



# Public Finance and Accountability (Scotland) Act 2000

2000 asp 1

## PART 1

### PUBLIC RESOURCES AND FINANCES

#### *Use of resources*

#### **1 Use of resources**

- (1) The use of resources by—
  - (a) the Scottish Administration, and
  - (b) each body or office-holder (other than an office-holder in the Scottish Administration) whose expenditure is payable out of the Scottish Consolidated Fund (“the Fund”) under any enactment,for any purpose in any financial year must be authorised for that year by Budget Act and must not exceed any amount so authorised in relation to that purpose.
- (2) The use of resources accruing to the Scottish Administration or any such body or office-holder in a financial year (“accruing resources”) for any purpose in that financial year must be so authorised separately from the use of other resources.
- (3) In this Act a reference to the use of resources is a reference to their expenditure, consumption or reduction in value.

#### **2 Emergency arrangements**

- (1) This section applies where, at the beginning of any financial year (“the current financial year”), the use of resources mentioned in section 1(1) has not been authorised for that year by Budget Act.
- (2) Until there is in force a Budget Act authorising that use of resources for the current financial year—

- (a) any purpose for which the use of resources was authorised for the previous financial year by Budget Act shall be taken to be a purpose for which the use of resources is authorised for the current financial year, and
  - (b) the use of resources for any purpose for each calendar month of the current financial year must not exceed whichever is the greater of—
    - (i) one-twelfth of any amount authorised in relation to that purpose by Budget Act for the previous financial year, and
    - (ii) the amount of resources used for that purpose in the corresponding calendar month of the previous financial year;
- and section 1 has effect accordingly.
- (3) Subsection (2) is subject to any provision made by Budget Act for the current financial year.

### **3 Contingencies**

- (1) This section applies where it is proposed that resources be used for any purpose in any financial year by the Scottish Administration or a body or office-holder referred to in section 1(1)(b) other than in accordance with that section (whether or not as modified by section 2).
- (2) The resources may be so used only with the authority of the Scottish Ministers.
- (3) The Scottish Ministers may authorise the use of resources only if they consider that—
  - (a) the use is necessarily required in the public interest, and
  - (b) it is not reasonably practicable, for reasons of urgency, for the requirements of section 1 in relation to the use to be satisfied by a Budget Act.
- (4) The aggregate amount of the resources which the Scottish Ministers may authorise to be used under this section in any financial year must not exceed 0.5% of the aggregate amount of the resources which, at the beginning of that year, were authorised to be used in that year by virtue of section 1.
- (5) Where the Scottish Ministers authorise the use of resources under this section they must, as soon as possible, lay before the Parliament a report setting out the circumstances of the authorisation and why they considered it to be necessary.