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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 480**

**PUBLIC FINANCE AND ACCOUNTABILITY**

**The Budget (Scotland) Act 2001 (Amendment) Order 2001**

*Made - - - - 19th December 2001*

*Coming into force - - 20th December 2001*

The Scottish Ministers, in exercise of the powers conferred by section 7(1) of the Budget (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 7(2) of that Act, been laid before, and approved by resolution of, the Scottish Parliament:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Budget (Scotland) Act 2001 (Amendment) Order 2001 and shall come into force on the day following that on which it is made.

(2) In this Order, “the 2001 Act” means the Budget (Scotland) Act 2001.

**Amendment of the 2001 Act**

2.—(1) The 2001 Act is amended as follows.

(2) In section 3 (overall cash authorisations) the amounts specified are amended in accordance with Schedule 1 to this Order.

(3) In section 5(1) (capital expenditure of local authorities etc.) for “£649,873,000” substitute “£646,165,000”.

(4) For schedule 1 substitute Schedule 2 to this Order.

(5) In schedule 2—

(a) in Part 1 (Scottish Executive Rural Affairs Department), in the heading, for “SCOTTISH EXECUTIVE RURAL AFFAIRS DEPARTMENT” substitute “SCOTTISH EXECUTIVE ENVIRONMENT AND RURAL AFFAIRS DEPARTMENT (formerly the Scottish Executive Rural Affairs Department)”;

(b) for Part 2 (Scottish Executive Development Department) substitute—

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## “PART 2

### SCOTTISH EXECUTIVE DEVELOPMENT DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Recoverable VAT; income from the sale of research results and publications; income from deemed hazardous substances consent; other minor miscellaneous income	Expenditure on miscellaneous Development Department programmes
2. Rents from land and property; Erskine Bridge toll income; recoverable VAT; income from administering harbours orders	Expenditure on motorways and trunk roads; expenditure on miscellaneous costs in relation to ports and harbours
3. Any sums accruing as a result of the dissolution of Scottish Transport Group	Payments to former members of Scottish Transport Group pensions schemes
4. Recovery of unused grant from voluntary organisations	Expenditure on voluntary sector
5. Capital sums accruing from Scottish Homes	Repayments of debt, including debt from Scottish Homes
6. Recoverable VAT	Payment to Energy Action Grant Agency”;
Overall amount: £6,000,000	

(c) for Part 3 (Scottish Executive Education Department) substitute–

## “PART 3

### SCOTTISH EXECUTIVE EDUCATION DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
Recovery of costs from local authorities in respect of self-governing schools, pre-school education and recoverable VAT	Expenditure on education services”;
Overall amount: £500,000	

(d) in Part 7 (Scottish Executive (Administration))–

(i) for entry number 1 in the table substitute–

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“1. Payments from departments outwith the Scottish Executive for professional services; income from the Statistical Office of the European Union; discounts; recoveries of legal costs; income from payment for services and recovery of other costs; New Deal income; recoveries from the National Insurance Fund; repayments of loans made to members of staff  
Scottish Executive core departments running costs”

for house purchase; rent from minor occupiers; recoverable VAT; European Fast Stream income

; and

(ii) for “14,000,000” substitute “20,000,000”; and

(e) after Part 9 insert–

## “PART 9A

### SCOTTISH EXECUTIVE FINANCE AND CENTRAL SERVICES DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Income from European Structural Funds	Expenditure on projects supported by European Union funding
2. Income in respect of legal costs recovered by the Local Government Boundary Commission	Payments to the Local Government Boundary Commission
3. Contributions in respect of teachers' and national health service superannuation	Expenditure on teachers' and national health service superannuation
4. Administration charges in respect of services undertaken by the Scottish Public Pensions Agency; recoverable VAT	Running costs of the Scottish Public Pensions Agency
5. Pensions contributions	Expenditure on pensions
6. Recovery of grant awarded to councils under the Bellwin scheme covering floods, storms, and other emergencies	Expenditure on floods, storms and other emergencies”.
Overall amount: £520,000,000	

(6) In schedule 3, the amounts specified in column 2 are amended in accordance with Schedule 3 to this Order.

St Andrew's House,  
Edinburgh  
19th December 2001

*ANDREW P KERR*  
A member of the Scottish Executive

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## SCHEDULE 1

Article 2(2)

## AMENDMENTS TO AMOUNTS SPECIFIED IN SECTION 3 OF THE 2001 ACT

In section 3 of the 2001 Act, in the paragraphs specified in column 1 of the table below, for the amounts specified in those paragraphs (and which amounts are, for convenience, shown in italics in column 2 of the table) there are substituted the amounts specified in relation to those paragraphs in column 3 of the table.

<i>Paragraph</i>	<i>Existing overall cash authorisation</i>	<i>New overall cash authorisation</i>
(a) (a) (Scottish Administration)	<i>£17,471,049,000</i>	£18,306,658,000
(b) (b) (Forestry Commissioners)	<i>£31,820,000</i>	£36,820,000
(c) (c) (Food Standards Agency)	<i>£4,809,000</i>	£5,755,000
(d) (d) (Scottish Parliamentary Corporate Body)	<i>£85,560,000</i>	£146,382,000
(e) (e) (Audit Scotland)	<i>£3,972,000</i>	£4,551,000

## SCHEDULE 2

Article 2(4)

## SUBSTITUTION OF SCHEDULE 1 TO THE 2001 ACT

SCHEDULE 1 (*introduced by section 1*)

## THE SCOTTISH ADMINISTRATION

<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
1. For use by the Scottish Ministers (through the Scottish Executive Environment and Rural Affairs Department (formerly the Scottish Executive Rural Affairs Department)) on market support; support for agriculture in special areas including crofting	£1,045,857,000	Sale of surplus land, buildings and equipment; sale of holdings to existing tenants; repayment of loans by new water and sewerage authorities	£40,736,000

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
<p>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; fishery protection; other services including fisheries research and development and special services; natural heritage; environment protection; rural affairs; other environmental expenditure; flood prevention; coastal protection; air quality monitoring; loans to new water and sewerage authorities and other water grants (including the Water and Sewerage Charges Reduction scheme)</p> <p>2. For use by the Scottish Ministers (through the Scottish Executive Development Department) on housing subsidies; financial support for</p>	£1,753,083,000	Sale of property, land and equipment; repayment of loans; recoverable VAT	£750,000

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
<p>Communities Scotland and Scottish Homes; new housing partnerships and community ownerships; sponsorship of Energy Action Scotland; repayment of debt; other expenditure, contributions and grants relating to housing; departmental research and publicity and other central services; sites for travelling people; residual grants to housing associations; roads and certain associated services, including the acquisition of land, lighting and road safety; assistance to local transport; support for transport services in the highlands and islands; piers and harbours; grant aid to British Waterways Board in respect of Scotland's inland waterways; funding for most of the rail services in Scotland; other rail grants; certain other transport services and grants; grants for the Social Inclusion Partnership Fund and other services; other urban regeneration initiatives; expenditure relating to Highlands and Islands Airports Limited and the privatisation of the Scottish Bus Group; grants to local</p>			

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
authorities forming part of the Strathclyde Passenger Transport Area; miscellaneous costs in relation to ports and harbours; payments to former members of Scottish Transport Group pension schemes; other sundry services in connection with the environment; grants to voluntary organisations and other costs associated with the voluntary sector; expenditure relating to equality issues			
3. For use by the Scottish Ministers (through the Scottish Executive Education Department) on schools; pre-school education; childcare; associated social work services including the Scottish Children's Reporter Administration; educational development; research and promotion; training and development of teachers; curriculum development; international and other educational services, including support for School Boards, training, research and educational technology; HM Inspectors of Education; sport; community education; support for the	£725,093,000	Recoverable VAT	£100,000

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
<p>cultural heritage of Scotland, including the Gaelic language; arts, libraries, museums and galleries, including purchase grants; cultural activities and organisations; historic buildings and monuments (including administration); architecture; publicity; indemnities; administration; central government grants to non departmental public bodies and local authorities</p>			
<p>4. For use by the Scottish Ministers (through the Scottish Executive Enterprise and Lifelong Learning Department) on grant in aid for the Scottish Higher Education Funding Council, the Scottish Further Education Funding Council, Scottish Enterprise, Highlands and Islands Enterprise and the Scottish Tourist Board; funding for the Student Awards Agency for Scotland; careers guidance; departmental investment assistance grants and sundry enterprise and lifelong learning related activities</p>	£2,486,192,000	Repayment of student loans; repayment of voted loans (capital) by Scottish Enterprise; refunds of grants for Regional Selective Assistance, Regional Development and Regional Enterprise	£56,340,000
<p>5. For use by the Scottish Ministers (through the Scottish Executive Health Department) on hospital and</p>	£5,709,840,000	Sale of land, buildings, vehicles, equipment and property	£12,100,000



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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
community health services, including the clinical negligence and other risks scheme; family health services; community care, including grants to local authorities; grants to voluntary organisations; social care; welfare food; the Scottish Drugs Challenge Fund; other health services			
6. For use by the Scottish Ministers (through the Scottish Executive Justice Department) on legal aid (including administration); criminal injuries compensation (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; police services (including grants to local authorities) and superannuation of police on secondment; costs associated with the holding of criminal justice proceedings in a third country (the Lockerbie trial); fire services (including Scottish Fire Service Training School and	£1,077,355,000	Sale of police vehicles; sale of prison land, buildings, staff quarters, vehicles, equipment and property	£2,901,000

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
superannuation); civil defence (including grants); invest to save budget and other protective and miscellaneous services; criminal justice, social work services and victim issues including probation and supervised attendance orders; grants to voluntary organisations; court services; certain legal services; costs and fees in connection with legal proceedings			
7. For use by the Scottish Ministers on administrative costs and operational costs; costs of administration of the Scottish courts; administrative costs of the Scottish Law Commission; costs of providing continuing services to the Scottish Parliament; costs associated with the functions of the Queen's Printer for Scotland	£237,199,000	Income from sale of surplus capital assets	£63,000
8. For use by the Registrar General of Births, Deaths and Marriages for Scotland (through the General Register Office for Scotland) on administrative costs and operational costs	£18,736,000	–	–
9. For use by the Scottish Ministers and the Keeper of the Records of Scotland	£8,229,000	Income from sale of surplus assets	£55,000

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
(through the National Archives of Scotland) on administrative costs; acquiring record material; support for the Scottish and European Archive Network; The Acts of Parliament; conservation grants to local archives; grant to the Business Archives Council of Scotland			
<p><b>9A.</b> For use by the Scottish Ministers (through the Scottish Executive Finance and Central Services Department) on pensions, allowances, gratuities etc payable in respect of the teachers' and national health service pension schemes; running and capital costs of the Scottish Public Pensions Agency; revenue support grants and payment of non-domestic rates in Scotland; special grants relating to council tax and spend-to-save scheme; other services including payments under the Bellwin scheme covering floods, storms and other emergencies; expenditure on committees, commissions and other departmental services; European Structural Fund grants to public corporations, non-departmental public bodies, local</p>	<p>£5,946,196,000 (to the extent that this sum was not already drawn down by Development, Education and Administration Departments while relevant responsibility remained in those departments)</p>	<p>Recoverable VAT</p>	<p>£100 (to the extent that this sum was not already drawn down by Development, Education and Administration Departments while relevant responsibility remained in those departments)</p>

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
authorities and other bodies and organisations; grants to the Civic Forum; expenditure in connection with external relations initiatives			
<b>10.</b> For use by the Lord Advocate (through the Crown Office and the Procurator Fiscal Service) on administrative costs, including fees paid to temporary procurators fiscal, witness expenses and other costs associated with Crown prosecutions; costs of holding criminal justice proceedings in a third country (Lockerbie Trial)	£61,628,000	Miscellaneous income	£175

## SCHEDULE 3

Article 2(6)

## AMENDMENTS TO AMOUNTS SPECIFIED IN SCHEDULE 3 TO THE 2001 ACT

In schedule 3 to the 2001 Act, in the entries specified in column 1 of the table below, for the amounts specified in relation to those entries in column 2 of that schedule (and which amounts are, for convenience, shown in italics in column 2 of the table) there are substituted the amounts specified in relation to those entries in column 3 of the table.

<i>Entry Number</i>	<i>Existing amount of resources other than accruing resources</i>	<i>New amount of resources other than accruing resources</i>
<b>1.</b> (Forestry Commissioners)	<i>£82,437,000</i>	£77,020,000
<b>2.</b> (Food Standards Agency)	<i>£4,855,000</i>	£5,905,000
<b>3.</b> (Scottish Parliamentary Corporate Body)	<i>£95,708,000</i>	£146,382,000
<b>4.</b> (Audit Scotland)	<i>£4,737,000</i>	£4,916,000

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## EXPLANATORY NOTE

*(This Note is not part of the Order)*

This Order amends the Budget (Scotland) Act 2001 (“the 2001 Act”), which makes provision, for financial year 2001/02, 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 use of resources, and for limits on the capital expenditure of and borrowing of local authorities and certain other public bodies. In particular, the Order amends that Act so as to—

(1) alter the overall cash authorisations for the purposes of section 4(2) of the [Public Finance and Accountability \(Scotland\) Act 2000 \(asp 1\)](#) (article 2(2));

(2) alter the maximum amount for the purposes of section 94(5) of the Local Government (Scotland) Act 1973 (c. 65) (which provides for limits on the amount of capital expenses which may be incurred by local authorities in any financial year) (article 2(3));

(3) restate the purposes for which resources may be used, and the amounts of resources that may be used for those purposes, in accordance with section 1 and schedule 1 to the 2001 Act, with the following changes (article 2(4)) –

(a) to enable resources to be used –

- (i) by the Scottish Ministers through the Scottish Executive Environment and Rural Affairs Department (formerly the Scottish Executive Rural Affairs Department) on other environmental expenditure and the Water and Sewerage Charges Reduction scheme;
- (ii) by the Scottish Ministers through the Scottish Executive Development Department on Communities Scotland, community ownerships, repayment of debt, departmental research and publicity and other central services, miscellaneous costs in relation to ports and harbours and payments to former members of Scottish Transport Group pension schemes; and
- (iii) by the Scottish Ministers through the new Scottish Executive Finance and Central Services Department on pensions, gratuities, etc, payable in respect of the teachers' and national health service pension schemes, running and capital costs of the Scottish Public Pensions Agency, revenue support grants and payment of non-domestic rates in Scotland, special grants relating to council tax and spend-to-save scheme, other services including payments under the Bellwin scheme covering floods, storms and other emergencies, expenditure on committees, commissions and other departmental services, European Structural Fund grants to public corporations, non-departmental public bodies, local authorities and other bodies and organisations, grants to the Civic Forum and expenditure in connection with external relations initiatives.

(b) to no longer authorise the use of resources –

- (i) by the Scottish Ministers through the Scottish Executive Development Department on revenue support grants and payments of non-domestic rates in Scotland, special grants relating to council tax and spend-to-save scheme, other central and environmental services, including flood and storm emergencies, and European Regional Development Fund and European Social Fund grants to public corporations, non-departmental public bodies, local authorities and other bodies and organisations;

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- (ii) by the Scottish Ministers through the Scottish Executive Education Department on pensions, allowances, gratuities etc payable in respect of the teachers' and national health service pension schemes and running and capital costs of the Scottish Public Pensions Agency; and
  - (iii) by the Scottish Ministers through the Scottish Executive (Administration) on the Mental Welfare Commission for Scotland, grants to the Civic Forum and expenditure in connection with external relations initiatives.
- (c) to set the maximum amount of resources other than accruing resources that may be used in financial year 2001/02 by the Scottish Ministers through the Scottish Executive Finance and Central Services Department.
  - (d) to alter the maximum amounts of resources other than accruing resources that may be used in financial year 2001/02 by the Scottish Ministers through the Scottish Executive Environment and Rural Affairs Department, the Scottish Executive Development Department, the Scottish Executive Education Department, the Scottish Executive Enterprise and Lifelong Learning Department, the Scottish Executive Health Department, the Scottish Executive Justice Department and the Scottish Executive (Administration), the Registrar General of Births, Deaths and Marriages for Scotland and the Scottish Ministers and the Keeper of the Records of Scotland (through the National Archives of Scotland).
  - (e) to no longer authorise the type of accruing resources of European Regional Development Fund grants to be used by for the purposes of the Scottish Ministers through the Scottish Executive Development Department.
  - (f) to specify types of accruing resources that may be used by the Scottish Ministers for the purposes of the Scottish Executive Finance and Central Services Department specified in Schedule 1, and by the Lord Advocate for the purposes of the Crown Office and Procurator Fiscal Service specified in schedule 1, and to set the maximum amounts of such resources that may be so used.
  - (g) to alter the maximum amounts of accruing resources of specified types that may be used by the Scottish Ministers for the purposes of the Scottish Executive Environment and Rural Affairs Department, the Scottish Executive Development Department, the Scottish Executive Education Department and the Scottish Executive Development Department as specified in schedule 1.
- (4) restate the purposes for which certain accruing resources may be used through the Scottish Executive Environment and Rural Affairs Department and the Scottish Executive Education Department and the overall amount of those resources (articles 2(5)(b) and (c));
  - (5) restate the first type of accruing resources which may be used through the Scottish Executive Administration without individual limit (article 2(5)(d)(i));
  - (6) alter the overall amount of accruing resources which may be used through the Scottish Executive Administration without individual limit (article 2(5)(d)(ii));
  - (7) allow the Scottish Ministers through the Scottish Executive Finance and Central Services Department to use certain types of accruing resources for certain purposes up to an overall limit of £520,000,000 (article 2(5)(e));
  - (8) alter the amounts of resources other than accruing resources that may be used by the Forestry Commissioners, the Food Standards Agency, the Scottish Parliamentary Corporate Body and Audit Scotland in financial year 2001/01 (article 2(6)); and
  - (9) make certain minor and drafting changes.

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