

2005 No. 865 (S. 3)

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

**The Scotland Act 1998 (Modifications of Schedule 5) Order
2005**

Made - - - - - *22nd March 2005*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 22nd day of March 2005

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been—

- (a) laid before and approved by a resolution of each House of Parliament; and
- (b) laid before and approved by a resolution of the Scottish Parliament;

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 30(2) of the Scotland Act 1998^(a), 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 (Modifications of Schedule 5) Order 2005 and shall come into force on the day after the day on which it is made.

Health and safety

2. In Part 2 of Schedule 5 to the Scotland Act 1998 (reserved matters: specific reservations), in paragraph (b) of Section H2^(b)—

- (a) in sub-paragraph (ii), after “spirit;” insert “and”;
- (b) in sub-paragraph (iii), the words “construction sites,” are repealed; and

^(a) 1998 c.46.

^(b) Paragraph (b) was substituted by article 6 of the Scotland Act 1998 (Modification of Schedules 4 and 5) Order 1999 (S.I. 1999/1749).

(c) sub-paragraph (iv) and the word “and” immediately preceding it are repealed.

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies Schedule 5 to the Scotland Act 1998 (c.46). That Schedule defines what are reserved matters for the purposes of that Act. Accordingly it is concerned with matters which are outwith the legislative competence of the Scottish Parliament.

Article 2 modifies Section H2 (Health and safety). The amendment will extend the legislative competence of the Scottish Parliament in relation to fire safety on construction sites and on premises that at 1st July 1999 were listed in Part 1 of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976 (S.I. 1976/2003).

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£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

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ISBN 0-11-069521-6



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