

*These notes refer to the Budget (No. 3) Act (Northern Ireland)
2010 (c.11) which received Royal Assent on 28 June 2010*

Budget (No. 3) Act (Northern Ireland) 2010

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Budget (No. 3) Act (Northern Ireland) 2010 which received Royal Assent on 28th June 2010. They have been prepared by the Department of Finance and Personnel, in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes should be read in conjunction with the Act. They do not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. Budget Acts are the legislative means by which Assembly approval is sought for departments and certain other public bodies to incur expenditure and use resources as detailed in the corresponding Estimates volume and summarised in the Schedules to the Acts. Furthermore, Budget Acts enable the Assembly to hold departments accountable for managing and controlling those resources within the limits authorised.
4. The Budget Act not only authorises the use of resources but contains powers to authorise the issue of sums of cash from the Northern Ireland Consolidated Fund to departments and other public bodies and appropriate those sums to services. Budget Acts also set the relevant limits on the accruing resources that may be directed to be used for purposes specified in the Schedules to the Act. Accruing resources are divided into two categories: a) operating accruing resources, which is resource income offset against the gross resource expenditure and b) non-operating accruing resources, which is capital income, mainly relating to the sale of assets, and offset against gross capital spend.
5. Estimates volumes and other relevant documents are published so as to be available when Budget Acts are introduced in the Assembly. Separate Budget Acts are introduced relating to the Main Estimates (initial voted provision for a financial year) and subsequent Supplementary Estimates which revise that initial provision as a result of the in-year monitoring rounds. The Budget Act relating to the Supplementary Estimates also provides interim resources and funding (around 45%) for the first few months of the next financial year.

PURPOSE

6. The Act gives effect to the 2010-11 Northern Ireland Main Estimates and authorises the issue of cash from the Consolidated Fund of Northern Ireland of £7,019,163,000 in addition to the cash sum in the Vote on Account authorised by the Budget Act (NI) 2010. The Act also authorises the use of resources amounting to £7,569,483,000, in addition to the Vote on Account amount authorised by the Budget Act (NI) 2010 and specifies the limits on the amount of accruing resources, including both operating and non-operating accruing resources, that may be directed to be used for certain purposes for the year ending 31 March 2011. In addition, the Act authorises temporary borrowing up to £3,509,581,000 in 2010-11 by the Department of Finance and Personnel.
7. The sums to be issued from the Consolidated Fund of Northern Ireland for the year ending 31st March 2011 are to be appropriated for services, as set out in Schedule 1 to the Act.
8. The amount of resources (including accruing resources) authorised for use for the year ending 31st March 2011 are to be used for the purposes specified in Schedule 2 to the Act.
9. The Act also authorises excess votes of cash totalling £16,272,049.74 for two Departments in respect of the 2008-09 financial year.
10. A number of spent enactments are also repealed.

COMMENTARY ON SECTIONS

Section 1: Issue of sum out of the Consolidated Fund for the year ending 31st March 2011 and appropriation of that sum

Sub-section (1) authorises the issue out of the Consolidated Fund of Northern Ireland of the sum of £7,019,163,000 for 2010-11.

Sub-section (2) appropriates that sum for the purposes specified in column 1 of Schedule 1.

Section 2: Power of the Department of Finance and Personnel to borrow

This section authorises the temporary borrowing by the Department of Finance and Personnel of approximately half the sum covered by Section 1 (1). This is a normal safeguard against the possibility of a temporary deficiency arising in the Northern Ireland Consolidated Fund.

Section 3: Use of resources (other than accruing resources) in year ending 31st March 2011

This section authorises the use of resources amounting to £7,569,483,000 for 2010-11, for the purposes specified in column 1 of Schedule 2.

Section 4: Limit on use of accruing resources in year ending 31st March 2011

This section sets the limits on the accruing resources that may be directed to be used for certain specified purposes in the year ending 31st March 2011 in addition to the resources authorised by Section 3. Sub-section (2) provides authority for the direction of accruing resources as specified in column 3 of Schedule 2 to be used for the purposes specified in the corresponding entries in column 1 of that Schedule.

Section 5: Cash excesses for year ending 31st March 2009

Sub-section (1) authorises the issue of £16,272,049.74 from the Consolidated Fund of Northern Ireland in respect of two Departments that exceeded the authorised provision in 2008-09. This section gives effect to the 2008-09 Statement of Excesses following the report of the Public Accounts Committee confirming that it sees no objection to the sums necessary being provided by Excess Votes.

Sub-section (2) appropriates that sum for the purposes specified in column 1 of Schedule 3.

Section 6: Repeal of spent provisions

This section removes from the statute book a Budget Order and a Budget Act which are no longer operative.

Section 7: Interpretation

As in Budget Act.

Section 8: Short title

This section sets out the title of the Act.

SCHEDULES TO THE ACT

Schedule 1: Sums granted for the year ending 31st March 2011.

Schedule 2: Amounts of resources authorised for use and amounts of accruing resources which may be used in year ending 31st March 2011.

Schedule 3: Excess sums granted for the year ending 31st March 2009

Schedule 4: Repeals

HANSARD REPORTS

11. The following table sets out the dates of the Hansard reports for each stage of the Act's passage through the Northern Ireland Assembly.

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| <i>STAGE</i> | <i>DATE</i> |
|---------------------|-----------------------|
| Introduction | 14 June 2010 |
| Second Stage debate | 15 June 2010 |
| Consideration Stage | 21 June 2010 |
| Final Stage | 21 June 2010 |
| Royal Assent | Received 28 June 2010 |