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STATUTORY INSTRUMENTS

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**2000 No. 3252**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Modifications  
of Schedule 5) Order 2000**

*Made - - - - 13th December 2000*

*Coming into force in accordance with article 1(1)*

At the Court at Buckingham Palace, the 13th day of December 2000

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament and of the Scottish Parliament;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 30(2) of the Scotland Act 1998<sup>(1)</sup>, 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 (Modifications of Schedule 5) Order 2000 and shall come into force on the day after it is made.

(2) In this Order, references to numbered Sections are to the Sections bearing those numbers in Part II of Schedule 5 to the Scotland Act 1998.

**Postal Services Act 2000**

2.—(1) For Section C11 there is substituted—

*“C11 Posts*

The subject matter of the Postal Services Act 2000<sup>(2)</sup>.

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(1) 1998 c. 46.

(2) 2000 c. 26.

### *Exception*

Financial assistance for the provision of services (other than postal services and services relating to money or postal orders) to be provided from public post offices.

### *Interpretation*

Paragraph 5(1) of Part III of this Schedule does not apply to this Section.

The reference to the subject matter of the Postal Services Act 2000 is to be read as a reference to the subject matter of that Act as at the date when it received Royal Assent.

“postal services” and “public post offices” have the same meaning as in the Postal Services Act 2000.”.

(2) In Part III of Schedule 5 to the Scotland Act 1998 (reserved matters, general provisions), in paragraph 4(2)(c) (financial assistance to industry), after “reservations in Sections” there is inserted “C11,”.

## **Transport**

3.—(1) In Section E2, after the exception relating to grants there is inserted—

“Imposing requirements about the preparation and submission of strategies relating to the provision of rail services on Scottish public authorities with mixed functions relating to such services.”.

(2) In Section E2, after the exception relating to rail services inserted by article 3(1) above there is inserted—

“The transfer of functions of passenger transport executives or passenger transport authorities relating to the provision and regulation of rail services conferred by Part II of the Transport Act 1968(3) and sections 32 to 36 of the Railways Act 1993(4) to, and the allocation of such functions among, Scottish public authorities (other than cross-border public authorities and public authorities exercising functions solely in relation to reserved matters) which may be set up wholly or mainly to exercise functions relating to transport.”.

(3) In Section E4, after the exception relating to sections 59 to 60 of the Airports Act 1986(5) there is inserted—

“Imposing requirements about the preparation and submission of strategies relating to the provision of air services on Scottish public authorities with mixed functions relating to such services.”.

## **Pesticides**

4. In the exceptions to each of Sections C5 and C8, after “pesticides” there is inserted “(including anything treated as if it were a pesticide by virtue of section 16(16) of the Food and Environment Protection Act 1985(6))”.

## **Product standards**

5. In Section C8, after the reservation relating to technical standards and requirements in relation to products there is inserted—

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(3) 1968 c. 73.

(4) 1993 c. 43.

(5) 1986 c. 31.

(6) 1985 c. 48

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

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“The national accreditation body and the accreditation of bodies which certify or assess conformity to technical standards in relation to products or environmental management systems.”.

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

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## EXPLANATORY NOTE

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

This Order makes modifications to Part II of Schedule 5 to the Scotland Act 1998 (c. 46). That Schedule is concerned with matters which are outwith the legislative competence of the Scottish Parliament.

Article 2 amends the reservations at Section C11 of Schedule 5 to reflect the provisions of the Postal Services Act 2000 (c. 26). The Act replaces the post offices monopoly with a new reserved area in which universal service providers and others may operate provided that they have a licence from the newly created regulator, the Postal Services Commission. The new reservation permits the Scottish Parliament to legislate for financial assistance for the provision of non postal services to be provided from public post offices, subject to the existing limits on the Scottish Parliament's powers to provide financial assistance contained in the Scotland Act.

Article 3(1) of the Order adds an exception to the reservation at Section E2 (Rail transport) of Schedule 5. This amendment will permit the Scottish Parliament to legislate to require Scottish public authorities with mixed functions to produce joint transport strategies relating to rail services. Article 3(3) of the Order adds an identical exception to the reservation at Section E4 (Air transport) of Schedule 5.

Article 3(2) of the Order adds a further exception to the reservation at Section E2 (Rail transport) of Schedule 5 to enable the Scottish Parliament to legislate to confer on certain Scottish public authorities which may be set up the same rail responsibilities as any other passenger transport executive and to allocate functions to such authorities.

Article 4 of the Order amends the exceptions to the reservation in Sections C5 (Import and export control) and C8 (Product standards, safety and liability) of Schedule 5. Both of the exceptions to the reservations contain references to "pesticides". However Part III of the Food and Environment Protection Act 1985 (c. 48) ("the 1985 Act") permits certain substances, preparations and organisms to be treated as if they were pesticides. This Article amends the terms of the exceptions to the reservations to accord with the definition in the 1985 Act.

Article 5 amends the reservation in Section C8 of Schedule 5. The existing reservation on product standards, safety and liability is extended to include accreditation of persons or bodies in support of trade carried out under community law, and of trade matters which are related purely to competition but for which nationally recognised accreditation is important.