

SCHEDULE

Article 2

ENACTMENTS CONFERRING FUNCTIONS
TRANSFERRED TO THE SCOTTISH MINISTERS

<i>Column 1</i> <i>Enactments</i>	<i>Column 2</i> <i>Restrictions or requirements</i>
The Fire and Rescue Services Act 2004 (c. 21)–	
(a) (a) sections 34(1) to (5) and (8), 35(1), (4) and (6) and 36(1) to (3); and	–
(b) (b) section 60(2).	Only so far as the functions are exercisable in relation to regulations or orders made by the Scottish Ministers.
The Electricity Act 1989 (c. 29)–	
(a) (a) section 3A(1);	Only so far as the functions are exercisable in relation to functions exercisable by the Scottish Ministers.
(b) (b) section 32BA(2); and	–
(c) (c) section 32(7)(3).	–
The Energy Act 2004 (c. 20), sections 115(6), 116(8), 117(2), 118(2) and 119(7).	–
The Food and Environment Protection Act 1985 (c. 48), sections 16(4) and 24(3).	–
The Food Safety Act 1990 (c. 16), sections 2(1)(b)(5), 5(6)(6), 6(3), (4) and (6)(7), 13(8), 16(9), 17(10), 18(11), 19(12), 26(13), 27(14), 30(9)(15), 31(16), 40(17), 41(18),	–

- (1) Section 3A was inserted by the Utilities Act 2000 (c. 27), section 13 and was amended by the Communications Act 2003 (c. 21), section 406(1) and Schedule 17, paragraph 98 and the Energy Act 2004 (c. 20) (“the 2004 Act”), sections 83, 143, 147, 178, 190, and Schedule 19, paragraphs 3 and 4, and prospectively amended by section 179 of the 2004 Act.
- (2) Section 32BA was inserted by the 2004 Act, section 117(1).
- (3) Section 32(7)(d) was amended by the 2004 Act, section 119(2). Functions under section 32 were, prior to the amendment of section 32(7)(d) by the 2004 Act, transferred to the Scottish Ministers by S.I. 2000/3253.
- (4) Section 16 was amended by the Pesticides (Fees and Enforcement) Act 1989 (c. 27), section 1(2), the Pesticides Act 1998 (c. 26), section 1(1) to (4), the Food Standards Act 1999 (c. 28) (“the 1999 Act”), section 18 and Schedule 3, Part 3, paragraph 16(5) and S.I. 1999/1747.
- (5) Section 2(1)(b) was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (6) Section 5(6) was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (7) Section 6(3) was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 10(1) and (2). Section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c. 40) (“the 1994 Act”), sections 31 and 82(2)(d) and Schedule 9, paragraph 6 and the 1999 Act, section 40(1) and (4), Schedule 5, paragraph 10(1) and (3) and Schedule 6. Section 6(6) was amended by the 1994 Act, sections 76 and 82(2)(d) and Schedule 16, paragraph 16 and the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (8) Section 13 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 11.
- (9) Section 16 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (10) Section 17 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 12.
- (11) Section 18 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 13.
- (12) Section 19 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 14.
- (13) Section 26 was amended by the 1999 Act, section 40(4) and Schedule 6.
- (14) Section 27 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), section 180(1), Schedule 13, paragraph 163(3) and the 1999 Act, section 40(1) and Schedule 5, paragraph 8. There are other amendments to section 27 which are not relevant to this Order.
- (15) Section 30(9) was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.

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<i>Column 1</i> <i>Enactments</i>	<i>Column 2</i> <i>Restrictions or requirements</i>
42(19), 45(20), 47(21), 48(22), 49(23) and Schedule 1(24).	
The Food Standards Act 1999 (c. 28), section 24.	–
The Road Traffic Regulation Act 1984 (c. 27)–	
(a) (a) sections 1 and 14(25);	Only so far as the functions are exercisable by virtue of section 22C(26) of the Road Traffic Regulation Act 1984. The functions shall be exercisable only with the agreement of the Secretary of State.
(b) (b) sections 22C(1), (2), (4) and (5) and 22D(3) to (5)(27);	The functions shall be exercisable only with the agreement of the Secretary of State.
(c) (c) section 92(28); and	Only so far as that provision is applied by section 22D(3) of the Road Traffic Regulation Act 1984. The functions shall be exercisable only with the agreement of the Secretary of State.
(d) (d) Schedule 9(29).	Only so far as the functions relate to the exercise of powers, by virtue of section 22C of the Road Traffic Regulation Act 1984. The functions shall be exercisable only with the agreement of the Secretary of State.
The Roads (Scotland) Act 1984 (c. 54), sections 39A(30), 39B(31) and 39BA(32).	–

- (16) Section 31 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (17) Section 40 was amended by the 1999 Act, section 40(1) and (4), Schedule 5, paragraphs 8 and 17 and Schedule 6; S.I. 1999/1820 and S.I. 2004/2990.
- (18) Section 41 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 18.
- (19) Section 42 was amended by the 1994 Act, sections 76, 82(2)(f) and Schedule 16, paragraph 17 and the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 19.
- (20) Section 45 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 20.
- (21) Section 47 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (22) Section 48 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraphs 8 and 21 and S.I. 2004/2990.
- (23) Section 49 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 8.
- (24) Paragraph 6A of Schedule 1 was inserted by the 1999 Act, section 40(1) and Schedule 5, paragraph 23. Paragraph 7(2) of Schedule 1 was amended by the 1999 Act, section 40(1) and Schedule 5, paragraph 24.
- (25) There have been amendments to sections 1 and 14 which are not relevant to this Order.
- (26) Section 22C was inserted by the Civil Contingencies Act 2004 (c. 36), section 32 and Schedule 2, paragraph 16(2).
- (27) Section 22D was inserted by the Civil Contingencies Act 2004 (c. 36), section 32 and Schedule 2, paragraph 16(2).
- (28) Section 92 was amended by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and Schedule 8, paragraph 65.
- (29) Paragraph 12A of Schedule 9 was inserted by the Civil Contingencies Act 2004 (c. 36), section 32 and Schedule 2, paragraph 16(4). Functions in relation to Schedule 9, with the exception of functions under paragraph 12A, were transferred to the Scottish Ministers by S.I. 1999/1750.
- (30) Section 39A was inserted by the Traffic Calming Act 1992 (c. 30) (“the 1992 Act”), section 2(1) and Schedule 2.
- (31) Section 39B was inserted by the 1992 Act, section 2(1) and Schedule 2.
- (32) Section 39BA was inserted by the Civil Contingencies Act 2004 (c. 36), section 32 and Schedule 2, paragraph 17(1).

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