STATUTORY INSTRUMENTS

2017 No. 444

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND

The Scotland Act 2016 (Transitional) Regulations 2017

Made - - - -	*20th March 2017*
Laid before Parliament	*22nd March 2017*
Coming into force - -	*1st May 2017*

The Secretary of State for Scotland makes the following Regulations in exercise of the powers conferred by section 71(1), (2) and (5) of the Scotland Act 2016(**1**).

Citation and commencement

1. These Regulations may be cited as the Scotland Act 2016 (Transitional) Regulations 2017 and come into force on 1st May 2017.

Interpretation

2. In these Regulations—

"functions" and "confer", in relation to functions, have the same meaning as in section 126(1) of the Scotland Act 1998 (interpretation)(**2**);

"legislative competence" is to be read in accordance with section 29 of that Act (legislative competence);

"pre-commencement enactment" has the meaning given by section 53(3) and (3A) of that Act (general transfer of functions)(**3**);

"Section F1" means Section F1 in Part 2 of Schedule 5 to that Act (reservation of social security schemes)(**4**).

(**1**) 2016 c. 11.
(**2**) 1998 c. 46.
(**3**) Section 53(3A) was inserted by section 32(3) of the Scotland Act 2016 (c. 11) and the meaning of "pre-commencement enactment" is modified for purposes relevant to these Regulations by section 32(1) and (2) of that Act.
(**4**) Section F1 was amended by sections 22 to 28 of the Scotland Act 2016 (c. 11); of particular relevance to these Regulations, exceptions 1 and 2 of Section F1 were inserted by section 22(2) and exception 4 was inserted by section 23(2) of that Act.

Modification of the Scotland Act 1998: benefits for disability and industrial injury; carer's benefits

3.—(1) For the period determined in accordance with regulation 4, the following modifications of the Scotland Act 1998 apply in respect of functions conferred on a Minister of the Crown by a pre-commencement enactment that is within legislative competence by virtue of—

(a) exception 1 in Section F1 (benefits for disability and industrial injury);

(b) exception 2 in Section F1 (carer's benefits).

(2) Section 23 (power to call for witnesses and documents) has effect as if—

(a) in subsection (3), the words from "unless" to the end were omitted;

(b) subsections (4) and (5) were omitted.

(3) Section 53 (general transfer of functions) has effect as if subsections (1) and (2) were omitted.

Duration of modification of the Scotland Act 1998: benefits for disability and industrial injury; carer's benefits

4.—(1) Regulation 3 has effect for the period—

(a) beginning with the day on which section 22(2) of the Scotland Act 2016 (disability, industrial injuries and carer's benefits) comes into force, and

(b) ending with 31st March 2020.

(2) If earlier, the period specified in paragraph (1) ends—

(a) in respect of a pre-commencement enactment that is within legislative competence by virtue of exception 1 in Section F1 (disability and industrial injuries benefits), immediately before a provision that is contained in an Act of the Scottish Parliament and is within legislative competence by virtue of that exception comes into force;

(b) in respect of a pre-commencement enactment that is within legislative competence by virtue of exception 2 in Section F1 (carer's benefits), immediately before a provision that is contained in an Act of the Scottish Parliament and is within legislative competence by virtue of that exception comes into force.

(3) For the purposes of this regulation—

(a) reference to an exception includes a paragraph of that exception;

(b) reference to a provision coming into force includes the provision coming into force partially;

(c) a provision that is contained in an Act of the Scottish Parliament and is within legislative competence by virtue of more than one exception in Section F1, whether or not it is also within legislative competence for any other reason, which is stated in regulations to be brought into force for purposes which are wholly within one such exception, is not to be taken as having been brought into force for the purposes of any other exception.

Modification of the Transfer of Property etc. (Scottish Ministers) Order 1999: benefits for disability and industrial injury; carer's benefits

5.—(1) Article 5 of the Transfer of Property etc. (Scottish Ministers) Order 1999 (transfer of other rights and interests and liabilities)(**5**) applies to a function conferred on a Minister of the Crown that satisfies the conditions in paragraph (2) as it applies to a transferred function (within the meaning of article 1(2) of the Order).

(**5**) S.I. 1999/1104.