Local Government in Scotland Act 2003

2003 asp 1

PART 7

FINANCE

35 Capital expenditure limits

(1) It is the duty of a local authority to determine and keep under review the maximum amount which it can afford to allocate to capital expenditure.

(2) In discharging that duty, the local authority shall comply with regulations made by the Scottish Ministers for the purposes of this section.

(3) Those regulations may, in particular, make provision—

(a) prescribing when and in respect of what period determinations under subsection (1) above are to be made;

(b) prescribing how those determinations are to be arrived at and any considerations to which regard is to be had in arriving at them;

(c) prescribing how local authorities are to keep those determinations under review under subsection (1) above and any considerations to which they must have regard in doing so;

(d) requiring local authorities to make to the Scottish Ministers such reports containing such information as is prescribed by the regulations;

(e) requiring the amount determined under subsection (1) above and factors on which the determination was based to be subjected to such process of audit as is prescribed by the regulations;

(f) requiring information about that amount and those factors to be published,

and they may make different provision for different cases or different classes of case.

(4) The considerations referred to in paragraphs (b) and (c) above may include codes of practice referred to in the regulations.