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STATUTORY INSTRUMENTS

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**1999 No. 3321**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

The Scotland Act 1998 (Transfer of Functions to  
the Scottish Ministers etc.) (No. 2) Order 1999

*Made* - - - - *14th December 1999*

*Coming into force* - - *15th December 1999*

At the Court at Buckingham Palace, the 14th day of December 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 63, 113 and 124(2) of the Scotland Act 1998(1), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 1999 and shall come into force on the day after the day on which it is made.

(2) In this Order, “the 1998 Act” means the Scotland Act 1998.

**Transfer of functions to the Scottish Ministers**

**2.** The functions which are conferred on a Minister of the Crown by the following enactments shall, so far as they are exercisable by him in or as regards Scotland, be exercisable by the Scottish Ministers instead of by the Minister of the Crown:—

- (a) section 1(4)(i) of the Breeding and Sale of Dogs Act 1973<sup>(2)</sup>; and
- (b) section 8 of the Breeding and Sale of Dogs (Welfare) Act 1999<sup>(3)</sup>.

**General modification of enactments etc.**

3.—(1) In each of section 1(4A) of the Breeding and Sale of Dogs Act 1973<sup>(4)</sup> and section 8(5) of the Breeding and Sale of Dogs (Welfare) Act 1999, for “either House of Parliament” substitute “the Scottish Parliament”.

(2) The following provisions of the 1998 Act shall apply as if any reference in them to a pre commencement enactment is read as a reference to any enactment:—

- (a) sections 117 and 118, in relation to the exercise of functions by the Scottish Ministers by virtue of article 2 of this Order;
- (b) sections 119 and 120, in relation to functions exercisable by the Scottish Ministers by virtue of that article.

(3) Any reference in any enactment or prerogative instrument or in any other instrument or document—

- (a) to government departments; or
- (b) to, or to any part or officer of, any government department,

(however described) is to be read, so far as the effect of this Order makes it necessary or expedient to do so, as including or being a reference to, or to any corresponding part or member of the staff of, the Scottish Administration.

**Transitional and saving provision**

4.—(1) The transfer, by virtue of this Order, of any function exercisable by a Minister of the Crown to the Scottish Ministers shall not affect the validity of anything done (or having effect as if done) by or in relation to a Minister of the Crown before the date on which the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when that transfer takes effect, is in the process of being done by or in relation to a Minister of the Crown may, so far as it relates to any function transferred, be continued by or in relation to the Scottish Ministers.

(3) Anything done (or having effect as if done) by or in relation to a Minister of the Crown for the purposes of or in connection with any function transferred to the Scottish Ministers by virtue of this Order shall, if in force at the time when that transfer takes effect, have effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.

*A. K. Galloway*  
Clerk of the Privy Council

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(2) 1973 c. 60; section 1(4)(i) was inserted by the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11), section 2(2).

(3) 1999 c. 11.

(4) Section 1(4A) was inserted by the Breeding and Sale of Dogs (Welfare) Act 1999, section 2(3)

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order, made under the Scotland Act 1998, provides for certain functions of a Minister of the Crown, so far as they are exercisable by him in or as regards Scotland, to be exercisable by the Scottish Ministers instead of by the Minister concerned.

Those functions are regulation making powers of the Secretary of State for the prescribing of the form of records to be kept by licensed dog breeding and rearing establishments and for prescribing information, in addition to the name of the licensed establishment where the dog was born, which requires to be displayed on the identifying tags or badges of dogs sold by such establishments.

Article 3 provides for certain general modifications of enactments and related matters in consequence of that transfer and article 4 makes transitional and saving provision.