



Budget (Scotland) Act 2022

2022 asp 3

PART 1

FINANCIAL YEAR 2022/23

The Scottish Consolidated Fund

5 Contingency payments

- (1) **This section** applies where, in financial year 2022/23, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998—
 - (a) for or in connection with expenditure of the Scottish Administration, a sum which does not fall within the amount specified in [section 4\(2\)](#) in relation to it, or
 - (b) for or in connection with expenditure of a direct-funded body, a sum which does not fall within the amount specified in [section 4\(3\)](#) in relation to the 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 of the sum 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, and
 - (b) it is not reasonably practicable, for reasons of urgency, to amend the overall cash authorisation by regulations under [section 7](#).
- (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.

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2022, Section 5. (See end of Document for details)

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Commencement Information

II S. 5 in force at 24.3.2022, see **s. 10**

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