



# Budget (Scotland) Act 2010

## 2010 asp 4

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 3rd February 2010 and received Royal Assent on 10th March 2010**

An Act of the Scottish Parliament to make provision, for financial year 2010/11, 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 2011/12, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

### PART 1

#### FINANCIAL YEAR 2010/11

##### *Use of resources*

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

- (1) The Scottish Administration may use resources in financial year 2010/11 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, and
  - (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, or
  - (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 2010/11 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 2.

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- (4) The second condition is that the total accruing resources used in financial year 2010/11 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 2010/11 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 2000 Act, the overall cash authorisations for financial year 2010/11 are—

- (a) in relation to the Scottish Administration, £30,999,875,000,
- (b) in relation to the Forestry Commissioners, £79,900,000,
- (c) in relation to the Food Standards Agency, £11,015,000,
- (d) in relation to the Scottish Parliamentary Corporate Body, £78,554,000,
- (e) in relation to Audit Scotland, £6,673,000.

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

- (1) This section applies where, in financial year 2010/11, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 (c.46), 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 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 (c.46), and
  - (b) it is not reasonably practicable, for reasons of urgency, to amend the overall cash authorisation by an order under section 7 of this Act.
- (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 2010/11 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 2011/12

**6 Emergency arrangements: overall cash authorisations**

- (1) This section applies if, at the beginning of financial year 2011/12, there is no overall cash authorisation for that year for the purposes of section 4(2) of the 2000 Act.
- (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, and
  - (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, and
  - (b) the amount paid out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 (c.46) in the corresponding calendar month of financial year 2010/11 for or in connection with expenditure of the Scottish Administration or that body.
- (4) Section 4 of the 2000 Act has effect accordingly.
- (5) This section is subject to any provision made by a Budget Act for financial year 2011/12.

## **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 subsection (1) unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.

#### *Supplementary*

#### **8 Repeal**

Part 2 (financial year 2010/11) of the [Budget \(Scotland\) Act 2009 \(asp 2\)](#) is repealed.

#### **9 Interpretation**

- (1) In this Act, “the 2000 Act” means the [Public Finance and Accountability \(Scotland\) Act 2000 \(asp 1\)](#).
- (2) References in this Act to accruing resources in relation to the Scottish Administration or any direct-funded body are to such resources accruing to the Administration or (as the case may be) that body in financial year 2010/11.
- (3) References in this Act to the direct-funded bodies are to the bodies mentioned in section 3(b) to (e) of this Act; 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 2000 Act 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 2010](#).

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

## SCHEDULE 1

*(introduced by section 1)*

### THE SCOTTISH ADMINISTRATION

<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	<i>£</i>	<i>£</i>
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; international relations and development assistance; expenditure on corporate and central services; expenditure in relation to running costs of Her Majesty's Chief Inspector of Prosecution in Scotland	267,194,000	30,000,000
2. For use by the Scottish Ministers (through their Finance and Sustainable Growth portfolio) on 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 travel schemes; funding	3,198,354,000	192,000,000

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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
<p>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 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 of 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); climate change activities; grants in respect of third sector development, third sector resilience fund and the Scottish Investment Fund; planning; architecture; building standards; tourism; grant in aid for Scottish</p>		

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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
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 and EU programme administration costs; 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 the delivery of the 2014 Commonwealth Games; housing subsidies; Scottish Housing Regulator running costs; Energy Assistance Package; Home Insulation Scheme; 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 individuals; community engagement; regeneration	12,293,344,000	2,050,000,000

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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
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 tribunal 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; research related activities and	2,875,489,000	143,000,000



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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
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 Prisons Complaints Commission; the Scottish Criminal Cases Review Commission; the Risk Management Authority; the Police Complaints Commissioner for Scotland; the Scottish Police Services Authority and 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 antisocial behaviour; measures in relation to drug abuse and treatment; the Mental Health Tribunal for Scotland;	1,948,118,000	39,700,000

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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
miscellaneous services relating to administration of justice; community justice services; court services, including judicial pensions; the Accountant in Bankruptcy; Protocol and UK Relations; 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; water grants (including to the Drinking Water Quality Regulator for Scotland and the Water	516,803,000	590,300,000

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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
Industry Commission for Scotland)		
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	264,371,000	18,200,000
8. For use by the Lord Advocate (through the Crown Office, the 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	119,590,000	600,000
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	10,524,385,000	Nil

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<i>Purposes</i>	<i>Amount of resources (other than accruing resources)</i>	<i>Amount of accruing resources</i>
	£	£
10. For use by the Registrar General of Births, Deaths and Marriages for Scotland (through the General Register Office for Scotland) on administrative and operational costs (including costs associated with running the ScotlandsPeople Centre)	22,406,000	5,600,000
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)	10,496,000	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	2,516,320,000	1,476,400,000
13. For use by the Office of the Scottish Charity Regulator on administrative costs and operational costs	3,647,000	Nil
14. For use by the Scottish Court Service on administrative and operational costs	98,235,000	20,000,000
<b>Total of amounts of resources</b>	<b>34,658,752,000</b>	<b>4,566,800,000</b>

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SCHEDULE 2

*(introduced by section 2)*

DIRECT-FUNDED BODIES

<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Amount of accruing resources</i>
	£	£
1. For use by the Forestry Commissioners in or as regards Scotland on the promotion of forestry in Scotland, including advising on the development and delivery of forestry policy, regulating and supporting, through grant in aid, the forestry sector, managing the national forest estate in Scotland; administrative costs	96,400,000	21,100,000
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; the Meat Hygiene Service	11,115,000	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 functions of the Scottish Parliamentary Standards Commissioner, the Commissioner for Public Appointments in Scotland, the Scottish Public Services Ombudsman, the Scottish Information Commissioner and the Commissioner for Children and Young People in Scotland and the Scottish Commission for Human Rights; any other payments	102,050,000	800,000

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<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Amount of accruing resources</i>
	<i>£</i>	<i>£</i>
relating to the Scottish Parliament		
4. For use by Audit Scotland, including assistance and support to the Auditor General for Scotland and the Accounts Commission for Scotland and other audit work for public bodies and for payment of pensions to former Local Government Ombudsmen and their staff	7,384,000	22,000,000

### SCHEDULE 3

*(introduced by section 5)*

#### BORROWING BY CERTAIN STATUTORY BODIES

<i>Enactment</i>	<i>Amount</i>
	<i>£</i>
1. Section 25 of the Enterprise and New Towns (Scotland) Act 1990 (c.35) (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 (c.25) (Scottish Environment Protection Agency)	Nil
4. Section 42 of the <a href="#">Water Industry (Scotland) Act 2002 (asp 3)</a> (Scottish Water)	198,000,000
5. Section 14 of the <a href="#">Water Services etc. (Scotland) Act 2005 (asp 3)</a> (Scottish Water Business Stream Holdings Limited)	Nil