted—

“(4A) Subsections (2) to (4) shall not apply in respect of a draft of any guidance to be issued under section 78A(2) or (5), 78B(2) or 78F(6) or (7) above which relates only to Scotland and such a draft shall be laid before the Scottish Parliament and shall not be issued until after the end of the period of 40 days beginning with the day on which the draft was so laid.

(4B) If within the period mentioned in subsection (4A) above the Scottish Parliament resolves that the guidance, the draft of which was laid before it, should not be issued, the Scottish Ministers shall not issue that guidance.

(4C) In reckoning any period of 40 days for the purposes of subsection (4A) or (4B) above no account shall be taken of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.”.

(4) In section 89 (duty to keep land and highways clear of litter)—

(a) in subsection (13) for “this section” there is substituted “subsection (11) above”; and

(b) after subsection (13) there is inserted—

“(13A) Subsections (11) to (13) shall not apply in respect of a draft code prepared under subsection (7) above which relates only to Scotland and such a code shall be laid before the Scottish Parliament and shall not be issued until after the end of the period of 40 days beginning with the day on which the code was so laid.

(13B) If within the period mentioned in subsection (13A) above the Scottish Parliament resolves that the code, the draft of which was laid before it, should not be issued the Scottish Ministers shall not issue that code.

(13C) No account shall be taken in reckoning any period of 40 days for the purposes of subsection (13A) above of any time during which the Scottish Parliament is dissolved or is in recess for more than 4 days.”.

## **New Roads and Street Works Act 1991 (c. 22)**

**103.** In section 167 of the New Roads and Street Works Act 1991 (Crown application)—

(a) in subsection (2) after “department” there is inserted “or as respects Part II of this Act any part of the Scottish Administration”; and

(b) at the end of subsection (3) there is inserted—

“The power to make regulations in terms of this subsection does not extend to the Scottish Ministers.”.

## **Natural Heritage (Scotland) Act 1991 (c. 28)**

**104.** In section 7 of the Natural Heritage (Scotland) Act 1991 (powers of entry)(81)—

(a) in subsection (5), for “appropriate Minister” substitute “Scottish Ministers”;

(80) Section 78YA was inserted by section 57 of the Environment Act 1995 (c. 25)

(81) Section 7 was amended by the Gas Act 1995 (c. 45), Schedule 4, paragraph 20 and the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Schedule 2, paragraph 48(2).



- (b) subsection (5A) is omitted.

#### **Social Security Administration Act 1992 (c. 5)**

**105.**—(1) The Social Security Administration Act 1992 is amended as follows.

(2) In section 123(7) (unauthorised disclosure of information relating to particular persons), after “Revenue;” insert “(aa) the Scottish Administration;”.

(3) In Schedule 4 (persons employed in social security administration or adjudication) –

- (a) in Part I, before “the Scottish Courts Administration” insert “the Scottish Administration or”; and
- (b) in paragraph 3 of Part II, after “Chancellor’s Department” insert “, the Scottish Administration or”.

#### **Social Security Administration (Northern Ireland) Act 1992 (c. 8)**

**106.** In section 117(7) of the Social Security Administration (Northern Ireland) Act 1992 (unauthorised disclosure of information relating to particular persons), after “Revenue;” insert “(aa) the Scottish Administration;”.

#### **Sea Fisheries (Wildlife Conservation) Act 1992 (c. 36)**

**107.** In section 1(2) of the Sea Fisheries (Wildlife Conservation) Act 1992 (conservation in the exercise of sea fisheries functions)–

- (a) in the definition of “enactment”, there is inserted at the beginning “includes an Act of the Scottish Parliament and any subordinate legislation under such an Act, and”; and
- (b) in the definition of “the Minister or Ministers”, for paragraph (b) there is substituted–
  - “(b) the Scottish Ministers;
  - (bb) the Secretaries of State respectively concerned with the sea fishing industry in Wales and Northern Ireland;”.

#### **Further and Higher Education (Scotland) Act 1992 (c. 37)**

**108.**—(1) The Further and Higher Education (Scotland) Act 1992 is amended as follows.

(2) In section 13(4) (subsequent transfers of colleges), for “Secretary of State to either House of Parliament that he intends to exercise his” there is substituted “Scottish Ministers to the Scottish Parliament that they intend to exercise their”.

(3) Schedule 7 (the Scottish Higher Education Funding Council), is amended as follows–

- (a) in paragraph 5 (salaries, allowances and pensions for members), sub-paragraph (3) is omitted; and
- (b) in paragraph 7 (staff)–
  - (i) in sub-paragraph (4) “given with the consent of the Treasury” is omitted; and
  - (ii) in sub-paragraph (7)(b) for “Secretary of State” there is substituted “Scottish Ministers”.

(4) The function of the Minister for Civil Service<sup>(82)</sup> under paragraph (7)(b) of Schedule 7 is not transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

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<sup>(82)</sup> Functions of the Treasury under sub-paragraph (7)(b) are now exercisable by the Minister for the Civil Service by virtue of [S.I. 1995/269](#).

### **Sea Fish (Conservation) Act 1992 (c. 60)**

**109.** In section 11(3) of the Sea Fish (Conservation) Act 1992 (commencement), at the end there is inserted “or, in the case of a draft of an order in relation to Scotland, the Scottish Parliament”.

### **Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9)**

**110.** In paragraph 4 of Schedule 2 to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (remuneration and allowances), “with the consent of the Treasury” is omitted.

### **Crofters (Scotland) Act 1993 (c. 44)**

**111.** In paragraph 3 of Schedule 1 to the Crofters (Scotland) Act 1993 (provision as to the Crofters Commission), “, with the approval of the Treasury,” is omitted.

### **Health Service Commissioners Act 1993 (c. 46)**

**112.—**(1) The Health Service Commissioners Act 1993 is amended as follows.

(2) In section 8(2)(c) (individuals and bodies entitled to complain), after “Parliament” there is inserted “or out of the Scottish Consolidated Fund”.

(3) In section 14 (reports by commissioners)(**83**), after “member of the House of Commons” in each place where those words appear there is inserted “or member of the Scottish Parliament”.

(4) In Schedule 1 (the Commissioners)–

(a) in paragraph 1(2)(b), at the beginning there is inserted “except in the case of the Health Service Commissioner for Scotland”;

(b) after paragraph 1(2)(b), there is inserted–

“or

(c) in the case of the Health Service Commissioner for Scotland may be removed from office by Her Majesty in consequence of a resolution of the Scottish Parliament;”;

(c) in paragraph 4–

(i) at beginning there is inserted “(a)”; and

(ii) at the end there is inserted–

“(b) in relation to the Health Service Commissioner for Scotland the reference in subparagraph (a) above to the House of Commons shall be construed as a reference to the Scottish Parliament.”; and

(d) in paragraph 14, after “Commissioner” there is inserted “except the Health Service Commissioner for Scotland”.

### **Pension Schemes Act 1993 (c. 48)**

**113.** In section 1 of the Pension Schemes Act 1993 (categories of pension schemes), in the definition of “public service pension scheme”–

(a) at the end of paragraph (b) there is inserted “or by the Scottish Ministers”; and

(b) after “by or with the approval of any Minister of the Crown” there is inserted “or established by or with the approval of the Scottish Ministers”.

(83) Section 14 was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 126(4) and by the Health Service Commissioners (Amendment) Act 1996 (c. 5), section 10 and Schedule 1, paragraph 5.

### **Value Added Tax Act 1994 (c. 23)**

- 114.**—(1) The Value Added Tax Act 1994 is amended as follows.
- (2) In section 91 (disclosure of information for statistical purposes)—
- (a) in subsection (2), after “(including a Northern Ireland department)” there is inserted “or to a member of the staff of the Scottish Administration”; and
  - (b) in subsection (5), after “Northern Ireland department” there is inserted “or to any part of the Scottish Administration”.
- (3) In Note (2A) to Group 8 of Schedule 8 (zero-rating – transport)(**84**), after “to a Government department” there is inserted “or any part of the Scottish Administration”.

### **Criminal Justice and Public Order Act 1994 (c. 33)**

- 115.**—(1) The Criminal Justice and Public Order Act 1994 is amended as follows.
- (2) In section 103(1) (monitoring of prisoner escort arrangements)—
- (a) for “Crown servant”, there is substituted “member of the staff of the Scottish Administration”; and
  - (b) for “Secretary of State”, in each place where those words appear, there is substituted “Scottish Ministers”.
- (3) In section 106 (contracting-out of prisons), for “Secretary of State”, in each place where those words appear, there is substituted “Scottish Ministers”.
- (4) In section 107 (officers of contracted-out prisons)(**85**)—
- (a) in subsection (1)—
    - (i) for “Secretary of State” in each place where those words appear, there is substituted “Scottish Ministers”; and
    - (ii) for “Crown servant” there is substituted “member of the staff of the Scottish Administration”;
  - (b) in subsection (4), for “Secretary of State”, in each place where those words appear, there is substituted “Scottish Ministers”; and
  - (c) in subsection (7), for “Secretary of State” there is substituted “Scottish Ministers”.
- (5) In section 110(2) (consequential modifications of the 1989 Act, Prison Rules and Directions), for paragraph (a) there is substituted—
- “(a) subsection (1A) shall not apply;”.
- (6) In section 111 (intervention by the Secretary of State)—
- (a) in subsection (1), for “Secretary of State” there is substituted “Scottish Ministers”;
  - (b) in subsection (2), for “Secretary of State may appoint a Crown servant” there is substituted “Scottish Ministers may appoint a member of the staff of the Scottish Administration”;
  - (c) in subsection (4), for “Secretary of State” there is substituted “Scottish Ministers”; and
  - (d) in subsection (5), for “Secretary of State” there is substituted “Scottish Ministers”.
- (7) In section 113 (provision of new prisons), for “Secretary of State”, in each place where those words appear, there is substituted “Scottish Ministers”.
- (8) In section 114(1) (prisoner custody officers: general provisions), for “Secretary of State”, in each place where those words appear, there is substituted “Scottish Ministers”.

(84) Note 2A was inserted by [S.I. 1995/3039](#).

(85) Section 107(7) was inserted by section 43(4) of the Crime and Punishment (Scotland) Act [1997 \(c. 48\)](#).

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(9) In section 115 (wrongful disclosure of information), for “Secretary of State” there is substituted “Scottish Ministers”.

(10) In section 127 (inducements to withhold services or to indiscipline)—

- (a) in subsections (2) and (3), after “Secretary of State” there is inserted “or, in Scotland, to the Scottish Ministers”;
- (b) in subsection (4)(b), for “under section 3(1)” there is substituted “for the purposes of section 3(1A)”;
- (c) in subsection (8), after “Secretary of State” there is inserted “or in Scotland, the Scottish Ministers”.

### **Local Government etc. (Scotland) Act 1994 (c. 39)**

**116.**—(1) The Local Government etc. (Scotland) Act 1994 is amended as follows.

(2) In section 71(1) (funding of Customers Council), “to such extent as may be approved by the Treasury” is omitted.

(3) In the following provisions, “with the approval of the Treasury” is omitted—

section 83(2) and (3) (finances of new authorities);

paragraphs 9(1)(a) and (2) of Schedule 7 (constitution and proceedings etc. of a new water and sewerage authority); and

paragraphs 7(1)(a) and (2), and 10(4) of Schedule 9 (constitution and proceedings etc. of the Scottish Water and Sewerage Customers Council).

(4) In the following provisions, “with the consent of the Treasury” is omitted—

section 84(1)(b), (2)(a), (4), and (7) (finance and borrowing);

section 85(1) and (4) (guarantees);

section 87(2) (accounts);

paragraphs 10 and 11 of Schedule 7; and

paragraph 8 of Schedule 9.

(5) In the following provisions, “given with the approval of the Treasury” is omitted—

section 84(2)(b);

paragraph 12(4) of Schedule 7; and

paragraph 9(5) of Schedule 9.

(6) In section 84(6)(a), “in such form and manner as the Treasury may direct” is omitted.

(7) In the following provisions, “with such consent” is omitted—

section 84(2)(a); and

section 85(4) (in each place where those words appear).

(8) In the following provisions, “with such approval” is omitted—

paragraph 9(2) of Schedule 7; and

paragraph 7(2) of Schedule 9.

(9) In the following provisions, “given with the consent of the Treasury” is omitted—

paragraphs 11 and 12(1) and (2) of Schedule 7; and

paragraph 9(1) and (3) of Schedule 9.

### **Deregulation and Contracting Out Act 1994 (c. 40)**

**117.**—(1) The Deregulation and Contracting Out Act 1994 is amended as follows.

(2) In section 1(5)(a) (power to remove or reduce certain statutory burdens on business, individuals etc.), after “1975” there is inserted “and includes the Scottish Ministers where the functions of a Minister of the Crown under this section have transferred to them under section 53 of the Scotland Act 1998”.

(3) In section 3(3) (preliminary consultation), after “Parliament” there is inserted “or, where the Minister is a Scottish Minister, before the Scottish Parliament”.

(4) In section 4 (parliamentary consideration of proposals)—

- (a) any reference to Parliament, or to either House of Parliament or to any committee of either House of Parliament shall include a reference to the Scottish Parliament or, as the case may be, a committee of the Scottish Parliament; and
- (b) in subsection (3) at the end there is inserted “and, in relation to the Scottish Parliament, no account shall be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.”.

### **Requirements of Writing (Scotland) Act 1995 (c. 7)**

**118.** In section 12(1) of the Requirements of Writing (Scotland) Act 1995 (interpretation), in paragraph (b) of the definition of “office-holder”, after “Parliament” there is inserted “or out of the Scottish Consolidated Fund”.

### **Merchant Shipping Act 1995 (c. 21)**

**119.** After section 256 of the Merchant Shipping Act 1995, there is inserted—

#### **“Scottish officers**

**256A.**—(1) The Scottish Ministers may authorise any member of the staff of the Scottish Administration to exercise any of the powers under sections 125(3), 258 and 284(1) of an officer of, or a person appointed by, a Minister of the Crown for the purpose of enforcing, in Scotland or in the Scottish zone and in relation to fishing vessels, sections 49 and 125; and sections 258(5) and 284(4) and (5) shall apply in relation to a member of the staff of the Scottish Administration authorised under this section as they apply to such an officer or person.

(2) In this section, “the Scottish zone” has the same meaning as in section 126(1) of the Scotland Act 1998.”.

### **Environment Act 1995 (c. 25)**

**120.**—(1) The Environment Act 1995 is amended as follows.

(2) In section 31 (guidance on sustainable development and other aims and objectives)—

- (a) in subsections (5), (6) and (7), for “each House of Parliament”, “either House” and “Parliament”, as the case may be, there is substituted “the Scottish Parliament”;
- (b) in subsection (5) “or, if the draft is laid on different days, the later of the two days.” is omitted; and
- (c) in subsection (7) “ during which both Houses are” is omitted.

(3) In section 42(7) (approval of charging schemes), after “charging scheme” there is inserted “submitted by the Agency”.

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- (4) In the following sections “in the case of the Agency only,” is inserted in the places indicated—
  - (a) in sections 44(1) (general financial duties) and 48(2) (borrowing powers), at the beginning of paragraph (b) in each subsection;
  - (b) in section 45(2) (accounts and records), after “appropriate Ministers have”;
  - (c) in sections 47 (grants to the new agencies), 49(1) (government loans to the new agencies) and 50(1) (government guarantees of a new Agency’s borrowing), after “appropriate Minister may,”; and
  - (d) in section 49(2), after “that Minister may”.
- (5) In section 44 (general financial duties)—
  - (a) in subsection (3)—
    - (i) “the Treasury and” is omitted;
    - (ii) after “a new Agency,” there is inserted “and, in the case of the Agency only, after consultation with Treasury,”; and
  - (b) in subsection (4), after “Treasury” there is inserted “(in the case of the Agency only)”.
- (6) In section 50(4), after “direction under this subsection” there is inserted “in the case of the Agency only”.
- (7) In section 98 (1) (grants for purposes conducive to conservation), after “Treasury” there is inserted “as respects England and Wales”.

#### **Pensions Act 1995 (c. 26)**

**121.** In section 114(7) of the Pensions Act 1995 (disclosure of information), after paragraph (a) there is inserted the following paragraph—

“(aa) any part of the Scottish Administration.”.

#### **Criminal Procedure (Scotland) Act 1995 (c. 46)**

**122.—**(1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.

- (2) In section 194I(4) (power to obtain documents etc.) **(86)**, in paragraph (c) of the definition of “public body” after “Minister” there is inserted “, the Scottish Ministers”.
- (3) In paragraph 9(2) of Schedule 9A (annual reports and accounts)**(87)**, “, with the consent of the Treasury,” is omitted.
- (4) In section 279A (evidence from certain official documents)**(88)**—
  - (a) in subsection (1) after “United Kingdom” there is inserted “or any part of the Scottish Administration”; and
  - (b) in subsection (3) after “or government” there is inserted “or the Scottish Parliament”.
- (5) In Schedule 9, in the entry in relation to the Firearms Act 1968—
  - (a) in column 2 (persons who may purport to sign certificates), after “Secretary of State” there is inserted “or a member of staff of the Scottish Administration who is authorised to do so by the Scottish Ministers”; and
  - (b) in column 3 (matters which may be certified), after “Secretary of State”, there is inserted “or, by virtue of provision made under section 63 of the Scotland Act 1998, the Scottish Ministers”.

**(86)** Section 194I(4) is prospectively inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 25.

**(87)** Schedule 9A is prospectively inserted by the Crime and Punishment (Scotland) Act 1997 *ibid*.

**(88)** Section 279A was inserted by the Crime and Punishment (Scotland) Act 1997, section 28.

### **Criminal Injuries Compensation Act 1995 (c. 53)**

**123.**—(1) The Criminal Injuries Compensation Act 1995 is amended as follows.

(2) In section 6(1) (reports)—

- (a) at the beginning there is inserted “Subject to subsection (2A) below,”; and
- (b) after “him” there is inserted “and the Scottish Ministers”.

(3) In section 6(2), after “annual report” there is inserted—

“and the Scottish Ministers shall lay before the Scottish Parliament a copy of every such annual report.”.

(4) After subsection (2) there is inserted—

“(2A) In place of the provision referred to in subsection (1) above, the Scheme may include provision—

- (a) for such person or persons as the Secretary of State considers appropriate to make separate annual reports to him and the Scottish Ministers in accordance with the provision in subsection (1)(b)(i) above; and
- (b) for the report to be made to the Secretary of State to cover the operation of, and the discharge of functions conferred by, the Scheme in relation to criminal injuries sustained otherwise than in Scotland during the year to which it relates; and
- (c) for the report to be made to the Scottish Ministers to cover the operation of, and the discharge of functions conferred by, the Scheme in relation to criminal injuries sustained in Scotland during the year to which it relates.

(2B) Where provision is made in accordance with subsection (2A) above, the Secretary of State shall lay before each House of Parliament a copy of the annual report submitted to him and the Scottish Ministers shall lay before the Scottish Parliament a copy of the annual report submitted to them.”.

(5) In section 6(5) (report by Comptroller and Auditor General on statement of accounts) after “Parliament” there is inserted “and the Scottish Parliament”.

(6) After section 9(6) there is inserted—

“(6A) Any expenses incurred by the Secretary of State under subsection (6) above as regards Scotland shall be reimbursed to the Secretary of State by the Scottish Ministers.”.

### **Police Act 1996 (c. 16)**

**124.** In section 62 of the Police Act 1996 (functions of the Board with respect to regulations)—

- (a) in subsection (1), paragraph (b) is omitted;
- (b) after subsection (1) there is inserted the following subsection—

“(1A) Before making regulations under section 26 or 27 of the Police (Scotland) Act 1967 (other than regulations relating to special constables) with respect to any of the matters mentioned in section 61(1) (other than pensions), the Scottish Ministers shall take into consideration any recommendation made by the Police Negotiating Board for the United Kingdom and shall supply the Board with a draft of the regulations.”; and

- (c) in subsection (2), after “subsection (1)”, there is inserted “or (1A)”.

### **Education (Scotland) Act 1996 (c. 43)**

**125.** In section 26(8) of the Education (Scotland) Act 1996 (disclosure of information), in the definition of “person responsible” for “Secretary of State”, in both places where the expression is used, there is substituted “Scottish Ministers”.



### **Damages Act 1996 (c. 48)**

**126.**—(1) The Damages Act 1996 is amended as follows.

(2) In section 1 (assumed rate of return for investment of damages), for subsection (5) there is substituted—

“(5) In the application of this section to Scotland—

(a) for the reference to the Lord Chancellor in subsections (1) and (4) there is substituted a reference to the Scottish Ministers; and

(b) in subsection (4)—

(i) “and the Treasury” is omitted; and

(ii) for “either House of Parliament” there is substituted “the Scottish Parliament”.”.

(3) In section 6 (guarantees for public sector settlements), after subsection (8A)(**89**) there is inserted—

“(8B) In the application of this section to Scotland, “relevant government department” shall be read as if it was a reference to any part of the Scottish Administration and subsection (8) shall cease to have effect.”.

### **Town and Country Planning (Scotland) Act 1997 (c. 8)**

**127.**—(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) For section 121(11) (“appropriate enactment” for purposes of Chapter II), there is substituted—

“(11) If any question arises as to which enactment is the appropriate enactment in relation to any land for the purposes of this Chapter, that question shall be referred to the Scottish Ministers whose decision shall be final.”.

(3) Section 217 (meaning of “the appropriate Minister”) is omitted.

(4) In section 218 (applications for planning permission by statutory undertakers)—

(a) in subsection (1), for “Secretary of State” and “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and

(b) subsection (3) is omitted.

(5) In section 220(1) (development requiring authorisation of government department), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.

(6) Sections 221 (revocation or modification of permission to develop operational land), 222 (order requiring discontinuance of use etc. of operational land) and 223 (acquisition of land of statutory undertakers) are omitted.

(7) In section 224 (extinguishment of rights of statutory undertakers: preliminary notices)—

(a) in subsection (6), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and

(b) in subsection (7), for “a Minister”, “he” and “he and the appropriate Minister” there is substituted “the Scottish Ministers”.

(8) In section 225 (extinguishment of rights of telecommunications code system operators: preliminary notices)—

(a) in subsection (6)(b), for “Secretary of State and the Secretary of State for Trade and Industry” there is substituted “Scottish Ministers”;

(**89**) Subsection (8A) was inserted by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 34.



- (b) in subsection (7)—
  - (i) for “a Minister” there is substituted “the Scottish Ministers”;
  - (ii) for “he” and “he and the Secretary of State for Trade and Industry”, there is substituted “they”.
- (9) In section 226 (notice for same purposes as sections 224 and 225 but given by undertakers to developing authority)—
  - (a) in subsection (5), for “Secretary of State and the appropriate Minister” in both places where these words appear there is substituted “Scottish Ministers”;
  - (b) in subsection (6), for “Ministers” there is substituted “the Scottish Ministers”; and
  - (c) subsection (8)(b) is omitted.
- (10) In section 227 (orders under section 224 and 225)—
  - (a) in subsection (1), for “a Minister and the appropriate Minister” there is substituted “the Scottish Ministers”;
  - (b) in subsection (2), for “Ministers proposing to make the order” there is substituted “Scottish Ministers”;
  - (c) in subsection (3), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and
  - (d) subsection (6) is omitted.
- (11) In section 228 (extension or modification of functions of the statutory undertakers)—
  - (a) in subsection (1), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”;
  - (b) in subsection (1)(a), for “Minister” there is substituted “the Scottish Ministers”;
  - (c) in subsection (3)—
    - (i) for “or Minister, it appears to the Secretary of State and the appropriate Minister” there is substituted “, it appears to the Scottish Ministers”; and
    - (ii) the words “or Minister” in the later two places where they appear are omitted;
  - (d) in subsection (4), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”;
  - (e) in subsection (5)(c) “or Minister” is omitted; and
  - (f) in subsection (5)(d) for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (12) In section 229 (procedure in relation to orders under section 228)—
  - (a) in subsection (1), “or Minister” is omitted; and
  - (b) in subsection (2) and (3)(b), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (13) In section 230 (relief of statutory undertakers from obligations rendered impracticable)—
  - (a) in subsection (1), for “appropriate Minister” there is substituted “Scottish Ministers” and for “if he thinks fit” there is substituted “if they think fit”;
  - (b) in subsection (3), for “appropriate Minister” there is substituted “Scottish Ministers” and for “him” and “he” there is substituted “them” and “they”; and
  - (c) in subsection (6), for “appropriate Minister” there is substituted “Scottish Ministers”, for “him” and “he” there is substituted “them” and “they”, and for “thinks” there is substituted “think”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (14) In section 231 (objections to orders under sections 228 and 230)–
- (a) in subsection (3), for “appropriate Minister” there is substituted “Scottish Ministers”, for “he” there is substituted “they” and for “thinks” there is substituted “think”;
  - (b) in subsection (4), for “appropriate Minister” there is substituted “Scottish Ministers”;
  - (c) in subsection (5), for “appropriate Minister” there is substituted “Scottish Ministers”, for “he” there is substituted “they”;
  - (d) in subsection (6), for “appropriate Minister” there is substituted “Scottish Ministers”;
  - (e) in subsection (7), for “appropriate Minister” there is substituted “Scottish Ministers”, “or Minister” is omitted, and for “him” there is substituted “them”;
  - (f) in subsection (8), for “appropriate Minister” there is substituted “Scottish Ministers”, for “he” there is substituted “they”;
  - (g) in subsection (9), for “appropriate Minister” there is substituted “Scottish Ministers”; and
  - (h) subsection (11) is omitted.
- (15) In section 232 (right to compensation in respect of certain decisions and orders)–
- (a) in subsection (4)(b), for “Ministers” there is substituted “the Scottish Ministers”;
  - (b) in subsection (5)(b), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”; and
  - (c) in subsection (6), for “Secretary of State and the appropriate Minister” there is substituted “Scottish Ministers”.
- (16) In section 233 (measure of compensation to statutory undertakers etc.)–
- (a) in subsection (1)(a)(iii), for “appropriate Minister’s certificate” there is substituted “Scottish Ministers’ certificate”; and
  - (b) in subsection (8), for “appropriate Minister’s certificate” there is substituted “Scottish Ministers’ certificate”.
- (17) In section 235 (procedure for assessing compensation)–
- (a) in subsection (2)(b) for “Secretary of State” there is substituted “Scottish Ministers”; and
  - (b) in subsection (2)(c)–
    - (i) for “appropriate Minister”, there is substituted “Scottish Ministers”;
    - (ii) for “appropriate”, there is substituted “those”.
- (18) Section 240 (special provisions as to decisions relating to statutory undertakers) is omitted.
- (19) In section 253 (grants for research and education), “with the consent of the Treasury” is omitted.
- (20) In section 262(2) (power to modify Act in relation to minerals), “may be made only with the consent of the Treasury and” is omitted.
- (21) In section 270(9) (supplementary provisions as to rights of entry), for “appropriate Minister” there is substituted “Scottish Ministers”.
- (22) In section 277 (interpretation)–
- (a) in subsection (1), the definition of “the appropriate Minister” is omitted;
  - (b) subsection (2) is omitted; and
  - (c) for subsection (3), there is substituted–
    - “(3) If, in relation to anything required or authorised to be done under this Act, any question arises whether land of statutory undertakers is operational land, that question shall be determined by the Scottish Ministers.”.

(23) In paragraph 1(1) of Schedule 13 (regulations as to compensation in respect of orders relating to mineral working), “made with the consent of the Treasury” is omitted.

(24) In paragraph 9(4) of Schedule 16 (confirmation of orders), for “whichever Minister is the appropriate Minister in relation to the statutory undertakers concerned” there is substituted “the Scottish Ministers”.

### **Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (c. 9)**

**128.**—(1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is amended as follows.

(2) In section 69 (grants and loans for preservation or enhancement of conservation areas)—

- (a) in subsections (3) and (5), “with the approval of the Treasury” is omitted; and
- (b) in subsection (6), after “Commons” there is inserted “or of the Scottish Parliament”.

(3) In section 78 (rights of entry: supplementary provisions)—

- (a) in subsection (9), for “appropriate Minister” there is substituted “Scottish Ministers”; and
- (b) subsection (10) is omitted.

### **Planning (Hazardous Substances)(Scotland) Act 1997 (c. 10)**

**129.** In section 35 of the Planning (Hazardous Substances) (Scotland) Act 1997 (rights of entry: supplementary provisions)—

- (a) in subsection (7), for “appropriate Minister” there is substituted “Scottish Ministers”; and
- (b) subsection (8) is omitted.

### **Crime (Sentences) Act 1997 (c. 43)**

**130.**—(1) The Crime (Sentences) Act 1997 shall have effect subject to the following modifications.

(2) In paragraph 1 (transfer of prisoners: general) of Schedule 1 (transfer of prisoners within the British Islands)(90)—

- (a) in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person remanded in custody in connection with an offence in, or serving a sentence of imprisonment in, Scotland;
- (b) in sub-paragraph (4), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person transferred to Scotland.

(3) In paragraph 2 of Schedule 1 (transfer of prisoners to a trial)(91)—

- (a) in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person remanded in custody, or serving a sentence of imprisonment in, Scotland;
- (b) in sub-paragraphs (3) and (4), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person who has been transferred from Scotland.

(4) In paragraph 3 of Schedule 1 (transfer of prisoners for other judicial purposes)(92)—

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(90) Paragraph 1 was extended to the Isle of Man by [S.I. 1997/1775](#).

(91) Paragraph 2 was extended to the Isle of Man by [S.I. 1997/1775](#).

(92) Paragraph 3 was extended to the Isle of Man by [S.I. 1997/1775](#).

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- (a) in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person who is remanded in custody in connection with an offence in, serving a sentence of imprisonment in, or is otherwise detained in, Scotland;
  - (b) in sub-paragraph (3), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a Direction made by them under paragraph 3.
- (5) In paragraph 4 of Schedule 1 (transfer of supervision of released prisoners)(93), in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person undergoing or about to undergo supervision in Scotland.
- (6) In paragraph 5 of Schedule 1 (conditions of transfers)(94), in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in any case where they have the responsibility for making the transfer under Part I of Schedule 1.
- (7) In paragraph 7 of Schedule 1 (restricted transfers: general)(95)–
- (a) in sub-paragraph (1), an order for the transfer of a person or a person’s supervision back to the country or island from which he or it was transferred shall be made by the Scottish Ministers if the transfer of the person or, as the case may be, the transfer of his supervision was made by the Scottish Ministers;
  - (b) in sub-paragraph (2), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers where they have responsibility for making the transfer under paragraph 1 or 2 of Schedule 1.
- (8) In paragraph 10 of Schedule 1 (restricted transfers from Scotland to England and Wales)(96)–
- (a) in sub-paragraph (3), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers; and
  - (b) sub-paragraph (7) shall have effect as if the words “as if any reference to the Secretary of State were a reference to the Scottish Ministers and” were inserted after the words “(as so applied)”.
- (9) In paragraph 11 of Schedule 1 (restricted transfers from Scotland to Northern Ireland)(97)–
- (a) in sub-paragraph (3), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers; and
  - (b) sub-paragraph (6) shall have effect as if the words “as if any reference to the Secretary of State were a reference to the Scottish Ministers and” were inserted after the words “(as so applied)”.
- (10) In paragraph 15 of Schedule 1 (unrestricted transfers: general)(98)–
- (a) in both sub-paragraphs (3) and (4), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in a case where a person or his supervision has been transferred to Scotland;
  - (b) in sub-paragraph (5), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers.
- (11) In paragraph 17(5)(b) of Schedule 1 (prisoners unlawfully at large), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person

(93) Paragraph 4 was extended to the Isle of Man by [S.I. 1997/1775](#).

(94) Paragraph 5 was extended to the Isle of Man by [S.I. 1997/1775](#).

(95) Paragraph 7 was extended to the Isle of Man by [S.I. 1997/1775](#).

(96) Paragraph 10(7) was substituted by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 135(5)(f).

(97) Paragraph 11(6) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(6)(d).

(98) Paragraph 15 was extended to the Isle of Man by [S.I. 1997/1775](#).

unlawfully at large who is liable to be detained in a prison in another part of the United Kingdom and who is sentenced to imprisonment by a court in Scotland.

(12) In paragraph 11 (transfer of prisoners from Scotland to England and Wales) of Schedule 5 (transitional provisions and savings), sub-paragraph (3) shall have effect in relation to a prisoner transferred from Scotland to England and Wales as if—

(a) the word “and” at the end of sub-paragraph (3)(a) were omitted; and

(b) there were inserted after paragraph (3)(b) the following—

“; and

(c) any provision of the 1993 Act or the 1989 Act of which is applied by sub-paragraph (2) above shall have effect (and so apply) as if any reference to the Secretary of State were a reference to the Scottish Ministers”.

### **Police Act 1997 (c. 50)**

**131.**—(1) The Police Act 1997 is amended as follows.

(2) In section 22 (collaboration agreements), after subsection (8) there is inserted—

“(9) The Secretary of State shall obtain the consent of the Scottish Ministers before making any determination under subsection (5) or a direction under subsection (7) if the determination or direction would have any effect on, or apply to, a police force in Scotland or a police authority which maintains a police force in Scotland or, as the case may be, the police authorities for the police area comprised in a combined area in Scotland.”.

(3) In section 23 (aid by and for NCIS), after subsection (6) there is inserted—

“(7) The Secretary of State shall obtain consent of the Scottish Ministers before giving any direction under subsection (3) to the chief constable of any police force in Scotland.”.

(4) In section 101 (code of practice), after subsection (7) there is inserted—

“(7A) The Secretary of State shall consult the Scottish Ministers before—

(a) publishing a draft of any revised code under subsection (2) (as applied by subsection (7)); or

(b) laying a draft of the revised code before both Houses of Parliament under subsection (3) (as applied by subsection (7)).”.

(5) The functions under sections 22(5) and (7), 23(3) and 101 are not transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

### **Late Payment of Commercial Debts (Interest) Act 1998 (c. 20)**

**132.** In section 2(7) of the Late Payment of Commercial Debts (Interest) Act 1998 (contracts to which Act applies), after the definitions of “contract of sale of goods” and “goods” there is inserted—

““government department” includes any part of the Scottish Administration;”.

### **Data Protection Act 1998 (c. 29)**

**133.** In section 70(1) of the Data Protection Act 1998 (supplementary definitions), in the definition of “enactment” after “Act” there is inserted “and any enactment comprised in, or in any instrument made under, an Act of the Scottish Parliament”.