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STATUTORY INSTRUMENTS

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**2008 No. 1776**

**The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2008**

**Citation, commencement, interpretation and extent**

1.—(1) This Order may be cited as the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2008 and comes 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.

(3) This Order does not extend to Northern Ireland.

**Functions shared by the Scottish Ministers and a Minister of the Crown**

2. The functions which are conferred on a Minister of the Crown by the enactments specified in column 1 of the Schedule to this Order shall—

(a) so far as they are exercisable by that Minister in or as regards Scotland by virtue of the reservation at Section D5 of Schedule 5 to the 1998 Act; and

(b) subject to any restriction in the corresponding entry in column 2 of the Schedule to this Order,

be exercisable by the Scottish Ministers concurrently with the Minister of the Crown.

**General modifications of enactments**

3.—(1) Sections 117 and 118 (general modification of enactments) of the 1998 Act shall apply in relation to the exercise of functions by the Scottish Ministers by virtue of article 2 of this Order as they apply in relation to the exercise of functions by the Scottish Ministers within devolved competence.

(2) In the application of those sections by virtue of this article, any reference in them to a pre commencement enactment is to be read as if it were a reference to any enactment.

*Judith Simpson*  
Clerk of the Privy Council