



# Budget (Scotland) Act 2010

## 2010 asp 4

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 3rd February 2010 and received Royal Assent on 10th March 2010**

An Act of the Scottish Parliament to make provision, for financial year 2010/11, for the use of resources by the Scottish Administration and certain bodies whose expenditure is payable out of the Scottish Consolidated Fund, for authorising the payment of sums out of the Fund and for the maximum amounts of borrowing by certain statutory bodies; to make provision, for financial year 2011/12, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

### PART 1

#### FINANCIAL YEAR 2010/11

##### *Use of resources*

#### **1 The Scottish Administration**

- (1) The Scottish Administration may use resources in financial year 2010/11 for the purposes specified in column 1 of schedule 1—
  - (a) in the case of resources other than accruing resources, up to the amounts specified in the corresponding entries in column 2, and
  - (b) in the case of accruing resources, up to the amounts specified in the corresponding entries in column 3.
- (2) Despite paragraphs (a) and (b) of subsection (1), the resources which may be used for a purpose specified in column 1 may exceed the amount specified in the corresponding entry in column 2 or (as the case may be) column 3, if—
  - (a) in the case of resources other than accruing resources, the first condition is met, or
  - (b) in the case of accruing resources, the second condition is met.
- (3) The first condition is that the total resources (other than accruing resources) used in financial year 2010/11 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 2.

*Status: Point in time view as at 01/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2010. (See end of Document for details)*

- (4) The second condition is that the total accruing resources used in financial year 2010/11 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 3.

## **2 Direct-funded bodies**

- (1) The direct-funded bodies mentioned in column 1 of schedule 2 may use resources in financial year 2010/11 for the purposes specified in that column.
- (2) Resources other than accruing resources may be used for those purposes up to the amounts specified in the corresponding entries in column 2 of that schedule.
- (3) Accruing resources may be used for those purposes up to the amounts specified in column 3 of that schedule.

### *The Scottish Consolidated Fund*

## **3 Overall cash authorisations**

For the purposes of section 4(2) of the 2000 Act, the overall cash authorisations for financial year 2010/11 are—

- (a) in relation to the Scottish Administration, [<sup>F1</sup>£31,022,875,000],
- (b) in relation to the Forestry Commissioners, £79,900,000,
- (c) in relation to the Food Standards Agency, £11,015,000,
- (d) in relation to the Scottish Parliamentary Corporate Body, £78,554,000,
- (e) in relation to Audit Scotland, £6,673,000.

#### **Textual Amendments**

- F1** Word in [s. 3\(a\)](#) substituted (1.7.2010) by [The Budget \(Scotland\) Act 2010 Amendment Order 2010 \(S.S.I. 2010/282\)](#), [arts. 1\(1\), 2\(2\)](#)

## **4 Contingencies: payments out of the Fund**

- (1) This section applies where, in financial year 2010/11, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 (c.46), for or in connection with expenditure of the Scottish Administration or a direct-funded body, a sum which does not fall within the overall cash authorisation specified in section 3 in relation to the Scottish Administration or (as the case may be) that body.
- (2) The sum may be paid out of the Fund only if its payment is authorised by the Scottish Ministers.
- (3) The Scottish Ministers may authorise payment only if they consider that—
- (a) the payment is necessarily required in the public interest to meet urgent expenditure for a purpose falling within section 65(2) of the Scotland Act 1998 (c.46), and
  - (b) it is not reasonably practicable, for reasons of urgency, to amend the overall cash authorisation by an order under section 7 of this Act.

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- (4) But the Scottish Ministers must not authorise payment of the sum if it would result in an excess of sums paid out of the Fund over sums paid into the Fund.
- (5) The aggregate amount of the sums which the Scottish Ministers may authorise to be paid out of the Fund under this section must not exceed £50,000,000.
- (6) Where the Scottish Ministers authorise a payment under this section they must, as soon as possible, lay before the Scottish Parliament a report setting out the circumstances of the authorisation and why they considered it to be necessary.

#### *Borrowing by certain statutory bodies*

### **5 Borrowing by certain statutory bodies**

In schedule 3, the amounts set out in column 2 are the amounts specified for financial year 2010/11 for the purposes of the enactments listed in the corresponding entries in column 1 (which make provision as to the net borrowing of the bodies mentioned in that column).

## **PART 2**

### **FINANCIAL YEAR 2011/12**

### **6 Emergency arrangements: overall cash authorisations**

- (1) This section applies if, at the beginning of financial year 2011/12, there is no overall cash authorisation for that year for the purposes of section 4(2) of the 2000 Act.
- (2) Until there is in force a Budget Act providing such authorisation, there is to be taken to be an overall cash authorisation for each calendar month of that year in relation to each of—
  - (a) the Scottish Administration, and
  - (b) the direct-funded bodies,of an amount determined under subsection (3).
- (3) That amount is whichever is the greater of—
  - (a) one-twelfth of the amount specified in section 3 in relation to the Scottish Administration or (as the case may be) the direct-funded body in question, and
  - (b) the amount paid out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 (c.46) in the corresponding calendar month of financial year 2010/11 for or in connection with expenditure of the Scottish Administration or that body.
- (4) Section 4 of the 2000 Act has effect accordingly.
- (5) This section is subject to any provision made by a Budget Act for financial year 2011/12.

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## **PART 3**

### **MISCELLANEOUS AND SUPPLEMENTARY**

#### *Budget revisions*

#### **7 Amendment of this Act**

- (1) The Scottish Ministers may by order made by statutory instrument amend—
  - (a) the amounts specified in section 3,
  - (b) schedules 1 to 3.
- (2) No order may be made under subsection (1) unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.

#### *Supplementary*

#### **8 Repeal**

Part 2 (financial year 2010/11) of the Budget (Scotland) Act 2009 (asp 2) is repealed.

#### **9 Interpretation**

- (1) In this Act, “the 2000 Act” means the Public Finance and Accountability (Scotland) Act 2000 (asp 1).
- (2) References in this Act to accruing resources in relation to the Scottish Administration or any direct-funded body are to such resources accruing to the Administration or (as the case may be) that body in financial year 2010/11.
- (3) References in this Act to the direct-funded bodies are to the bodies mentioned in section 3(b) to (e) of this Act; and references to a direct-funded body are to any of those bodies.
- (4) Except where otherwise expressly provided, expressions used in this Act and in the 2000 Act have the same meanings in this Act as they have in that Act.

#### **10 Short title**

The short title of this Act is the Budget (Scotland) Act 2010.

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## SCHEDULE 1

*(introduced by section 1)*

### THE SCOTTISH ADMINISTRATION

<b>Purposes</b>	<b>Amount of resources (other than accruing resources) £</b>	<b>Amount of accruing resources £</b>
1. For use by the Scottish Ministers (through the First Minister's portfolio) on support for the arts, culture and creativity in Scotland, including the Gaelic language; cultural organisations; the creative industries; Historic Scotland; central government grants to non-departmental public bodies, local authorities and other bodies and organisations; international relations and development assistance; expenditure on corporate and central services; expenditure in relation to running costs of Her Majesty's Chief Inspector of Prosecution in Scotland	[ <sup>F2</sup> £266,908,000]	30,000,000
2. For use by the Scottish Ministers (through their Finance and Sustainable Growth portfolio) on running and capital costs of the Scottish Public Pensions Agency; expenditure on committees, commissions and other portfolio	[ <sup>F3</sup> £2,472,968,000]	192,000,000

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services; expenditure  
and grant assistance  
in relation to public  
service reform  
and efficiency;  
data sharing and  
standards; support  
for the running costs  
of Scottish Futures  
Trust Limited;  
support for passenger  
rail services, rail  
infrastructure and  
associated rail  
services; support  
for the development  
and delivery of  
concessionary travel  
schemes; funding  
for major public  
transport projects;  
the running costs of  
Transport Scotland;  
funding for the  
Strategic Transport  
Projects Programme;  
funding for travel  
information services;  
the maintenance  
and enhancement  
of the trunk road  
infrastructure;  
support for ferry  
services, loans and  
grants relating to  
vessel construction,  
grants for pier and  
other infrastructure  
and funding for  
a pilot of road  
equivalent tariff;  
support for Highlands  
and Islands Airports  
Limited, support  
for air services  
and funding for  
the Air Discount  
Scheme; support  
for the bus industry;  
support for the Forth  
Estuary Transport  
Authority and Tay  
Road Bridge Joint

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Board; support for  
the freight industry;  
support for British  
Waterways Scotland;  
funding to promote  
sustainable and active  
travel; contributing to  
the running costs of  
Regional Transport  
Partnerships and  
of other bodies  
associated with the  
transport sector;  
funding for road  
safety; costs in  
relation to funding  
the office of the  
Scottish Road Works  
Commissioner;  
loans to Scottish  
Water and Scottish  
Water Business  
Stream Holdings  
Limited; water  
grants (including to  
the Water Industry  
Commission for  
Scotland); climate  
change activities;  
grants in respect  
of third sector  
development, third  
sector resilience  
fund and the  
Scottish Investment  
Fund; planning;  
architecture; building  
standards; tourism;  
grant in aid for  
Scottish Enterprise  
and Highlands and  
Islands Enterprise;  
Regional Selective  
Assistance including  
Innovation and  
Investment grants;  
telecommunications  
infrastructure;  
European Structural  
Fund grants to  
public corporations,  
non-departmental  
public bodies, local

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authorities and  
 other bodies and  
 organisations and  
 EU programme  
 administration  
 costs; energy related  
 activities; central  
 government grants  
 to local authorities;  
 sundry enterprise  
 related activities

3. For use by the Scottish Ministers (through their Health and Wellbeing portfolio) on hospital and community health services; family health services; community care; central government grants to local authorities; social care; welfare food (Healthy Start); payments to the Skipton Fund; other health services; sportscotland and the delivery of the 2014 Commonwealth Games; housing subsidies; Scottish Housing Regulator running costs; Energy Assistance Package; Home Insulation Scheme; repayment of debt and any associated costs; other expenditure, contributions and grants relating to housing; activities relating to homelessness; research and publicity and other portfolio services; grants to registered social landlords; loans to individuals;	[ <sup>F4</sup> £12,179,042,000]	2,050,000,000
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community  
engagement;  
regeneration  
programmes; grants  
for Vacant and  
Derelict Land  
Fund; programmes  
promoting  
social inclusion;  
expenditure relating  
to equality issues

<p>4. For use by the  Scottish Ministers  (through their  Education and  Lifelong Learning  portfolio) on  schools; training  and development  of teachers;  educational research,  development  and promotion;  international  and other  educational services;  qualifications  assessment and  skills; funding of the  Additional Support  Needs tribunal and  HM Inspectors of  Education; Disclosure  Scotland and Social  Work Inspection  Agency; childcare,  including care for  vulnerable children;  youth work, including  youth justice and  associated social  work services; central  government grants  to local authorities;  grant in aid for the  Scottish Further and  Higher Education  Funding Council,  Skills Development  Scotland  Limited, Scottish  Qualifications</p>	<p>[<sup>F5</sup>£2,806,071,000]</p>	<p>143,000,000</p>
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Authority, Learning  
 and Teaching  
 Scotland, Scottish  
 Children's Reporter  
 Administration  
 and Scottish Social  
 Services Council;  
 funding for the  
 Student Awards  
 Agency for Scotland  
 and related costs,  
 including the Student  
 Loan Scheme;  
 Enterprise in  
 Education; funding  
 activities associated  
 with young people  
 Not in Education,  
 Employment or  
 Training; research  
 related activities  
 and science related  
 programmes  
 delivered by the  
 Chief Scientific  
 Adviser for Scotland,  
 including the funding  
 of fellowships  
 (including those  
 funded by the  
 Royal Society of  
 Edinburgh); sundry  
 lifelong learning  
 activities including  
 the provision  
 of Education  
 Maintenance  
 Allowances  
 and funding for  
 International Students

5. For use by the Scottish Ministers (through their Justice portfolio) on legal aid (including the running costs of the Scottish Legal Aid Board); the Scottish Legal Complaints Commission; criminal injuries compensation	[ <sup>F6</sup> £1,931,429,000]	39,700,000
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(including  
administration);  
certain services  
relating to crime  
including the Parole  
Board for Scotland;  
the Scottish Prison  
Service; the Scottish  
Prisons Complaints  
Commission; the  
Scottish Criminal  
Cases Review  
Commission; the  
Risk Management  
Authority; the  
Police Complaints  
Commissioner for  
Scotland; the Scottish  
Police Services  
Authority and other  
police services and  
superannuation  
of police on  
secondment; police  
loan charges; the  
payment of police  
and fire pensions;  
Scottish Resilience;  
central government  
grants to local  
authorities; measures  
in relation to  
antisocial behaviour;  
measures in relation  
to drug abuse and  
treatment; the  
Mental Health  
Tribunal for Scotland;  
miscellaneous  
services relating to  
administration of  
justice; community  
justice services; court  
services, including  
judicial pensions;  
the Accountant in  
Bankruptcy; Protocol  
and UK Relations;  
certain legal services;  
costs and fees in  
connection with legal  
proceedings

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6. For use by the Scottish Ministers (through their Rural Affairs and the Environment portfolio) on market support; support for agriculture in special areas including crofting communities; rural development, agri-environmental and farm woodland measures; compensation to sheep producers; animal health; agricultural education; advisory, research and development services; botanical and scientific services; assistance to production, marketing and processing; administration, land management and other agricultural services; assistance to the Scottish fisheries sector, including fisheries protection, research, administration, development, special services, marine management and other services; natural heritage; environment protection; rural affairs; other environmental expenditure; flood prevention; coastal protection; air quality monitoring; water grants (including to the Drinking Water Quality Regulator for Scotland and the Water Industry	[ <sup>F7</sup> £511,056,000]	590,300,000
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Commission for  
Scotland)

7. For use by the Scottish Ministers on administrative and operational costs; costs of providing continuing services to the Scottish Parliament; costs associated with the functions of the Queen's Printer for Scotland	[ <sup>F8</sup> £263,371,000]	18,200,000
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8. For use by the Lord Advocate (through the Crown Office, the Procurator Fiscal Service and the office of Queen's and Lord Treasurer's Remembrancer) on administrative costs, including costs relating to the office of Queen's and Lord Treasurer's Remembrancer (including special payments made in relation to intestate estates which fall to the Crown as ultimate heir); fees paid to temporary procurators fiscal; witness expenses; victim expenses where applicable and other costs associated with Crown prosecutions and cases brought under the Proceeds of Crime Act 2002	[ <sup>F9</sup> £118,905,000]	600,000
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9. For use by the Scottish Ministers (through their Local Government portfolio) on revenue support grants and	10,524,385,000	Nil
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payment to local authorities of non-domestic rates in Scotland; other local authority grants and special grants relating to council tax and spend-to-save scheme; housing support grant; other services including payments under the Bellwin scheme covering floods, storms and other emergencies

10. For use by the Registrar General of Births, Deaths and Marriages for Scotland (through the General Register Office for Scotland) on administrative and operational costs (including costs associated with running the ScotlandsPeople Centre)	[ <sup>F10</sup> £22,045,000]	5,600,000
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11. For use by the Scottish Ministers and the Keeper of the Records of Scotland (through the National Archives of Scotland) on administrative and operational costs (including costs associated with running the ScotlandsPeople Centre)	[ <sup>F11</sup> £10,126,000]	1,000,000
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12. For use by the Scottish Ministers on pensions, allowances, gratuities etc. payable in respect of the teachers' and national health service pension schemes	2,516,320,000	1,476,400,000
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13. For use by the Office of the Scottish Charity Regulator on administrative costs and operational costs	3,647,000	Nil	
14. For use by the Scottish Court Service on administrative and operational costs	[ <sup>F12</sup> £85,942,000]	20,000,000	
<b>Total of amounts of resources</b>	<b>Total of amounts of resources</b>	[ <sup>F13</sup> £33,712,215,000]	<b>4,566,800,000</b>

#### Textual Amendments

- F2** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(a)**
- F3** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(b)**
- F4** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(c)**
- F5** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(d)**
- F6** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(e)**
- F7** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(f)**
- F8** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(g)**
- F9** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(h)**
- F10** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(i)**
- F11** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(j)**
- F12** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(k)**
- F13** Word in Sch. 1 substituted (1.7.2010) by The Budget (Scotland) Act 2010 Amendment Order 2010 (S.S.I. 2010/282), arts. 1(1), **3(2)(l)**

## SCHEDULE 2

*(introduced by section 2)*

### DIRECT-FUNDED BODIES

<i>Purpose</i>	<b>Amount of resources other than accruing resources £</b>	<b>Amount of accruing resources £</b>
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1. For use by the Forestry Commissioners in or as regards Scotland on the promotion of forestry in Scotland, including advising on the development and delivery of forestry policy, regulating and supporting, through grant in aid, the forestry sector, managing the national forest estate in Scotland; administrative costs	[ <sup>F14</sup> £80,000,000]	21,100,000
2. For use by the Food Standards Agency in or as regards Scotland on administrative and operational costs, including research, monitoring and surveillance and public information and awareness relating to food safety and standards; the Meat Hygiene Service	11,115,000	Nil
3. For use by the Scottish Parliamentary Corporate Body on ongoing costs associated with the administration and operation of the Scottish Parliament; payments in respect of the functions of the Scottish Parliamentary Standards Commissioner, the Commissioner for Public Appointments in Scotland, the Scottish Public Services Ombudsman, the Scottish Information Commissioner and the Commissioner for Children and Young People in Scotland and the Scottish Commission for Human Rights; any other payments relating to the Scottish Parliament	[ <sup>F15</sup> £91,304,000]	800,000
4. For use by Audit Scotland, including assistance and support to the Auditor General for Scotland and the Accounts Commission for Scotland and other audit	[ <sup>F16</sup> £7,349,000]	22,000,000



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work for public bodies and  
for payment of pensions to  
former Local Government  
Ombudsmen and their staff

#### Textual Amendments

- F14** Word in [Sch. 2](#) substituted (1.7.2010) by [The Budget \(Scotland\) Act 2010 Amendment Order 2010 \(S.S.I. 2010/282\)](#), arts. 1(1), [4\(2\)\(a\)](#)
- F15** Word in [Sch. 2](#) substituted (1.7.2010) by [The Budget \(Scotland\) Act 2010 Amendment Order 2010 \(S.S.I. 2010/282\)](#), arts. 1(1), [4\(2\)\(b\)](#)
- F16** Word in [Sch. 2](#) substituted (1.7.2010) by [The Budget \(Scotland\) Act 2010 Amendment Order 2010 \(S.S.I. 2010/282\)](#), arts. 1(1), [4\(2\)\(c\)](#)

### SCHEDULE 3

*(introduced by section 5)*

#### BORROWING BY CERTAIN STATUTORY BODIES

<i>Enactment</i>	<i>Amount £</i>
1. Section 25 of the Enterprise and New Towns (Scotland) Act 1990 (c.35) (Scottish Enterprise)	10,000,000
2. Section 26 of that Act (Highlands and Islands Enterprise)	1,000,000
3. Section 48 of the Environment Act 1995 (c.25) (Scottish Environment Protection Agency)	Nil
4. Section 42 of the Water Industry (Scotland) Act 2002 (asp 3) (Scottish Water)	198,000,000
5. Section 14 of the Water Services etc. (Scotland) Act 2005 (asp 3) (Scottish Water Business Stream Holdings Limited)	Nil

**Status:**

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**Changes to legislation:**

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