
STATUTORY INSTRUMENTS

2000 No. 3253

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000

Modifications of particular enactments

4.—(1) Schedule 3 to this Order (which makes modifications to the Wireless Telegraphy Act 1949⁽¹⁾ and the Regulation of Investigatory Powers Act 2000⁽²⁾) shall have effect.

(2) The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999⁽³⁾ is amended as follows:—

- (a) in article 2(1), the definition of “the 1985 Act” is omitted;
- (b) in paragraph 1 of Schedule 1—
 - (i) in sub-paragraph (1), for “section 5(b)” there is substituted “section 5(1)(b)”;
 - (ii) in sub-paragraph (2), for “section 5(b)” there is substituted “section 5(1)(b)”;
 - (iii) in sub-paragraph (2)(a), for “which neither the person using the apparatus nor any person on whose behalf he is acting is authorised by the Secretary of State to receive” there is substituted “of which neither the person using the apparatus nor a person on whose behalf he is acting is an intended recipient”; and
- (c) paragraph 6 of Schedule 1 is omitted.

(3) The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999⁽⁴⁾ is amended as follows:—

- (a) in Schedule 1 (enactments conferring functions transferred to the Scottish Ministers)—
 - (i) for the entry relating to the Wireless Telegraphy Act 1949 there is substituted the following:—

“The Wireless Telegraphy Act 1949 (c. 54), section 5(1)(b). Only so far as the function is exercisable for the purpose of preventing or detecting crime (within the meaning of the Regulation of Investigatory Powers Act 2000) or of preventing disorder”; and

- (ii) the entry relating to the Interception of Communications Act 1985 is omitted; and
- (b) in Schedule 5, paragraphs 6 and 14(3) and (4) are omitted.

(1) 1949 c. 54.
(2) 2000 c. 23.
(3) S.I.1999/1748.
(4) S.I. 1999/1750.