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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 147**

**PUBLIC FINANCE AND ACCOUNTABILITY**

**The Budget (Scotland) Act 2003 Amendment Order 2004**

*Made* - - - - *18th March 2004*

*Coming into force* - - *19th March 2004*

The Scottish Ministers, in exercise of the powers conferred by section 7(1) of the Budget (Scotland) Act 2003<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 and commencement**

1. This Order may be cited as the Budget (Scotland) Act 2003 Amendment Order 2004 and shall come into force on the day following that on which it is made.

**Amendment of the Budget (Scotland) Act 2003**

2.—(1) The Budget (Scotland) Act 2003 is amended in accordance with paragraphs (2) to (7) of this article.

(2) In section 3 (overall cash authorisations)—

- (a) in relation to the Scottish Administration for “£21,219,337,000” substitute “£20,613,529,000”;
- (b) in relation to the Forestry Commissioners for “£49,116,000” substitute “£50,786,000”; and
- (c) in relation to Audit Scotland for “£8,286,000” substitute “£8,386,000”.

(3) In section 5(1) (capital expenditure of, and borrowing by, certain statutory bodies) for “£530,160,000” substitute “£531,912,000”.

(4) In schedule 1—

(a) in column 1 (purpose)—

- (i) in relation to the first purpose after “environment protection;” insert “sustainable development;”;
- (ii) in relation to the second purpose after “charity law regulations;” insert “Office of the Scottish Charity Regulator”;

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(1) 2003 asp 6. The Budget (Scotland) Act 2003 (asp 6) was amended by the Budget (Scotland) Act 2003 Amendment Order 2003 (S.S.I. 2003/330) and the Budget (Scotland) Act 2003 Amendment (No. 2) Order 2003 (S.S.I. 2003/603).

- (b) in column 2 (amount of resources other than accruing resources)–
- (i) in relation to the first purpose for “£1,219,537,000” substitute “£1,161,549,000”;
  - (ii) in relation to the second purpose for “£1,306,943,000” substitute “£1,306,128,000”;
  - (iii) in relation to the third purpose for “£650,114,000” substitute “£654,380,000”;
  - (iv) in relation to the fourth purpose for “£3,805,656,000” substitute “£3,837,389,000”;
  - (v) in relation to the fifth purpose for “£6,656,985,000” substitute “£5,911,387,000”;
  - (vi) in relation to the sixth purpose for “£1,212,383,000” substitute “£1,204,084,000”;
  - (vii) in relation to the seventh purpose for “£237,077,000” substitute “£238,313,000”;
  - (viii) in relation to the ninth purpose for “£10,036,000” substitute “£10,856,000”;
  - (ix) in relation to the tenth purpose for “£7,153,531,000” substitute “£10,180,845,000”;
  - and
  - (x) in relation to the eleventh purpose for “£88,489,000” substitute “£88,793,000”; and
- (c) in column 4 (amount of accruing resources)–
- (i) in relation to the first purpose for “£68,046,000” substitute “£68,056,000”;
  - (ii) in relation to the third purpose for “£1,305,000” substitute “£1,199,000”;
  - (iii) in relation to the fourth purpose for “£48,742,000” substitute “£36,166,000”;
  - (iv) in relation to the fifth purpose for “£72,100,000” substitute “£120,000,000”; and
  - (v) in relation to the sixth purpose for “£1,276,000” substitute “£546,000”.
- (5) In schedule 2–
- (a) in Part 1, for the overall amount of “£88,400,000” substitute “£30,000,000”;
  - (b) in Part 2, in column 1, in entry 1, delete “; income from deemed hazardous substances consent”;
  - (c) in Part 2, after entry 9 insert–

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“**10.** Recovery of grants from local Expenditure on regeneration”;  
authorities for regeneration

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- (d) in Part 2, for the overall amount of “£60,000,000” substitute “£75,000,000”;
- (e) in Part 4, after entry 3 insert–

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“**3A.** Income from other grants and Expenditure on Other Enterprise and Lifelong contributions Learning”;

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- (f) in Part 4, as regards the fifth type of accruing resource, in respect of the relevant purpose, insert after “harbours” “; expenditure on Other Transport Programmes”;
- (g) in Part 4, for the overall amount of “£125,000,000” substitute “£315,000,000”;
- (h) in Part 5, for the overall amount of “£1,000,000,000” substitute “£2,000,000,000”;
- (i) in Part 6, in respect of the seventh type of accruing resource delete–
  - (i) after “fees” delete “ and”;
  - and
  - (ii) after “criminal statistics” insert “ and other miscellaneous receipts”;
- (j) in Part 6, for the overall amount of “£28,000,000” substitute “£28,500,000”;
- (k) in Part 7, for the overall amount of “£15,000,000” substitute “£16,000,000”;
- (l) in Part 8, for the overall amount of “£3,700,000” substitute “£4,200,000”; and

- (m) in Part 10, for the overall amount of “£952,314,000” substitute “£1,023,029,000”.
- (6) In schedule 3–
  - (a) in column 2 (amount of resources other than accruing resources) in relation to the first purpose, for “£75,385,000” substitute “£77,055,000”; and
  - (b) in column 4 (amount of accruing resources) in relation to the first purpose for “£100” substitute “£500,000”.
- (7) In schedule 5, for the amount of borrowing authorised in relation to Scottish Water (Enactment 5) in column 2 for “£326,400,000” substitute “£298,100,000”.

St Andrew’s House, Edinburgh  
18th March 2004

*ANDREW P KERR*  
A member of the Scottish Executive

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

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

This Order further amends the Budget (Scotland) Act 2003 (“the 2003 Act”), which makes provision, for financial year 2003/04, 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.

The 2003 Act was previously amended by the Budget (Scotland) Act 2003 Amendment Order 2003 and the Budget (Scotland) Act 2003 Amendment (No. 2) Order 2003.

In particular, this Order further amends the 2003 Act so as to—

- (a) alter the overall cash authorisations in respect of certain bodies referred to in section 3 of the 2003 Act (article 2(2));
- (b) 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));
- (c) restate the purposes for which resources may be used in accordance with section 1 of and schedule 1 to the 2003 Act (article 2(4)(a));
- (d) restate the amounts of resources other than accruing resources that may be used for the purposes (other than in relation to the eighth purpose) set out in schedule 1 to the 2003 Act (article 2(4)(b));
- (e) restate the amounts of accruing resources in schedule 1 to the 2003 Act in respect of the first, third, fourth, fifth and sixth type of accruing resources (article 2(4)(c));
- (f) amend, add to, and delete certain of the types of accruing resources and corresponding purposes in Parts 1 to 11 of schedule 2 to the 2003 Act (article 2(5));
- (g) alter some of the overall amounts of accruing resources in Parts 1 to 11 of schedule 2 to the 2003 Act which may be used by the bodies referred to therein without individual limit (article 2(5));
- (h) alter in schedule 3 to the 2003 Act the amount of resources other than accruing resources and the amount of accruing resources which the first directly-funded body referred to therein may use for the purposes specified (article 2(6)); and
- (i) alter in schedule 5 to the 2003 Act the amount of borrowing authorised in respect of Scottish Water (article 2(7)).