Draft Order in Council laid before Parliament and the Scottish Parliament under section 115 of, and paragraphs 1 and 2 of Schedule 7 to, the Scotland Act 1998 for approval by resolution of each House of Parliament and of the Scottish Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND

The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006

Made - - - -	*2006*
Coming into force in accordance with article 1(1)	*2006*

At the Court at , the day of 2006

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 115 of, and paragraphs 1 and 2 of Schedule 7 to, the Scotland Act 1998(**1**) a draft of this Order was–

(a) laid before and approved by a resolution of each House of Parliament; and

(b) laid before and approved by resolution of the Scottish Parliament;

Accordingly, Her Majesty, in exercise of the powers conferred upon Her by sections 63, 113 and 124(2) of that Act, is pleased, by and with the advice of Her Privy Council, to order, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 and shall come 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; and

"the Veterinary Medicines Regulations" means the Veterinary Medicines Regulations 2005(**2**).

(**1**) 1998 c. 46.
(**2**) S.I.2005/2745.

(3) Any reference in this Order to a provision of the Veterinary Medicines Regulations is a reference to that provision as it had effect on the date that it came into force.

Transfer of functions to the Scottish Ministers

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

(a) so far as they are exercisable by that Minister in or as regards Scotland; and

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

be exercisable by the Scottish Ministers instead of by the Minister of the Crown.

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

3.—(1) Subject to the restriction specified in paragraph (2), the functions conferred on a Minister of the Crown by–

(a) section 2(2) of the European Communities Act 1972(**3**);

(b) the European Communities (Designation) Order 1972(**4**);

(c) the European Communities (Designation) (No.2) Order 1991(**5**);

(d) the European Communities (Designation) (No. 2) Order 1999(**6**); and

(e) the European Communities (Designation) (No. 4) Order 2003(**7**),

shall, so far as they are exercisable by him in or as regards Scotland, be exercisable by the Scottish Ministers concurrently with the Minister of the Crown.

(2) The functions referred to in paragraph (1) are so exercisable only so far as they are exercisable in relation to–

(a) animal feeding stuffs, intended to be used for oral feeding to animals, which are not veterinary medicinal products as defined in regulation 2(1) of the Veterinary Medicines Regulations; or

(b) any feed additive to which Regulation (EC) No. 1831/2003(**8**) on additives for use in animal nutrition applies which is not a specified feed additive as defined by paragraph 1(1) of Schedule 5 to the Veterinary Medicines Regulations.

General modifications of enactments

4.—(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 or 3 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.

(**3**) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15.
(**4**) S.I. 1972/1811, amended by S.I. 2002/794; there are other amending instruments not relevant to this Order.
(**5**) S.I. 1991/755; there are amendments not relevant to this Order.
(**6**) S.I. 1999/2027.
(**7**) S.I. 2003/2901.
(**8**) OJ No L 268, 18.10.2003, p.29.