

## **COMMISSION ON SCOTTISH DEVOLUTION**

### **PAPER ON FUNCTIONS (FOR 2ND MEETING, MAY 2008)**

#### **THE SCOTLAND ACT 1998: ALLOCATION OF PARLIAMENTARY POWERS AND MINISTERIAL FUNCTIONS, AND THEIR EXERCISE SINCE THE CREATION OF THE SCOTTISH PARLIAMENT**

##### **Introduction**

1. This paper sets out:
  - The principles of the Scotland Act and an explanation of its main provisions; and
  - A brief account of the working of the Act since it came into force, and the mechanisms for change and management of the devolution settlement, including the “Sewel convention”.

##### **The Principles of the Scotland Act 1998**

2. The Act distinguishes between:
  - The powers (“legislative competence”) of the Scottish Parliament; and,
  - The powers (“functions”) of Scottish ministers.

To some extent, these are co-extensive, but the Act deals with them in different ways as outlined below.

3. The Scotland Act recognised that the devolution settlement of 1998 could not be static: it had to be flexible enough to stand the test of time and adapt to policy developments at Westminster. So the Act itself allows for alteration of the Scottish Parliament’s competence so as to increase or to decrease its areas of responsibility. Powers are also provided to alter the functions of Scottish Ministers, again both to increase or to decrease.
4. The Act also provides mechanisms to monitor and enforce compliance by the Scottish Parliament and Scottish Ministers with the limits of their competence. The Scottish Parliament is responsible for policing itself through the Presiding Officer, the Lord Advocate and the Auditor General for Scotland. UK Ministers are provided with powers of veto in the event that they reasonably believe the Scottish Parliament or Scottish Ministers to be acting in a way that would either be incompatible with international obligations, affect defence or international relations or modify reserved law in an adverse way. Finally, the Law Officers can refer matters of legislative competence to the Judicial Committee of the Privy

Council. Details of these powers, their application and implications for the Scottish devolution settlement are set out below.

### **Legislative Competence of the Scottish Parliament**

5. There are two basic principles. The first is that the Scottish Parliament has competence to legislate unless the Act excludes that competence (Section 29(1)). This means that anything that is not expressly "reserved" in the Scotland Act is by implication devolved to the Scottish Parliament. The second is that the UK Parliament nevertheless retains the power to legislate for Scotland on all matters. This is, by and large, the same approach as that of the Northern Ireland Act 1998. By contrast, the Government of Wales Act 2006 lists the subject areas on which the Welsh Assembly is competent to legislate.
6. An Act is outside the Scottish Parliament's legislative competence where (Section 29(2)):
  - it purports to have legislative or executive effect outside Scotland
  - it purports to modify "protected enactments" (Schedule 4)
  - it relates to "reserved matters" (Schedule 5)
  - it is incompatible with European human rights law or EU law
  - it would remove the Lord Advocate from his/her position as head of the system of criminal prosecution and investigation of deaths in Scotland.
7. An Act, or a provision of an Act, that is found to be outwith the Parliament's legislative competence can be struck down by the courts. In particular, an Act or a provision can be struck down on the ground that it is incompatible with Human Rights law, unlike an Act of the UK Parliament which can only be "declared incompatible".

### **Schedule 4 - "Protected Enactments"**

8. Schedule 4 provides that, subject to certain exceptions, the Scottish Parliament cannot modify (or confer power on Scottish Ministers to modify) certain enactments. These "protected enactments" include:
  - Four "constitutional" enactments:
    - The provisions of the Acts of Union relating to freedom of trade
    - Key provisions of the European Communities Act
    - The Human Rights Act
    - The Private Legislation Procedure (Scotland) Act 1936

- Statutory provisions relating to:
  - Designation of enterprise zones
  - Rent rebate and rent allowance subsidy and council tax benefit
- “The law on reserved matters”. “The law” in this context covers primary and secondary legislation and “rules of law” (essentially, the rules of common law) relating to reserved matters.
- The Scotland Act itself.
- Enactments relating to judicial salaries and the Law Officers.

**Schedule 5: “Reserved Matters”**

9. Schedule 5 sets out some “General Reservations” (Part I) and then a long list of “Specific Reservations” (Part II).

*General Reservations:*

10. The following are reserved in their entirety:

- The Constitution
- Registration and funding of political parties
- Foreign affairs, including the Human Rights Convention and the EU
- Public service, including the civil service, sheriff clerks, procurators fiscal, etc.
- Defence
- Treason

*Specific Reservations*

11. The Specific Reservations are set out under 12 main heads, each with a series of sub-heads. In some cases, there are exceptions, “illustrations” and interpretations. Comments below in italics are not in the Act:

- Financial and economic matters:
  - Fiscal, economic and monetary policy, except local taxes to fund local authority expenditure (for example council tax and non-domestic rates)
  - The currency
  - Financial services, except bank holidays
  - Financial markets
  - Money laundering
- Home affairs:
  - Misuse of drugs

- Date protection
  - Elections (elections to House of Commons, European Parliament and Scottish Parliament, and the franchise at local government elections)
  - Firearms
  - Entertainment (essentially videos and films)
  - Immigration and nationality
  - Scientific procedures on live animals
  - National security, interception of communications, official secrets and terrorism
  - Betting, gaming and lotteries
  - Emergency powers
  - Extradition
  - Lieutenancies
- Trade and industry:
    - Business associations, except “particular public bodies” and charities [*The exception of “particular public bodies” allows for the creation, operation and dissolution of public bodies in Scotland for devolved purposes*]
    - Insolvency, except some aspects of winding up and receivership
    - Competition, except regulation of the legal profession
    - Intellectual property, except plant varieties
    - Import & Export control, except food, animals, plants, etc
    - Regulation of sea fishing outside the Scottish zone, except in relation to Scottish fishing boats
    - Consumer protection, except food safety
    - Product standards, safety and liability, except in relation to food, agricultural, pesticide products etc.
    - Weights and measures
    - Telecommunications and wireless telegraphy, except certain police powers
    - Post Office, posts and postal services
    - Research Councils, including funding of scientific research
    - Designation of assisted areas under the Industrial Development Act 1982
    - Industrial Development Advisory Board
    - “Protection of trading and economic interests” (under emergency powers, etc.)
- Energy:
    - Electricity, except aspects of environmental protection
    - Oil and gas, except some aspects of offshore activity and production and movement of gas
    - Coal, except environmental protection
    - Nuclear energy, except environmental protection and Radioactive Substances Act 1993
    - Energy conservation, except encouragement of energy efficiency other than by prohibition or regulation

- Transport:
  - Road transport, except aspects of road safety
  - Rail transport, except aspects of grants for rail services
  - Marine transport, except ports, hazards to navigation and financial assistance for bulk freight services to the Highlands and Islands
  - Air transport, except airports and aerodromes
  - Transport of radioactive material
  - Technical specifications for public passenger transport for disabled person
  - Carriage of dangerous goods
  
- Social security:
  - Social security schemes, except aspects of
    - Social welfare services [*mostly relating payments by local authorities.*]
    - Welfare services for the chronically sick and disabled
    - Payments towards maintenance of children
    - Industrial injuries benefit
    - Welfare of children in need
    - Young person in care
    - Children (Scotland) Act 1995
  - Child support, except aliment
  - Occupational and personal pensions
  - War pensions
  
- Regulation of the professions:
  - Architects
  - Health professions [*The “reserved professions” are identified by reference to the Acts governing them. Consequently, regulation of new professions, such as pharmacy technicians, is not reserved.*]
  - Auditors
  
- Employment:
  - Employment and industrial relations, except agricultural wages
  - Health and safety, except public safety in relation to non-reserved matters
  - Job search and support, except careers services and aspects of Scottish Enterprise and Highlands and Islands Enterprise
  
- Health and medicines:
  - Abortion
  - Xenotransplantation
  - Embryology, surrogacy and genetics
  - Medicines, medical supplies and poisons
  - Welfare foods
  
- Media and culture:
  - Broadcasting
  - Public lending right

- Public indemnity for objects on loan to museums, etc
- Acceptance of property in lieu of tax
- Judicial remuneration
- Equal opportunities legislation, except for “the encouragement (other than by prohibition or regulation) of equal opportunities” [*This allows the Scottish Parliament to require certain public authorities and office-holders to have due regard to equal opportunities requirements.*]
- Control of weapons of mass destruction
- Ordnance survey
- “Time” – time zones, calendars, etc., except bank holidays, Term Days and Quarter Days
- Outer space

### *Part III of Schedule 5*

12. Part III of Schedule 5 deals with:

- Scottish public authorities [*Scottish public authorities are not reserved, even if some of their functions are “mixed functions” relating to reserved and devolved matters, except where (i) the authority is a “cross-border public authority” or (ii) the function in question is specifically conferred in relation to a reserved matter.*]
- “Reserved bodies” (mostly those mentioned in Part II, but also the bodies that are now amalgamated in the Equality and Human Rights Commission)
- Financial assistance to industry. Within limits “financial assistance of commercial activities for the purpose of promoting or sustaining economic development or employment” is not reserved. [*It should be remembered, however, that such financial assistance is subject to the EU rules on State Aids.*]

### **“Functions” of the Scottish Ministers**

13. Unlike the sections dealing with the competence of the Scottish Parliament, the Scotland Act does not set out in detail the powers and functions of the Scottish Ministers. In some cases, they are dealt with specifically, in others they are implied. The basic concept is that of “devolved competence”.

### **“Devolved competence”**

14. In principle, the Scottish Parliament can confer powers on Scottish Ministers, and Ministers can exercise their powers, only within “devolved competence”. In other

words, Scottish Ministers cannot do, or be empowered by the Scottish Parliament to do, what the Scottish Parliament itself could not do by primary legislation. But there are circumstances where the UK Parliament can confer powers on Scottish Ministers in relation to reserved matters, and there are circumstances where UK and Scottish Ministers have concurrent powers. This paper does not deal in detail with those circumstances.

### ***General Transfer of functions to Scottish Ministers***

15. Within the scope of devolved competence, functions previously exercised by UK Ministers in or as regards Scotland were automatically transferred to Scottish Ministers when the Act came into force. The corollary is that UK Ministers no longer have power to exercise those functions, unless special arrangements are made.

### ***“Executive competence” to make secondary legislation***

16. As in the Westminster system, the Scottish Parliament can confer on Scottish Ministers executive competence to make secondary legislation in the form of Scottish Statutory Instruments (SSIs) – i.e. orders, rules or regulations to flesh out the details of primary legislation. The scope of such orders varies greatly - from the technical (e.g. specifying the date when provisions of an Act will come into force) to much wider powers such as filling out broad “framework” provisions in Acts.

### ***Collective responsibility of Scottish Ministers***

17. Scottish Ministers are collectively responsible for the exercise of any particular function by any Minister, except for functions conferred on the First Minister alone or the “retained functions” of the Lord Advocate (Section 52).

### ***Community law and Human Rights law***

18. Scottish Ministers can exercise their functions to give effect, as regards Scotland, to the requirements of Community law. But they cannot exercise their functions in a manner incompatible with Community law or the European Convention on Human Rights. Such action would be *ultra vires* and therefore liable to be struck down by the courts.

### **Mechanisms for Change, Managing the Devolution Settlement and the Working of the Scotland Act since 1999**

19. Nearly ten years of operation of the Scotland Act have witnessed the use of many of the powers outlined in the sections above. There have been amendments to the Scotland Act itself, as well as changes in the competence of Scottish Ministers. This section outlines how the Scotland Act provides for change, the situations in which changes have been made and the impact of these changes on the nature of the Scottish Devolution Settlement as it stands in 2008.

## Modifications of the Scotland Act

20. The Scotland Act can be modified or amended by a subsequent Act of the UK Parliament. Thus, Schedule 1 of the Act (Constituencies, regions and regional members) was replaced by the Scottish Parliament (Constituencies) Act 2004.
21. The Scotland Act also provides for the Act to be modified in certain respects by an Order in Council. Section 30 allows modifications to be made in this way to Schedule 4 (protected enactments) and Schedule 5 (reserved matters). The Order may:
  - extend the competence of the Scottish Parliament into a new area of responsibility currently listed as reserved, or
  - add a policy area to the list of reserved matters, taking it out of the remit of the Scottish Parliament.
22. Orders in Council do not normally require Parliamentary consent. However, the Act sets out in detail the circumstances in which Parliamentary consent (of Westminster and/or Holyrood) is required (Schedule 7). Specifically, Section 30 Orders require the consent (affirmative resolution) of both Houses of the UK Parliament and of the Scottish Parliament.
23. Since the Scotland Act came into force, nine Orders have been made under section 30. None of the nine have “re-reserved” matters which had been devolved to the Scottish Parliament by the Scotland Act.
24. The majority of Section 30 Orders have been necessary to clarify the status of new bodies created since the Scotland Act came into force. For example, the Commission for Equality and Human Rights (CEHR) was created by UK Statute in 2006 to bring together the existing equality Commissioners originally listed in Schedule 5 as “reserved bodies”. Since what is not expressly reserved is automatically devolved, the CEHR had to be added to the list of reserved bodies<sup>1</sup>. Similarly, the Arts and Humanities Research Council, which did not exist at the time of devolution, was made a reserved body to ensure consistent application across the whole of the UK.<sup>2</sup>
25. Some of the Section 30 Orders made since 1999 have increased the competence of the Scottish Parliament. The most significant of these added an exception to the reservation of “rail transport” to give the Scottish Parliament responsibility for “the promotion and construction of railways which start, end and remain in Scotland”<sup>3</sup>. This followed the agreement of a package of measures for railways

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<sup>1</sup> <http://www.opsi.gov.uk/si/si2006/20060609.htm>

<sup>2</sup> [http://www.oqps.gov.uk/legislation/uk/si/si2004/uksi\\_20043329\\_en\\_1](http://www.oqps.gov.uk/legislation/uk/si/si2004/uksi_20043329_en_1)

<sup>3</sup> <http://www.opsi.gov.uk/si/si2002/20021629.htm>



devolution known as the McLeish Settlement which were agreed during the passage of the Scotland Act.

### **Amendments to the executive functions of Scottish Ministers**

26. The Scotland Act provides additional, flexible, powers to alter the functions of Scottish Ministers without amendment of the Scotland Act itself. The exercise of additional reserved functions or powers can be transferred to Scottish Ministers by Order in Council, so far as they are exercisable in or as regards Scotland (Section 63). Such Orders require an affirmative resolution of both Houses in Westminster and of the Scottish Parliament.

27. There are three possible outcomes of such “executive devolution”:

- the function is to be exercised by Scottish Ministers in place of UK Ministers;
- the function is to be exercised concurrently with UK Ministers; or
- where the function remains with UK Ministers, it may be exercised only with the agreement, or after consultation with, Scottish Ministers.

28. The Act (section 108) allows for a corresponding return of functions from Scottish Ministers to UK Ministers in the same three ways (*mutatis mutandis*). But no Section 108 Orders have been made since 1999.

29. Fifteen Section 63 Orders have been made, extending the functions of the Scottish Ministers whilst maintaining reservation of the subject matter (and therefore maintaining a UK framework within which Scottish Ministers have to operate). A wide variety of functions has been transferred to Scottish Ministers, the most significant being in the area of energy and environmental policy.

30. Thus, in 2000 Scottish Ministers were empowered to make Orders specifying the level of electricity to be produced from renewable resources in Scotland<sup>4</sup>. This gave significant powers to Scottish Ministers to influence the type and mix of energy supply in Scotland, whilst remaining within a UK-wide policy framework. In 2001 and 2002 the powers of Scottish Ministers were further increased to match changes at UK level under the Utilities Act 2000 and the Energy Act 2004.

31. Three Section 63 Orders have transferred functions to Scottish Ministers in relation to the interception of communications<sup>5</sup>. This was, and remains, a reserved matter and is now governed by the Regulation of Investigatory Powers Act 2000 (RIPA). The three Section 63 Orders devolve to Scottish Ministers various functions relating to the issuing of interception warrants to the police in Scotland for the purpose of combating serious crime. This is on the basis that, since criminal justice is devolved in Scotland, Scottish Ministers have better

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<sup>4</sup> [http://www.oqps.gov.uk/legislation/uk/si/si2000/uksi\\_20003253\\_en\\_1](http://www.oqps.gov.uk/legislation/uk/si/si2000/uksi_20003253_en_1)

<sup>5</sup> [http://www.opsi.gov.uk/si/si2007/uksi\\_20072915\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20072915_en_1); [www.opsi.gov.uk/si/si2000/20003253.htm](http://www.opsi.gov.uk/si/si2000/20003253.htm); [www.opsi.gov.uk/si/si2003/20032617.htm](http://www.opsi.gov.uk/si/si2003/20032617.htm)

access to the operational expertise to decide when a warrant should appropriately be issued.

### **“Agency Arrangements”**

32. Section 93 enables UK Ministers to make arrangements for their functions (both statutory and non-statutory) to be exercised on their behalf by Scottish Ministers and, correspondingly, for functions of Scottish Ministers to be exercised by UK Ministers (section 93). Ministerial responsibility for the exercise of a function is not affected by such an arrangement.
33. Thirteen section 93 Orders have been made since 1999. A recent example is an arrangement enabling UK Ministers to exercise the functions of Scottish Ministers in purchasing radio equipment for the fire services in Scotland. This enabled UK Ministers to commission one contract for the whole of Great Britain, allowing both administrations to benefit from economies of scale as a result of a stronger bargaining position<sup>6</sup>.
34. A full list of the orders modifying the Scotland Act is annexed (Annex A).

### **Managing the Settlement**

35. The Scotland Act provides a number of statutory mechanisms to monitor compliance with the provisions of the Scotland Act. These mechanisms are subject to judicial control.
36. In addition, more informal, non-legislative powers of oversight have been put in place jointly by the Scottish Administration and UK Government following the implementation of devolution. These are designed to provide a suitable forum for mutual sharing of information and dispute resolution if necessary.

#### **A. Statutory Mechanisms**

##### *Scrutiny of Bills before introduction*

37. In the case of all Bills introduced by the Scottish Ministers, the Minister in charge of a Bill must, on or before introducing it, “state that in his view the provisions of the Bill would be within the legislative competence of the Parliament”. For all Bills (including Members’ Bills, Committee Bills and Private Bills), the Presiding Officer must also “decide whether or not in his view the provisions of the Bill would be within the legislative competence of the Parliament and state his decision”. (See also paragraph 36 below.)

##### *References to the Judicial Committee of the Privy Council*

38. Any one of the three principal Law Officers (the Advocate General, the Lord Advocate or the Attorney General) may refer a question of legislative competence

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<sup>6</sup> <http://www.opsi.gov.uk/si/si2006/20061251.htm>

to the Judicial Committee of the Privy Council (section 33). This power must be exercised within four weeks of the passing of a Bill by the Scottish Parliament. The Bill cannot be submitted for Royal Assent within that period unless all three Law Officers have notified the Presiding Officer that they do not intend to make a reference. The power of the Law Officers to refer has not been used to date.

39. In practice, Scottish Ministers do not present government Bills to the Scottish Parliament until the advice and consent of the Lord Advocate has been received, to the effect that the provisions of the Bill would be within the legislative competence of the Parliament. The competency of amendments to government Bills will normally be considered by the Lord Advocate during their passage through Parliament. Consequently, the possibility of a reference to the Judicial Committee is more likely to arise in the case of Private Members' Bills and Committee Bills.
40. The power of the Law Officers to refer questions to the Judicial Committee should be distinguished from the power of the courts to refer "devolution issues". A number of such cases have gone to the Judicial Committee, the most notable of which relate to compliance by the Scottish Administration with the Human Rights Act, especially as regards treatment of prisoners.

#### *UK Ministers' power of veto*

41. The Act gives the Secretary of State power to "veto" Scottish legislation, or the exercise of powers by Scottish Ministers, where "the Secretary of State has reasonable grounds to believe" that provisions of the legislation, or the exercise of the power:
- would be incompatible with any international obligations;
  - would be incompatible with the interests of defence or national security; or
  - would modify the law as it applies to reserved matters and would have an adverse effect on the operation of the law as it applies to such matters.
42. Where this power is invoked in relation to an Act of the Scottish Parliament, the Secretary of State must make an Order prohibiting the Presiding Officer from submitting the Bill for Royal Assent (Section 35).
43. The Secretary of State may revoke secondary legislation or order the Scottish Ministers to take, or not to take, particular action (Section 58).
44. None of these powers have been used to date.

## ***B. Political and Administrative Mechanisms***

### *Ministerial Councils*

### *The Memorandum of Understanding*

45. The Memorandum of Understanding (MoU) between the UK Government and the devolved administrations sets out the principles that will underlie relations between them. It is a statement of political intent, and is not binding in law. It sets out principles for good communication and cooperation between the administrations. The most recent MoU was presented to Parliament in 2001.
46. One of the principles underpinning UK- devolved relations is that:

‘The UK Government and the devolved administrations believe that most contact between them should be carried out on a bilateral or multi-lateral basis, between departments which deal on a day-to-day basis with the issues at stake.’ ( MoU, para 22)

### *Concordats*

47. There are extensive informal, bilateral contacts between UK departments and the devolved administrations, at ministerial and official level. These bilateral relations are underpinned by a series of departmental Concordats. A Concordat is a guide to the future working relationship between Ministers and officials. It is not an exhaustive description of the relationship.

### *The Joint Ministerial Committee*

48. The MoU provides for a Joint Ministerial Committee (JMC) consisting of UK Government, Scottish, Welsh and Northern Ireland Ministers, to provide some central coordination of the overall relationship.
49. The terms of reference for the JMC are (para 23):
- (a) to consider non-devolved matters which impinge on devolved responsibilities, and devolved matters which impinge on non-devolved responsibilities;
  - (b) where the UK Government and the devolved administrations so agree, to consider devolved matters if it is beneficial to discuss their respective treatment in different parts of the United Kingdom;
  - (c) to keep the arrangements for liaison between the UK Government and the devolved administrations under review; and
  - (d) to consider disputes between administrations.
50. A separate agreement on the JMC makes detailed provision for the operation of the JMC and its secretariat.
51. The JMC has not met as regularly as was originally envisaged. The last plenary JMC meeting was in 2002. In line with the MoU, the majority of cooperation between the administrations has been on a bilateral or multi-lateral basis (e.g. the Finance Quadrilateral between Finance Ministers).

52. On the other hand, the JMC has met regularly in its European format, JMC(E), to agree the UK line in negotiations at European Councils.

53. A JMC plenary meeting is scheduled for June. The next meeting of JMC(E) is also scheduled for June.

### *The Sewel Convention*

54. The “Sewel Convention” has been portrayed as a means by which Westminster has ‘reclaimed’ powers in devolved areas. This is incorrect. The Convention ensures that the “sovereign” UK Parliament respects the competences of the Scottish Parliament.

55. The Convention has become an integral part of the working of the Devolution Settlement. During the passage of the Scotland Bill, the then Parliamentary Under-Secretary of State, Lord Sewel, announced on behalf of the Government: “We would expect a convention to be established that Westminster would not normally legislate with regard to devolved matters in Scotland, without the consent of the Scottish Parliament”

56. The scope of the Convention has since been widened to make best use of Parliamentary time at both Westminster and Holyrood. As explained above, the Scotland Act provides for alteration of legislative and executive competence by Orders in Council which require affirmative resolutions in both Parliaments. To short-circuit this requirement, the extension of the Convention allows the Westminster Parliament to legislate where a suitable UK Bill includes:

- a provision which falls within the devolved legislative competence of the Scottish Parliament
- a provision which either gives, or alters an existing executive function of the Scottish Ministers
- a provision which either increases or decreases the legislative competence of the Scottish Parliament

57. Where a clause in a Bill introduced at Westminster falls within the scope of the Sewel Convention, Scottish Ministers seek the consent of the Scottish Parliament through a Legislative Consent Motion (LCM) – previously called a “Sewel Motion”<sup>7</sup>. At Holyrood, consideration is given to all LCMs by a subject committee, followed by a decision of the whole Parliament. (Most recent LCM’s have been agreed to without a division.)

58. If the Scottish Parliament withholds consent, the Convention commits the UK Government to remove the provisions in question. In practice, all devolution

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<sup>7</sup> The Scottish Parliament’s Standing Orders provide that any MSP may seek Parliament’s consent. This covers a situation (which has not arisen) where Scottish Ministers in a minority administration are opposed to legislation by Westminster, but the majority of MSPs are, or may be, in favour.

issues must have been resolved before UK Government Bills receive clearance for introduction from the Cabinet Sub-Committee on Legislation.

59. Since 1999 there have been 87 Sewel Motions in the Scottish Parliament on a wide-range of policy areas. All have been passed, although in some cases after amendment.
60. Both the Scottish Parliament Procedures Committee in Holyrood<sup>8</sup> and the Scottish Affairs Committee in Westminster<sup>9</sup> have considered the application of the Convention and have concluded that it is a necessary requirement of devolved governance, and that it works well. A number of amendments have been endorsed by the Scottish Parliament and the House of Commons respectively and have been accepted by the Scottish Administration and the UK Government.

#### *Examples of use of the Sewel Convention*

61. In 2004 the Scottish Parliament approved a Sewel Motion in relation to the Railways Bill to give Scottish Ministers broadly the same role in Scotland as the Secretary of State for Transport in England and Wales (with the exception of rail safety and licensing of operators)<sup>10</sup>. The Motion built upon the extension of legislative devolution to the Scottish Parliament that the Section 30 Order mentioned above had provided in 2002, so that Scottish Ministers were given responsibility for planning, letting and financing rail passenger franchises in Scotland and powers to develop and improve the railway services in Scotland.
62. The Compensation Bill (which became the Compensation Act 2006) was introduced in 2005 and was intended to apply only to England and Wales. Following a much-criticised judgment of the House of Lords in May 2006, it was proposed to introduce, at the Commons Report Stage, a provision which would have the effect of reversing the judgment so as to enable individuals suffering from mesothelioma (a serious lung disease caused by exposure to asbestos) to seek full compensation, even when they were not able to trace all relevant employers. The Scottish Ministers sought a LCM to extend this provision to Scotland so as to ensure that Scottish sufferers were not disadvantaged<sup>11</sup>.
63. Nine LCMs have been introduced since the last elections to the Scottish Parliament and the change of government in Scotland, including the Climate Change LCM agreed on 20 December 2007<sup>12</sup>. The main purpose of the (UK)

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<sup>8</sup> <http://www.scottish.parliament.uk/business/committees/procedures/reports-05/prr05-07-vol01.htm>

<sup>9</sup> <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmsscota/983/98302.htm>

<sup>10</sup> <http://www.scotland.gov.uk/Resource/Doc/923/0008078.pdf>

<sup>11</sup> <http://www.scottish.parliament.uk/business/legConMem/LCM-2005-2006/pdf/LCM-CompensationBill.pdf>

<sup>12</sup> <http://www.scottish.parliament.uk/business/legConMem/LCM-2007-2008/pdf/ClimateChange-LCM.pdf>. One of the nine LCMs (Energy Bill) is still outstanding. The decision of the Scottish Parliament is scheduled for 18 June.

Climate Change Bill is to provide a statutory framework for actions to mitigate climate change by reducing emissions. The environment is a policy area that is (broadly) devolved in Scotland, but the UK Government and the present Scottish Administration appreciated that it was sensible to work together in order to make a substantial impact on emissions, given the global challenge of climate change. The LCM enabled Westminster to legislate to introduce targets, trading schemes and a new Climate Change Committee with UK-wide remit.

## Annex A: Scotland Act 1998, Statutory Instruments

|    |                |  |
|----|----------------|--|
| 1  | S.I. 1998/3116 | The Local Government Officers (Political Restrictions) Amendment Regulations 1998.                                 |
| 2  | S.I. 1998/3178 | The Scotland Act 1998 (Commencement) Order 1998.   |
| 3  | S.I. 1998/3216 | The Scotland Act 1998 (Transitional and Transitory Provisions) (Subordinate Legislation under the Act) Order 1998. |
| 4  | S.I. 1999/270  | The Scottish Parliament (Regional Returning Officers)(Scotland) Order 1999   |
| 5  | S.I. 1999/441  | The Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Order 1999.                               |
| 6  | S.I. 1999/665  | The Judicial Committee (Devolution Issues) Rules Order 1999.   |
| 7  | S.I. 1999/674  | The Scotland Act 1998 (Transitory and Transitional Provisions) (Appropriations) Order 1999.                        |
| 8  | S.I. 1999/676  | The Parliamentary Copyright (Scottish Parliament) Order 1999.  |
| 9  | S.I. 1999/677  | The Scottish Parliamentary Corporate Body (Crown Status) Order 1999.   |
| 10 | S.I. 1999/678  | The Transfer of Functions (Lord Advocate and Secretary of State) Order 1999.                                       |
| 11 | S.I. 1999/679  | The Transfer of Functions (Lord Advocate and Advocate General for Scotland) Order 1999.                            |
| 12 | S.I. 1999/680  | The Scottish Parliament (Disqualification) Order 1999.   |
| 13 | S.I. 1999/715  | The Local Government Officers (Political Restrictions)(Amendment) Regulations 1999.                                |
| 14 | S.I. 1999/737  | The Scottish Parliament (Letters Patent and Proclamations) Order 1999.   |
| 15 | S.I. 1999/787  | The Scottish Parliament (Elections etc.) Order 1999  |
| 16 | S.I. 1999/788  | The Scottish Parliament (First Ordinary General Election and First Meeting) Order 1999.                            |
| 17 | S.I. 1999/829  | The Scottish Parliament (Regional Returning Officers) (Scotland) (No.2) Order 1999.                                |
| 18 | S.I. 1999/901  | The Scotland Act 1998 (General Transitory, Transitional and Savings Provisions) Order 1999.                        |
| 19 | S.I. 1999/1017 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Removal of Judges) Order 1999.                     |
| 20 | S.I. 1999/1042 | The Scotland Act 1998 (Consequential Modifications) (No.1) Order 1999.   |
| 21 | S.I. 1999/1081 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders) Order 1999.   |
| 22 | S.I. 1999/1082 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Scottish Parliamentary Pension Scheme) Order 1999. |
| 23 | S.I. 1999/1094 | The Scottish Parliamentary Elections (Returning Officers' Charges) Order 1999.                                     |



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| 24 | S.I. 1999/1095 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Standing Orders and Parliamentary Publications) Order 1999.                         |
| 25 | S.I. 1999/1096 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999.  |
| 26 | S.I. 1999/1097 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Salaries and Allowances) Order 1999.  |
| 27 | S.I. 1999/1098 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Administration of the Parliament) Order 1999.                                       |
| 28 | S.I. 1999/1104 | The Transfer of Property etc. (Scottish Ministers) Order 1999.  |
| 29 | S.I. 1999/1105 | The Transfer of Property etc. (Lord Advocate) Order 1999.   |
| 30 | S.I. 1999/1106 | The Transfer of Property etc. (Scottish Parliamentary Corporate Body) Order 1999.   |
| 31 | S.I. 1999/1126 | The Scottish Adjacent Waters Boundary Order 1999.   |
| 32 | S.I. 1999/1127 | The Scottish Administration (Offices) Order 1999.   |
| 33 | S.I. 1999/1319 | The Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999.   |
| 34 | S.I. 1999/1320 | The Judicial Committee (Powers in Devolution Cases) Order 1999.   |
| 35 | S.I. 1999/1334 | The Scotland Act 1998 (General Transitory, Transitional and Savings Provisions) Amendment Order 1999. (incl Private legislation procedure).         |
| 36 | S.I. 1999/1345 | Act of Sederunt (Devolution Issues Rules) 1999.   |
| 37 | S.I. 1999/1346 | Act of Adjournal (Devolution Issues Rules) 1999.  |
| 38 | S.I. 1999/1347 | Act of Sederunt (Proceedings for Determination of Devolution Issues Rules) 1999.  |
| 39 | S.I. 1999/1350 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Members' Interests) Order 1999.   |
| 40 | S.I. 1999/1351 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Order 1999.  |
| 41 | S.I. 1999/1379 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999. |
| 42 | S.I. 1999/1512 | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999.   |
| 43 | S.I. 1999/1592 | The Scotland Act 1998 (Concurrent Functions) Order 1999.  |
| 44 | S.I. 1999/1593 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Orders subject to Special Parliamentary Procedure) Order 1999.                      |
| 45 | S.I. 1999/1594 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Laying of Reports) Order 1999.  |
| 46 | S.I. 1999/1595 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Complaints of Maladministration) Amendment Order 1999.                              |
| 47 | S.I. 1999/1596 | The Scotland Act 1998 (Transfer of Borrowing of the Registers of Scotland Executive Agency Trading Fund) Order 1999.                                |
| 48 | S.I. 1999/1745 | The Scottish Parliament (Assistance for Registered Political Parties) Order 1999.   |

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| 49 | S.I. 1999/1746 | The Scotland Act 1998 (Border Rivers) Order 1999.  |
| 50 | S.I. 1999/1747 | The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999.   |
| 51 | S.I. 1999/1748 | The Scotland Act 1998 (Functions exercisable in or as Regards Scotland) Order 1999.  |
| 52 | S.I. 1999/1749 | The Scotland Act 1998 (Modifications of Schedules 4 and 5) Order 1999.   |
| 53 | S.I. 1999/1750 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999.   |
| 54 | S.I. 1999/1756 | The Scotland Act 1998 (Modification of Functions) Order 1999.  |
| 55 | S.I. 1999/1766 | The Scottish Parliamentary Elections (Returning Officers' Charges) Amendment Order 1999.   |
| 56 | S.I. 1999/1820 | The Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999.   |
| 57 | S.I. 1999/1891 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Grants to Members and Officeholders and Scottish Parliamentary Pension Scheme) Amendment Order 1999. |
| 58 | S.I. 1999/2092 | The Superannuation (Application of the Superannuation Act 1972, Section 1)(No. 2) Order 1999.  |
| 59 | S.I. 1999/2785 | The Transfer of Functions (Scientific Research) Order 1999.  |
| 60 | S.I. 1999/2786 | The Transfer of Functions (Nuclear Installations) Order 1999.  |
| 61 | S.I. 1999/3141 | The Transfer of Functions (Agriculture & Food) Order 1999.   |
| 62 | S.I. 1999/3142 | The Transfer of Functions (Medicines and Poisons) Order 1999.  |
| 63 | S.I. 1999/3143 | The Transfer of Functions (Road Traffic) Order 1999  |
| 64 | S.I. 1999/3273 | The Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Amendment Order 1999.   |
| 65 | S.I. 1999/3320 | The Scotland Act 1998 (Agency Arrangements) (Specifications) (No 2) Order 1999.  |
| 66 | S.I. 1999/3321 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 1999.   |
| 67 | S.I. 2000/687  | The Scotland Act 1998 (Designation of Receipts) Order 2000.  |
| 68 | S.I. 2000/745  | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2000.  |
| 69 | S.I. 2000/746  | The Scotland Act 1998 (Cross-Border Public Authorities) (Forestry Commissioners) Order 2000.   |
| 70 | S.I. 2000/935  | The Public Finance and Accountability (Scotland) Act 2000 (Transfer of NAO Staff etc.) Order 2000.   |
| 71 | S.I. 2000/1102 | The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 2000.   |
| 72 | S.I. 2000/1113 | The Scotland Act 1998 (Cross-Border Public Authorities)(British Wool Marketing Board) Order 2000.  |
| 73 | S.I. 2000/1314 | The Food Protection (Emergency Prohibitions)(Oil and Chemical Pollution of Fish) (No.2) Order 1993 (Revocation) (England, Wales and Northern Ireland) Order 2000.    |

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| 74 | S.I. 2000/1458 | The Scotland Act 1998 (Modification of Functions) Order 2000.   |
| 75 | S.I. 2000/1563 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2000.  |
| 76 | S.I. 2000/1812 | The Transfer of Functions (Agriculture and Fisheries) Order 2000.   |
| 77 | S.I. 2000/1831 | The Scotland Act 1998 (Modifications of Schedule 4) Order 2000.   |
| 78 | S.I. 2000/2040 | The Scotland Act 1998 (Consequential Modifications) Order 2000  |
| 79 | S.I. 2000/3250 | The Scotland Act 1998 (Agency Arrangements) (Specification) (No. 2) Order 2000  |
| 80 | S.I. 2000/3251 | The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc) (No.2) Order 2000   |
| 81 | S.I. 2000/3252 | The Scotland Act 1998 (Modifications of Schedule 5) Order 2000  |
| 82 | S.I. 2000/3253 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) (No.2) Order 2000   |
| 83 | S.I. 2001/954  | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2001  |
| 84 | S.I. 2001/1170 | The Employment Tribunals (Constitution and Rules of Procedure) (Scotland) Regulations 2001  |
| 85 | S.I.2001/1399  | The Scottish Parliament (Elections etc) (Amendment) Order 2001.   |
| 86 | S.I. 2001/1400 | The Scotland Act 1998 (Consequential Modifications) Order 2001  |
| 87 | S.I. 2001/1456 | The Scotland Act 1998 (Modification of Schedule 5) Order 2001   |
| 88 | S.I. 2001/1748 | The Scottish Parliament (Elections etc.)(Amendment)(No. 2) Order 2001   |
| 89 | S.I. 2001/1750 | The Scottish Parliament (Elections etc)(Amendment)(No. 3) Order 2001  |
| 90 | S.I. 2001/2478 | The Scotland Act 1998 (Regulation of Care (Scotland) Act 2001) Order 2001   |
| 91 | S.I. 2001/2748 | The Transport (Scotland) Act 2001 (Conditions attached to PSV Operator's Licence and Competition Test for Exercise of Bus Functions) Order 2001 |
| 92 | S.I. 2001/3504 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) (No.2) Order 2001   |
| 93 | S.I. 2001/3917 | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2001  |
| 94 | S.I. 2002/261  | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2002  |
| 95 | S.I. 2002/653  | The Scottish Water (Transfer of Functions, etc.)(Tax Provisions) Order 2002   |
| 96 | S.I. 2002/800  | The Scotland Act 1998 (Agency Arrangements) (Specification)(No. 2) Order 2002   |
| 97 | S.I. 2002/801  | The Scottish Administration (Offices) Order 2002  |
| 98 | S.I. 2002/1264 | The Water Industry (Scotland) Act 2002 (Directions in the Interests of National Security) Order 2002  |
| 99 | S.I. 2002/1629 | The Scotland Act 1998 (Modifications of Schedule 5) Order 2002  |

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| 100 | S.I. 2002/1630 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2002  |
| 101 | S.I. 2002/2264 | The Housing (Scotland) Act 2001 (Housing Support Services Information) Order 2002   |
| 102 | S.I. 2002/2367 | The Housing (Scotland) Act 2001 (Accommodation for Asylum-Seekers) Order 2002   |
| 103 | S.I. 2002/2636 | The Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) (Amendment) Order 2002   |
| 104 | S.I. 2002/2779 | The Scottish Parliament (Elections etc.) Order 2002   |
| 105 | S.I. 2003/407  | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2003  |
| 106 | S.I. 2003/409  | The Scottish Parliament (Disqualification) Order 2003   |
| 107 | S.I. 2003/415  | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2003  |
| 108 | S.I. 2003/1880 | The Judicial Committee (Devolution Issues) Rules (Amendment) Order 2003   |
| 109 | S.I. 2003/2250 | The Land Reform (Scotland) Act 2003 (Directions for the Purposes of Defence or National Security) Order 2003  |
| 110 | S.I. 2003/2278 | The Scottish Parliamentary Standards Commissioner Act 2002 (Power to Call for Witnesses and Documents) (England, Wales and Northern Ireland) Order 2003 |
| 111 | S.I. 2003/2617 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) (No.2) Order 2003   |
| 112 | S.I. 2004/953  | The Scotland Act 1998 (Designation of Receipts) Order 2004.   |
| 113 | S.I. 2004/956  | The Local Government in Scotland Act 2003 (Destination of Fixed Penalties in Scotland ) Order 2004  |
| 114 | S.I. 2004/957  | The Primary Medical Services (Scotland) Act 2004 (Consequential Modifications) Order 2004   |
| 115 | S.I. 2004/1822 | The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004   |
| 116 | S.I. 2004/1823 | The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004   |
| 117 | S.I. 2004/1861 | The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004   |
| 118 | S.I. 2004/2030 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2004  |
| 119 | S.I. 2004/2261 | The Primary Medical Services (Scotland) Act 2004 (Consequential Amendments) Order 2004  |
| 120 | S.I. 2004/2351 | The Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2004   |
| 121 | S.I. 2004/2980 | The Scotland Act 1998 (Modification of Functions) Order 2004  |
| 122 | S.I. 2004/3089 | The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004   |

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| 123 | S.I. 2004/3324 | The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 2004  |
| 124 | S.I. 2004/3329 | The Scotland Act 1998 (Modifications of Schedule 5) Order 2004  |
| 125 | S.I. 2005/435  | Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2005   |
| 126 | S.I. 2005/849  | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2005  |
| 127 | S.I. 2005/865  | The Scotland Act 1998 (Modifications of Schedule 5) Order 2005  |
| 128 | S.I. 2005/866  | The Scotland Act 1998 (Modifications of Schedule 5) (No.2) Order 2005   |
| 129 | S.I. 2005/1138 | The Judicial Committee (Devolution Issues) Rules (Amendment) Order 2005   |
| 130 | S.I. 2005/1467 | The Scottish Administration (Offices) Order 2005  |
| 131 | S.I. 2005/1790 | The Adults with Incapacity (Scotland) Act 2000 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2005       |
| 132 | S.I. 2005/1791 | The Education (Additional Support for Learning) (Scotland) Act 2004 (Consequential Modifications) Order 2005                        |
| 133 | S.I. 2005/1865 | The Employment Tribunals (Constitution and Rules of Procedures) (Amendment) (No. 2) Regulations 2005                                |
| 134 | S.I. 2005/2060 | The Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005  |
| 135 | S.I. 2005/2077 | The Further and Higher Education (Scotland) Act 2005 (Consequential Modifications) Order 2005                                       |
| 136 | S.I. 2005/2078 | The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005                                    |
| 137 | S.I. 2005/3172 | The Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005                                 |
| 138 | S.I. 2006/241  | The Gaelic Language (Scotland) Act 2005 (Consequential Modifications) Order 2006  |
| 139 | S.I. 2006/242  | The Charities and Trustee Investment (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2006                    |
| 140 | S.I. 2006/304  | The Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc.) Order 2006   |
| 141 | S.I. 2006/609  | The Scotland Act 1998 (Modifications of Schedule 5) Order 2006  |
| 142 | S.I. 2006/661  | The Water Environment(Controlled Activities) (Scotland) Regulations 2005 (Notices in the Interests of National Security) Order 2006 |
| 143 | S.I. 2006/1040 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No.2) Order 2006                                      |
| 144 | S.I. 2006/1054 | The Water Environment and Water Services (Scotland) Act 2003 (Consequential Provisions and Modifications) Order 2006                |
| 145 | S.I. 2006/1055 | The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006                                       |

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| 146 | S.I. 2006/1056 | The Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006  |
| 147 | S.I. 2006/1115 | The Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 (Consequential Provisions) (Scotland) Order 2006 |
| 148 | S.I. 2006/1251 | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2006  |
| 149 | S.I. 2006/2913 | The Scotland Act 1998 (River Tweed) Order 2006  |
| 150 | S.I. 2006/3248 | The Scotland Act 1998 (Agency Arrangements) (Specification) (No. 2) Order 2006  |
| 151 | S.I. 2006/3258 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006   |
| 152 | S.I. 2006/3338 | The Scotland Act 1998 (Agency Arrangements) (Specification) (No. 3) Order 2006  |
| 153 | S.I. 2006/3407 | The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) (England and Wales) Order 2006   |
| 154 | S.I. 2007/285  | The Scottish Parliament (Disqualification) Order 2007   |
| 155 | S.I. 2007/286  | The Scotland Act (Agency Arrangements) (Specification) Order 2007   |
| 156 | S.I. 2007/772  | The Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007  |
| 157 | S.I. 2007/931  | The Local Electoral Administration and Registration Services (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007  |
| 158 | S.I. 2007/1098 | The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007   |
| 159 | S.I. 2007/1103 | The Tourist Boards (Scotland) Act 2006 (Consequential Modifications) Order 2007   |
| 160 | S.I. 2007/2139 | The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007   |
| 161 | S.I. 2007/2262 | The Scottish Parliament (Elections etc.) (Amendment) Order 2007   |
| 162 | S.I. 2007/2915 | The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2007   |
| 163 | S.I. 2007/3480 | The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Powers of District and JP Courts) Order 2007  |
| 164 | S.I. 2008/307  | The Scottish Parliament (Elections etc) (Amendment) Order 2008  |
| 165 | S.I. 2008/1035 | The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2008  |