



# Budget (Scotland) Act 2011

## 2011 asp 4

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 9th February 2011 and received Royal Assent on 16th March 2011**

An Act of the Scottish Parliament to make provision, for financial year 2011/12, 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 2012/13, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

### PART 1

#### FINANCIAL YEAR 2011/12

#### *Use of resources*

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

- (1) The Scottish Administration may use resources in financial year 2011/12 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,
  - (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,
  - (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 2011/12 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 2.

- (4) The second condition is that the total accruing resources used in financial year 2011/12 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 2011/12 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 PFA Act 2000, the overall cash authorisations for financial year 2011/12 are—

- (a) in relation to the Scottish Administration, £30,179,474,000,
- (b) in relation to the Forestry Commissioners, £71,400,000,
- (c) in relation to the Food Standards Agency, £10,800,000,
- (d) in relation to the Scottish Parliamentary Corporate Body, £75,293,000,
- (e) in relation to Audit Scotland, £6,525,000.

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

- (1) This section applies where, in financial year 2011/12, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998, 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 of the sum 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, and
  - (b) it is not reasonably practicable, for reasons of urgency, to amend the overall cash authorisation by an order under section 7.
- (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 2011/12 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 2012/13

**6 Emergency arrangements: overall cash authorisations**

- (1) This section applies if, at the beginning of financial year 2012/13, there is no overall cash authorisation for that year for the purposes of section 4(2) of the PFA Act 2000.
- (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,
  - (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,
  - (b) the amount paid out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 in the corresponding calendar month of financial year 2011/12 for or in connection with expenditure of the Scottish Administration or (as the case may be) that body.
- (4) Section 4 of the PFA Act 2000 has effect accordingly.
- (5) This section is subject to any provision made by a Budget Act for financial year 2012/13.

## **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 this section unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.

#### *Supplementary*

#### **8 Repeal**

Part 2 (financial year 2011/12) of the Budget (Scotland) Act 2010 is repealed.

#### **9 Interpretation**

- (1) In this Act, the “PFA Act 2000” means the Public Finance and Accountability (Scotland) Act 2000.
- (2) References in this Act to accruing resources in relation to the Scottish Administration or a direct-funded body are to such resources accruing to the Administration or (as the case may be) that body in financial year 2011/12.
- (3) References in this Act to the direct-funded bodies are to the bodies mentioned in section 3(b) to (e) (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 PFA Act 2000 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 2011.

*Status: This is the original version (as it was originally enacted).*

SCHEDULE 1

*(introduced by section 1)*

THE SCOTTISH ADMINISTRATION

<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount resources £	of	accruing
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; expenditure on corporate and central services; expenditure in relation to the running costs of Her Majesty's Chief Inspector of Prosecution in Scotland; Protocol and UK relations; international relations and development assistance	241,869,000			33,000,000
2. For use by the Scottish Ministers (through their Finance and Sustainable Growth portfolio) on: the running and capital costs of the Scottish Public Pensions Agency; expenditure on committees, commissions and other portfolio 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	2,216,943,000			186,000,000

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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount resources £	of	accruing
<p>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 a 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 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 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; funding of strategic contracts to increase the resilience and capacity of third sector organisations; planning; architecture; building standards; tourism; grant in aid for Scottish</p>				

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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount of resources £	of accruing
Enterprise and Highlands and Islands Enterprise; Regional Selective Assistance, including Innovation and Investment grants; telecommunications infrastructure; European Structural Fund grants to the Enterprise Networks, local authorities, further and higher education institutions, third sector bodies and other eligible bodies and organisations; costs of delivery and evaluation of European Structural Fund; 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 delivery of the 2014 Commonwealth Games; housing subsidies and guarantees; Scottish Housing Regulator running costs; Energy Assistance Package; Home Insulation Schemes; 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	12,286,920,000		2,050,000,000

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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount resources £	of	accruing
individuals; community engagement; regeneration programmes; grants for Vacant and Derelict Land Fund; programmes promoting social inclusion; expenditure relating to equality issues				
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 Tribunals 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 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;	2,584,170,000			174,000,000



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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount of resources £	of accruing
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 (including administration); certain services relating to crime, including the Parole Board for Scotland; the Scottish Prison Service; the Scottish Criminal Cases Review Commission; the Risk Management Authority; the Police Complaints Commissioner for Scotland; the Scottish Police Services Authority, 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 community safety and antisocial behaviour; measures in relation to drug abuse and treatment; the Scottish Tribunal Service; miscellaneous services relating to the administration	1,734,952,000		39,700,000

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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount of resources £	of accruing
of justice; residential accommodation for children; community justice services; court services, including judicial pensions; the Accountant in Bankruptcy; certain legal services; costs and fees in connection with legal proceedings			
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; climate change activities; water grants, including to the Drinking Water Quality Regulator for Scotland	462,426,000		602,100,000

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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount of resources £	of accruing
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	236,000,000		26,600,000
8. For use by the Lord Advocate (through the Crown Office and 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	108,200,000		2,000,000
9. For use by the Scottish Ministers (through their Local Government portfolio) on: revenue support grants and 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	10,482,132,000		Nil
10. For use by the Registrar General of Births, Deaths and Marriages for Scotland	19,000,000		7,000,000

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<i>Purposes</i>	Amount of resources (other than accruing resources) £	Amount of resources £	of accruing
(through the General Register Office for Scotland) on: administrative and operational costs (including costs associated with running the ScotlandsPeople Centre)			
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)	8,900,000		1,000,000
12. For use by the Scottish Ministers on: pensions, allowances, gratuities etc. payable in respect of the teachers' and national health service pension schemes	3,230,367,000		1,675,000,000
13. For use by the Office of the Scottish Charity Regulator on: administrative and operational costs	3,287,000		Nil
14. For use by the Scottish Court Service on: administrative and operational costs	79,860,000		20,000,000
<b>Total of amounts of resources</b>	<b>33,695,026,000</b>		<b>4,816,400,000</b>

## SCHEDULE 2

*(introduced by section 2)*

## DIRECT-FUNDED BODIES

<i>Purpose</i>	Amount of resources other than accruing resources £	Amount of resources £	of accruing
1. For use by the Forestry Commissioners in or as regards Scotland on the promotion of forestry in	71,500,000		21,100,000

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<i>Purpose</i>	Amount of resources other than accruing resources £	Amount of resources £	of accruing
Scotland, including advising on the development and delivery of forestry policy, regulating the forestry sector and supporting it through grant in aid; managing the national forest estate in Scotland; administrative costs			
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	10,900,000		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 Commission for Ethical Standards in Public Life in Scotland (incorporating the Public Standards and Public Appointments Commissioners for Scotland), the Standards Commission for Scotland, the Scottish Public Services Ombudsman, the Scottish Information Commissioner, the Scottish Commission for Human Rights and the Commissioner for Children and Young People in Scotland; any other payments relating to the Scottish Parliament	87,990,000		800,000
4. For use by Audit Scotland, including assistance and support to the Auditor General for Scotland and the Accounts Commission for Scotland; other audit work	7,070,000		22,000,000

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<i>Purpose</i>	Amount of resources other than accruing resources £	Amount resources £	of	accruing
for public bodies; payment of pensions to former Local Government Ombudsmen and their staff				

SCHEDULE 3  
*(introduced by section 5)*

BORROWING BY CERTAIN STATUTORY BODIES

<i>Enactment</i>	Amount £
1. Section 25 of the Enterprise and New Towns (Scotland) Act 1990 (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 (Scottish Environment Protection Agency)	Nil
4. Section 42 of the Water Industry (Scotland) Act 2002 (Scottish Water)	35,100,000
5. Section 14 of the Water Services etc. (Scotland) Act 2005 (Scottish Water Business Stream Holdings Limited)	Nil