
STATUTORY INSTRUMENTS

2018 No. 626

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
SOCIAL SECURITY**

The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2018

Made - - - - 23rd May 2018
Laid before Parliament 30th May 2018
Laid before the Scottish Parliament - - - - 30th May 2018
Coming into force in accordance with article 2

At the Court at Buckingham Palace, the 23rd day of May 2018

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 93(3) and 113(3) of the Scotland Act 1998(1), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation

1. This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2018.

Commencement

2. This Order comes into force immediately after the end of the period determined in accordance with regulation 4 of the Scotland Act 2016 (Transitional) Regulations 2017(2) (duration of modification of the Scotland Act 1998 in respect of functions relating to benefits for disability and industrial injury and carer's benefits).

(1) 1998 c.46; section 93 was amended by the Scotland Act 2012 (c.11), section 23(3).
(2) S.I. 2017/444.

Specification of functions

3. Any function of the Scottish Ministers to which article 4 or 5 applies is specified for the purposes of section 93(1) of the Scotland Act 1998.

Functions relating to disability, industrial injuries and carer's benefits

4.—(1) This article applies to any function that is—

- (a) conferred by a pre-commencement enactment; and
- (b) exercisable by the Scottish Ministers by virtue of section 22 (disability, industrial injuries and carer's benefits) of the Scotland Act 2016⁽³⁾.

(2) In paragraph (1)(a), “pre-commencement enactment” has the meaning given in section 32 (functions exercisable within devolved competence) of the Scotland Act 2016.

Ancillary functions

5.—(1) This article applies to any function that is—

- (a) conferred by an enactment; and
- (b) exercisable by the Scottish Ministers in connection with a function to which article 4 applies;

but only to the extent that it is so exercisable.

(2) For the avoidance of doubt, in paragraph (1)(a), “enactment” has the meaning given in section 126(1) (interpretation) of the Scotland Act 1998⁽⁴⁾.

Ceri King
Deputy Clerk of the Privy Council

⁽³⁾ 2016 c.11.

⁽⁴⁾ There are amendments to section 126(1), but none affecting its definition of “enactment”.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order paves the way for the Scottish Government and UK Government to enter into agency arrangements, under which the UK Government can exercise certain social security functions on behalf of the Scottish Government. Any such arrangements would require to be agreed between the UK Government and the Scottish Government.