
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 551

PUBLIC FINANCE AND ACCOUNTABILITY

The Budget (Scotland) Act 2007 Amendment Order 2007

Made - - - - 5th December 2007

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 7(1) of the Budget (Scotland) Act 2007⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 7(2) of that Act, a draft of this Order has 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 2007 Amendment Order 2007 and comes into force on the day after the day on which it is made.

(2) In this Order, “the 2007 Act” means the Budget (Scotland) Act 2007.

Amendment of section 3 of the 2007 Act

2. In section 3 of the 2007 Act (overall cash authorisations)—

- (a) in paragraph (a), for “£26,145,154,000” substitute “£26,639,917,000”;
- (b) in paragraph (b), for “£66,349,000” substitute “£77,649,000”; and
- (c) in paragraph (e), for “£6,585,000” substitute “£9,032,000”.

Amendment of schedule 1 to the 2007 Act

3.—(1) Schedule 1 to the 2007 Act (the Scottish Administration) is amended in accordance with paragraphs (2) to (5).

(2) In column 1 (purpose)—

(a) in relation to the first purpose—

- (i) for “the Scottish Executive Environment and Rural Affairs Department” substitute “their Rural Affairs and the Environment portfolio”; and
- (ii) for the words from “loans” to the end substitute “miscellaneous water grants (including the Drinking Water Quality Regulator for Scotland)”;

(1) 2007 asp 9.

- (b) in relation to the second purpose—
 - (i) for “the Scottish Executive Development Department” substitute “their Health and Wellbeing portfolio”;
 - (ii) omit “departmental”;
 - (iii) omit the words from “planning” to “sectors;”;
 - (iv) after “expenditure relating to equality issues;” insert “hospital and community health services; family health services; community care; grants to local authorities and the third sector; social care; welfare food; the Scottish Drugs Challenge Fund; the Mental Health Tribunal for Scotland; payments to the Skipton Fund; other health services; sport”; and
 - (v) omit “Scottish Building Standards Agency”.
- (c) in relation to the third purpose—
 - (i) for “the Scottish Executive Education Department” substitute “their Education and Lifelong Learning portfolio”;
 - (ii) after “childcare;” insert “youth work;”;
 - (iii) for the words from “sport;” to the end substitute “grant in aid for the Scottish Further and Higher Education Funding Council; funding for the Student Awards Agency for Scotland and related costs, including the Student Loan Scheme and the Graduate Endowment Scheme; Enterprise in Education; Not in Education or Employment or Training; scientific and research-related activities; sundry lifelong learning activities”;
- (d) omit the entry in relation to the fourth purpose;
- (e) omit the entry in relation to the fifth purpose;
- (f) in relation to the sixth purpose—
 - (i) for “the Scottish Executive Justice Department” substitute “their Justice portfolio”; and
 - (ii) for “voluntary organisations” substitute “the third sector”;
- (g) in relation to the ninth purpose, after “including” insert “building works associated with the creation of the Scottish Family History Centre and”;
- (h) in relation to the tenth purpose—
 - (i) for “the Scottish Executive Finance and Central Services Department” substitute “their Finance and Sustainable Growth portfolio”;
 - (ii) for “other departmental services” substitute “other portfolio services”;
 - (iii) omit “grants to the Civic Forum;”;
 - (iv) for “modernising government and efficient government” substitute “public sector reform and efficiency”;
 - (v) for the words from “international relations” to the end substitute “roads, bridges and associated services, including the acquisition of land, lighting and road safety; costs involved in the removal of tolls; assistance to local transport; support for transport services in the highlands and islands; piers and harbours including Piers and Harbours grants to local authorities and miscellaneous costs in relation to ports and harbours; support for ferry services; grant aid to British Waterways Board in respect of Scotland’s inland waterways; funding for rail infrastructure and rail services in Scotland; other expenditure relating to rail; provision for other transport services, grants and research expenditure; expenditure relating to Highlands and Islands Airports Limited and the privatisation of the Scottish Bus Group; support

for bus services in Scotland; support for certain air services; transport-related grants to local authorities, Regional Transport Partnerships and the Strathclyde Passenger Transport Authority; payments to former members of Scottish Transport Group pension schemes; funding for Transport Scotland and related costs; support for concessionary fare schemes and ticketing infrastructure; costs in relation to establishing and funding the office of Scottish Road Works Commissioner; loans to Scottish Water and other water grants (including the Water Industry Commission for Scotland); grants in respect of the third sector; planning; Scottish Building Standards Agency; 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 authorities and other bodies and organisations; energy related activities; sundry enterprise-related activities”; and

- (i) after the thirteenth purpose, insert—

“14. For use by the Scottish Ministers (through the First Minister’s portfolio) on support for the cultural heritage of Scotland, including the Gaelic language; cultural organisations; architecture; Historic Scotland; central government grants to non-departmental public bodies, local authorities and other bodies and organisations; international relations and development assistance; expenditure on committees, commissions and other portfolio services; expenditure in relation to running costs of Her Majesty’s Chief Inspector of Prosecution in Scotland.”.

- (3) In column 2 (amount of resources other than accruing resources)—

- (a) in relation to the first purpose, for “£938,076,000” substitute “£987,452,000”;
- (b) in relation to the second purpose, for “£1,323,561,000” substitute “£9,931,474,000”;
- (c) in relation to the third purpose, for “£1,094,349,000” substitute “£3,217,882,000”;
- (d) omit the entry in relation to the fourth purpose;
- (e) omit the entry in relation to the fifth purpose;
- (f) in relation to the sixth purpose, for “£1,671,921,000” substitute “£1,680,470,000”;
- (g) in relation to the seventh purpose, for “£251,565,000” substitute “£252,886,000”;
- (h) in relation to the eighth purpose, for “£10,324,000” substitute “£12,599,000”;
- (i) in relation to the ninth purpose, for “£10,068,000” substitute “£12,768,000”;
- (j) in relation to the tenth purpose, for “£8,060,906,000” substitute “£11,580,893,000”;
- (k) in relation to the eleventh purpose, for “£2,006,670,000” substitute “£2,647,902,000”; and
- (l) in relation to the fourteenth purpose(2), insert “£254,173,000”.

- (4) In column 3 (type of accruing resources)—

- (a) in relation to the first purpose, omit “repayment of loans by Scottish Water”;
- (b) in relation to the third purpose, at the end insert “; the repayment of student loans”;
- (c) omit the entry in relation to the fourth purpose;
- (d) omit the entry in relation to the fifth purpose;
- (e) in relation to the tenth purpose insert “Repayment of voted loans (capital) by Scottish Enterprise and Caledonian Maritime Assets Ltd; repayment of loans by the Tay Bridge Joint Board; repayment of loans by Independent Piers and Harbours Trusts; repayment of loans by Scottish Water; sale of buildings, land and equipment”; and

(2) The fourteenth purpose is inserted by article 3(2)(i).

- (f) in relation to the fourteenth purpose, insert “Sale of land, buildings and equipment”.
- (5) In column 4 (amount of accruing resources)–
- (a) in relation to the second purpose, for “£100” substitute “£15,000,000”;
 - (b) in relation to the third purpose, for “£100” substitute “£65,000,000”;
 - (c) omit the entry in relation to the fourth purpose;
 - (d) omit the entry in relation to the fifth purpose;
 - (e) in relation to the sixth purpose, for “£2,800,000” substitute “£2,700,000”; and
 - (f) in relation to the tenth purpose, insert “£6,000,000”.

Amendment of schedule 2 to the 2007 Act

4.—(1) Schedule 2 to the 2007 Act (accruing resources of the Scottish Administration which may be used without individual limit) is amended in accordance with paragraphs (2) to (12).

(2) In Part 1–

- (a) in the heading, for “Scottish Executive Environment and Rural Affairs Department” substitute “Rural Affairs and the Environment portfolio”; and
- (b) omit–

“8. Repayment of loans	Expenditure on Scottish Water”.
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(3) In Part 2–

- (a) in the heading, for “Scottish Executive Development Department” substitute “Health and Wellbeing portfolio”;
- (b) in column 2 (purpose) in relation to the first entry, for “Expenditure on miscellaneous Development Department programmes” substitute “Expenditure on miscellaneous communities programmes”;
- (c) omit–

“3. Recovery of unused grant from	Expenditure on voluntary sector”;
voluntary organisations	

(d) omit–

“7. Fees for functions carried out by the	Expenditure of the Scottish Building Standards
Scottish Building Standards Agency	Agency”;

(e) after the ninth entry, insert–

“10. Charges to private patients; income generation schemes; charges for the processing of plasma for the Department of Health, Social Services and Public Safety in Northern Ireland; handling charges for blood products; sales of antibodies and related products; repayments of Project 2000 bursaries; National Insurance contributions	Expenditure on hospital and community health services
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11. Prescription charges collected by dispensing doctors, pharmacists, Health Boards	Expenditure on family health services
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and appliance suppliers; sales of prescription pre-payment certificates; payments under the Pharmaceutical Price Regulation Scheme; rental of national health service properties; charges collected by dental practitioners and ophthalmologists; recovery of charges from patients, dispensing contractors and practitioners

12. Sales of publications; fees for Expenditure on other health services conferences and courses; royalties from projects developed with portfolio assistance; sales of vitamin drops and tablets at national health service clinics; other miscellaneous income

13. Income from fees charged by the Expenditure on community care”; and Scottish Commission for the Regulation of Care

(f) in relation to the overall amount, for “£100” substitute “£1,626,800”.

(4) In Part 3–

(a) in the heading, for “Scottish Executive Education Department” substitute “Education and Lifelong Learning portfolio”;

(b) for–

“4. Income from admissions and retail at Expenditure on tourism and culture monuments operated by Historic Scotland and external partnership funding for capital projects

5. Income from sales and grants in respect of Expenditure on tourism and culture” the Royal Commission on Ancient and Historic Monuments of Scotland

substitute–

“4. Repayment of student awards and Expenditure of the Student Awards Agency for interest capitalised on student loans Scotland

5. Income from the Graduate Endowment Expenditure on student support relating to the Scheme provision of allowances for living costs and loans

6. Sums accruing from Lifelong Learning Expenditure on Lifelong Learning related activities related activities”; and

(c) in relation to the overall amount, for “£25,989,000” substitute “£75,500,000”.

(5) Omit Part 4.

(6) Omit Part 5.

(7) In Part 6–

(a) in the heading, for “Scottish Executive Justice Department” substitute “Justice portfolio”; and

(b) in relation to the overall amount, for “£29,571,000” substitute “£36,000,000”.

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(8) In Part 7, in relation to the purpose corresponding to the first type of accruing resources, omit “departments”.

(9) In Part 8, in relation to the overall amount, for “£5,200,000” substitute “£5,500,000”.

(10) In Part 9, for “Register Archives Collection” substitute “for services provided”.

(11) In Part 10–

(a) in the heading, for “Scottish Executive Finance and Central Services Department” substitute “Finance and Sustainable Growth portfolio”;

(b) omit–

“1. Income from marketing	Expenditure on marketing”;
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(c) after the fourth entry, insert–

“5. Repayment of loans by Scottish Water	Expenditure on Scottish Water
6. Recovery of unused grant from the third sector	Expenditure on the third sector
7. Fees for functions carried out by the Scottish Building Standards Agency	Expenditure of the Scottish Building Standards Agency
8. Refunds of grants for Regional Selective Assistance including Innovation and Investment	Expenditure on Regional Selective Assistance including Innovation and Investment
9. Electricity Statutory Consent fees	Expenditure on the administration of consents for the provision of energy
10. Rents from land and property	Expenditure on motorways and trunk roads
11. Any sums accruing as a result of the dissolution of Scottish Transport Group	Payments to former members of Scottish Transport Group pension schemes
12. Sums accruing from Enterprise related activities	Expenditure on Enterprise related activities
13. Income from European Union including the European Social Fund and the European Regional Development Fund	Expenditure on European Union eligible support

; and

(d) in relation to the overall amount, for £100 substitute £212,100,000”.

(12) After Part 12, insert–

“PART 13

FIRST MINISTER'S PORTFOLIO

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Income from admissions and retail at monuments operated by Historic Scotland	Expenditure on culture
Overall amount: £25,005,000	

<i>Type of accruing resources</i>	<i>Purpose</i>
and external partnership funding for capital projects	
2. Income from sales and grants in respect of the Royal Commission on Ancient and Historic Monuments of Scotland	Expenditure on culture
3. Income from marketing	Expenditure on marketing”.
Overall amount: £25,005,000	

Amendment of schedule 3 to the 2007 Act

5. In column 2 (amount of resources other than accruing resources) of schedule 3 to the 2007 Act (direct-funded bodies)–

- (a) in relation to the first purpose, for “£84,402,000” substitute “£101,402,000”; and
- (b) in relation to the fourth purpose, for “£7,108,000” substitute “£9,692,000”.

St Andrew’s House,
Edinburgh
5th December 2007

JOHN SWINNEY
A member of the Scottish Executive

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Budget (Scotland) Act 2007 (“the 2007 Act”), which makes provision, for the financial year 2007/08, 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 and borrowing of local authorities and certain other public bodies.

It aligns the Scottish Government’s management systems and structures more closely with the new administration’s objectives. The Order reflects the reallocation of resources from the former Scottish Executive Departments to the new Scottish Government portfolios.

In particular, this Order amends the 2007 Act so as to—

- (a) alter the overall cash authorisations in respect of three of the five bodies referred to in section 3 (article 2);
- (b) restate the purposes for which resources may be used in accordance with section 1 and schedule 1 (article 3(2));
- (c) restate the amount of resources other than accruing resources that may be used for the purposes set out in schedule 1 (article 3(3));
- (d) restate the type of accruing resources which may be used in accordance with section 1 and schedule 1 (article 3(4));
- (e) restate the amounts of accruing resources in schedule 1 (article 3(5)).
- (f) remove types of accruing resources, and their corresponding purposes, which may be used without individual limit respectively in relation to the Rural Affairs and the Environment portfolio (article 4(2)(b)), the Health and Wellbeing portfolio (article 4(3)(c) and (d)), the Education and Lifelong Learning portfolio (article 4(4)(b)) and the Finance and Sustainable Growth portfolio (article 4(11)(1));
- (g) add types of accruing resources, and their corresponding purposes, which may be used without individual limit respectively in relation to the Health and Wellbeing portfolio (article 4(3)(e)), the Education and Lifelong Learning portfolio (article 4(4)(b)) and the Finance and Sustainable Growth portfolio (article 4(11)(c));
- (h) remove Part 4 (Scottish Executive Enterprise, Transport and Lifelong Learning Department) and Part 5 (Scottish Executive Health Department) and add a new Part 13 (Office of the First Minister) to schedule 2 (accruing resources of the Scottish Administration which may be used without individual limit) (article 4(5), (6) and (12)); and
- (i) alter the overall amounts of accruing resources that may be used without individual limit respectively in relation to the Health and Wellbeing portfolio (article 4(3)(f)), the Education and Lifelong Learning portfolio (article 4(4)(c)), the Justice portfolio (article 4(7)(b)), the Registrar General of Births, Deaths and Marriages (article 4(9)) and the Finance and Sustainable Growth portfolio (article 4(11)(d)).

The attached table provides reconciliation between the budgets for the former Scottish Executive Departments and the new Scottish government portfolios.

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2007– 08 BUDGET ACT	Total	First Minister	Finance and Sustainable Growth	Health & Wellbeing	Education and Lifelong Learning	Rural Affairs and the Environment	Justice	Administrative	Total
	£	£	£	£	£	£	£	£	£
Environment and Rural Affairs	938,076,000		320,700,000			617,376,000			938,076,000
Development	1,323,561,000		18,685,000	302,027,000	849,000				1,323,561,000
Education	1,094,349,000	100,571,000	9,350,000	82,532,000	98,896,000				1,094,349,000
Enterprise Transport and Lifelong Learning	5,253,742,000		2,955,260,000		2,298,482,000				5,253,742,000
Finance and Public Service Reform	8,060,906,000	100,092,000	8,032,776,000		4,338,000				8,060,906,000
Health	8,848,314,000			8,848,314,000					8,848,314,000
Justice	1,671,921,000						1,671,921,000		1,671,921,000
Total Programme	27,190,869,000	200,663,000	10,370,771,000	10,082,873,000	849,000	617,376,000	1,671,921,000	0	27,190,869,000
Administrative	251,565,000							251,565,000	251,565,000
Total Scottish Executive Core	27,442,434,000	200,663,000	10,370,771,000	10,082,873,000	849,000	617,376,000	1,671,921,000	251,565,000	27,442,434,000
GROS	10,324,000								
NAS	10,068,000								
Pensions	2,006,670,000								
Office of the Charity Regulator	3,600,000								
Crown Office and Procurator	100,579,000								

1. These figures include the non cash elements of the budgets which are excluded from the figures shown in Section 3 of the Budget (Scotland) Act 2007 (Table 1.5 of the Supporting document refers).

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2007–08 BUDGET ACT	Total	First Minister	Finance and Sustainable Growth	Health & Wellbeing	Education and Lifelong Learning	Rural Affairs and the Environment	Justice	Administration	Total
	£	£	£	£	£	£	£	£	£
Fiscal Service									
Total Scottish Administration¹	29,573,675,000			Culture from Education					219,571,000
				International Relations, Statistics and Advertising from Finance and Public Service Reform					23,792,000
Forestry Commission ¹	84,402,000		Cabinet Secretary for Finance and Sustainable Growth						
Food Standards Agency ¹	10,771,000			Tourism from Education					43,350,000
Scottish Parliamentary Corporate Body ¹	98,234,000			Transport from Enterprise, Transport and Lifelong Learning					2,343,000,000
Audit Scotland ¹	7,108,000			Enterprise from Enterprise, Transport and Lifelong Learning					612,260,000
				Scottish Water from Environment and Rural Affairs					320,700,000
Total Scottish Executive	29,774,190,000								
			Cabinet Secretary for Health and Wellbeing						
				Communities from Development					1,302,027,000
				Sport from Education					32,532,000

1. These figures include the non cash elements of the budgets which are excluded from the figures shown in Section 3 of the Budget (Scotland) Act 2007 (Table 1.5 of the Supporting document refers).