STATUTORY INSTRUMENTS

2006 No. 3248

CONSTITUTIONAL LAW

DEVOLUTION, SCOTLAND

FOOD

The Scotland Act 1998 (Agency Arrangements) (Specification) (No. 2) Order 2006

Made - - - -	*14th December 2006*
Laid before Parliament	*8th January 2007*
Laid before the Scottish Parliament	*8th January 2007*
Coming into force - -	*29th January 2007*

At the Court at Buckingham Palace, the 14th day of December 2006

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 93(3) and 113(2) and (4) of the Scotland Act 1998(**a**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Scotland Act 1998 (Agency Arrangements) (Specification) (No. 2) Order 2006 and shall come into force immediately after the articles mentioned in article 1(3) of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006(**b**) come into force.

(**a**) 1998 c.46.
(**b**) S.I. 2006/3258.

Specification of functions

2. The functions exercisable by the Scottish Ministers under regulations 5(2), 10(4) and 14(2) of the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005(**a**) are hereby specified for the purposes of section 93(1) of the Scotland Act 1998.

Modifications of enactments

3. In the Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999(**b**)–

(a) in article 1(3) (citation, commencement and interpretation) omit the words "NHS Trust" and "family credit";

(b) in paragraph 1 of Schedule 3 (Functions of the Scottish Ministers) omit the words "an NHS Trust or" and "and for dried milk sold to family credit beneficiaries at a reduced price"; and

(c) in paragraph 2 of Schedule 3 for the words "an NHS Trust or" substitute "a".

Meriel McCullagh
Deputy Clerk of the Privy Council

(**a**) S.I. 2005/3262, as amended by S.I. 2006/589 and S.I. 2006/2818. Functions under regulations 5(2), 10(4) and 14(2) were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006.

(**b**) S.I. 1999/1512.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) allows the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown.

Article 2, for the purposes of section 93(1) of the Scotland Act 1998, specifies the payment functions of the Scottish Ministers under regulations 5(2) (Healthy Start food and payments in lieu), 10(4) (failure to receive benefit represented by the voucher) and 14(2) (payment of food outlet) of the Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005. These functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 3) Order 2006.

Article 3 modifies the specification of the functions of the Scottish Ministers in relation to the welfare food scheme under the Welfare Food Regulations 1996, which have previously been specified for the purposes of section 93(1) in the Scotland Act 1998 (Agency Arrangements) (Specification) Order 1999. The changes reflect the abolition of NHS Trusts in Scotland and the revocation of the regulations in relation to provision of dried milk at a reduced price in the Welfare Food Regulations 1996.

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