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STATUTORY INSTRUMENTS

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**2004 No. 953**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Designation of Receipts) Order 2004**

<i>Made</i>	- - - -	<i>29th March 2004</i>
<i>Laid before the House of Commons</i>	- - - -	<i>30th March 2004</i>
<i>Coming into force</i>	- -	<i>20th April 2004</i>

The Treasury, in exercise of the powers conferred on them by section 64(5) and section 115 of, and schedule 7 to, the Scotland Act 1998<sup>(1)</sup>, and all other powers enabling them in that behalf, and after consulting with the Scottish Ministers, hereby make the following Order:—

**Citation and commencement**

1. This Order may be cited as the Scotland Act 1998 (Designation of Receipts) Order 2004 and shall come into force on 20th April 2004.

**Designated receipts**

2.—(1) Receipts of any description specified in paragraph (2) below, so far as they are payable into the Scottish Consolidated Fund (or would be but for provision made by or under an Act of the Scottish Parliament), shall be designated receipts for the purposes of subsections (5) to (7) of section 64 of the Scotland Act 1998.

(2) The specified descriptions of receipts are—

- (a) fines and forfeitures,
- (b) fixed penalties, other than fixed penalties paid in consequence of a notice under section 75(3) of the Road Traffic Offenders Act 1988<sup>(2)</sup> (issue of conditional offer) in respect of offences—
  - (i) to which section 46(2) of the Local Government in Scotland Act 2003<sup>(3)</sup> (road traffic offences in relation to which the Scottish Ministers may provide funding) applies, and
  - (ii) which were committed in the area of a local authority or joint police board in Scotland that has entered into an agreement with the Scottish Ministers in pursuance

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(1) 1998 c. 46.  
(2) 1988 c. 53.  
(3) 2003 asp 1.

- of which it receives payments under section 46(1) of that Act (power to provide funds for speed cameras etc.),
- (c) dividends on public dividend capital,
  - (d) interest, other than interest on—
    - (i) any loan that was provided by Scottish Homes under section 2(2) of the Housing (Scotland) Act 1988(4), and
    - (ii) £1,555,554 of 6% Convertible Unsecured Loan Stock dated 23rd February 2001, held in Partnerships (UK) Limited, and
  - (e) sums received from the European Social Fund in respect of training expenditure incurred by Scottish Enterprise and Highlands and Island Enterprise(5).

### Repeal

- 3. The Scotland Act 1998 (Designation of Receipts) Order 2000(6) is revoked.

29th March 2004

*Jim Murphy*  
*John Heppell*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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(4) 1988 c. 43. The Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property and Liabilities) Order 2003 (S.I.2003/532) transferred all the rights and interests of Scottish Homes in relation to such loans to the Scottish Ministers.

(5) Scottish Enterprise and Highland and Islands Enterprise are established by section 1 of the Enterprise and New Towns (Scotland) Act 1990 (c. 35).

(6) S.I. 2000/687.

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## **EXPLANATORY NOTE**

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

This Order specifies the receipts of the Scottish Ministers and other office holders in the Scottish Administration that are to be designated receipts. Under the Scotland Act 1998 the Scottish Ministers must pay to the Secretary of State sums equal to the amount of the designated receipts. It revokes the Scotland Act 1998 (Designation of Receipts) Order 2000.