Draft Order in Council laid before Parliament and the Scottish Parliament under section 115 of, and paragraphs 1, 2 and 3 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

2000 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND

The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 2000

Made - - - -	*2000*
Coming into force - -	*20th April 2000*

At the Court at Windsor Castle, the 19th day of April 2000

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament and of the Scottish Parliament;

And whereas the British Library Board, the Theatres Trust and the Trustees of the National Heritage Memorial Fund have been specified as cross-border public authorities by the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999(**1**);

And whereas it has been recommended to Her Majesty in Council to make this Order following consultation with those cross-border public authorities;

Now therefore, Her Majesty, in exercise of the powers conferred upon Her by sections 89 and 113 of the Scotland Act 1998(**2**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 2000 and shall come into force on 20th April 2000 ("the commencement date").

(**1**) S.I. 1999/1319.
(**2**) 1998 c. 46.

The British Library Board

2.—(1) Section 2 of the British Library Act 1972(**3**), (constitution etc. of the British Library Board) shall be amended as follows.

(2) In subsection (1), at the end of paragraph (b), for the word "and" there shall be substituted—

"(bb) one part-time member appointed by the Secretary of State shall be a person who appears to him to have special knowledge of Scotland; and".

(3) After subsection (2) there shall be inserted—

"(2A) Before making an appointment under subsection (1)(bb) above, the Secretary of State shall consult the Scottish Ministers.".

The Theatres Trust

3.—(1) In the Schedule to the Theatres Trust Act 1976(**4**) (appointment etc. of trustees of the Theatres Trust), after paragraph 1 there shall be inserted—

"**1A.** Without prejudice to the application of paragraph 2 below, one of the trustees shall be a person who appears to the Secretary of State to have special knowledge of Scotland; but before appointing any person to be a trustee pursuant to this paragraph, the Secretary of State shall consult the Scottish Ministers.".

(2) In paragraph 4 of that Schedule (which requires the Secretary of State, before appointing a trustee, to consult bodies representative of the interests concerned), for "the interests" there shall be substituted "such of the interests mentioned in paragraph 2 above as may be".

The Trustees of the National Heritage Memorial Fund

4.—(1) In section 1 of the National Heritage Act 1980(**5**) (establishment of the National Heritage Memorial Fund and appointment of trustees), after subsection (3) there shall be inserted—

"(3A) The Prime Minister shall consult the Scottish Ministers before appointing—

(a) the chairman of the Trustees, and

(b) any person under this section on the ground that he is connected by residence or otherwise with Scotland.".

(2) In Schedule 1 to that Act (the Trustees of the National Heritage Memorial Fund), in paragraph 3 (tenure of office of trustees), after sub-paragraph (4) there shall be inserted—

"(4A) The Prime Minister shall consult the Scottish Ministers before exercising any power of his under sub-paragraph (4)(d) above to terminate the appointment of a trustee in respect of whose appointment he was required by section 1(3A) of this Act to consult those Ministers.".

Modification of section 88(2) of the Scotland Act 1998

5. —Section 88(2)(a) of the Scotland Act 1998 (Minister of the Crown to consult the Scottish Ministers before appointing etc. cross-border public authority or any member or office-holder of it) shall not apply in relation to—

(a) the British Library Board,

(b) the Theatres Trust, and

(**3**) 1972 c. 54. The function of appointing members to the British Library Board (other than the member appointed by Her Majesty) has been transferred on a number of occasions, most recently from the Lord President of the Council to the Secretary of State by the Transfer of Functions (National Heritage) Order 1992 (S.I. 1992/1311), article 3(1) and Schedule 1, Part I.

(**4**) 1976 c. 27. The Act was amended and extended to Scotland by the Theatres Trust (Scotland) Act 1978 (c. 24).

(**5**) 1980 c. 17. In section 1(2) (which amongst other things specifies the number of trustees, apart from the chairman), "fourteen" was substituted for "ten" by the National Lottery etc. Act 1993 (c. 39), Schedule 4, paragraph 1.