
EXPLANATORY NOTE

(This Note is not part of the Order)

This Order amends the Budget (Scotland) Act 2001 (“the 2001 Act”), which makes provision, for financial year 2001/02, 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 use of resources, and for limits on the capital expenditure of and borrowing of local authorities and certain other public bodies. In particular, the Order amends that Act so as to—

(1) alter the overall cash authorisations for the purposes of section 4(2) of the [Public Finance and Accountability \(Scotland\) Act 2000 \(asp 1\)](#) (article 2(2));

(2) alter the maximum amount for the purposes of section 94(5) of the Local Government (Scotland) Act 1973 (c. 65) (which provides for limits on the amount of capital expenses which may be incurred by local authorities in any financial year) (article 2(3));

(3) restate the purposes for which resources may be used, and the amounts of resources that may be used for those purposes, in accordance with section 1 and schedule 1 to the 2001 Act, with the following changes (article 2(4)) –

(a) to enable resources to be used –

- (i) by the Scottish Ministers through the Scottish Executive Environment and Rural Affairs Department (formerly the Scottish Executive Rural Affairs Department) on other environmental expenditure and the Water and Sewerage Charges Reduction scheme;
- (ii) by the Scottish Ministers through the Scottish Executive Development Department on Communities Scotland, community ownerships, repayment of debt, departmental research and publicity and other central services, miscellaneous costs in relation to ports and harbours and payments to former members of Scottish Transport Group pension schemes; and
- (iii) by the Scottish Ministers through the new Scottish Executive Finance and Central Services Department on pensions, gratuities, etc, payable in respect of the teachers' and national health service pension schemes, running and capital costs of the Scottish Public Pensions Agency, revenue support grants and payment of non-domestic rates in Scotland, special grants relating to council tax and spend-to-save scheme, other services including payments under the Bellwin scheme covering floods, storms and other emergencies, expenditure on committees, commissions and other departmental services, European Structural Fund grants to public corporations, non-departmental public bodies, local authorities and other bodies and organisations, grants to the Civic Forum and expenditure in connection with external relations initiatives.

(b) to no longer authorise the use of resources –

- (i) by the Scottish Ministers through the Scottish Executive Development Department on revenue support grants and payments of non-domestic rates in Scotland, special grants relating to council tax and spend-to-save scheme, other central and environmental services, including flood and storm emergencies, and European Regional Development Fund and European Social Fund grants to public corporations, non-departmental public bodies, local authorities and other bodies and organisations;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) by the Scottish Ministers through the Scottish Executive Education Department on pensions, allowances, gratuities etc payable in respect of the teachers' and national health service pension schemes and running and capital costs of the Scottish Public Pensions Agency; and
 - (iii) by the Scottish Ministers through the Scottish Executive (Administration) on the Mental Welfare Commission for Scotland, grants to the Civic Forum and expenditure in connection with external relations initiatives.
- (c) to set the maximum amount of resources other than accruing resources that may be used in financial year 2001/02 by the Scottish Ministers through the Scottish Executive Finance and Central Services Department.
 - (d) to alter the maximum amounts of resources other than accruing resources that may be used in financial year 2001/02 by the Scottish Ministers through the Scottish Executive Environment and Rural Affairs Department, the Scottish Executive Development Department, the Scottish Executive Education Department, the Scottish Executive Enterprise and Lifelong Learning Department, the Scottish Executive Health Department, the Scottish Executive Justice Department and the Scottish Executive (Administration), the Registrar General of Births, Deaths and Marriages for Scotland and the Scottish Ministers and the Keeper of the Records of Scotland (through the National Archives of Scotland).
 - (e) to no longer authorise the type of accruing resources of European Regional Development Fund grants to be used by for the purposes of the Scottish Ministers through the Scottish Executive Development Department.
 - (f) to specify types of accruing resources that may be used by the Scottish Ministers for the purposes of the Scottish Executive Finance and Central Services Department specified in Schedule 1, and by the Lord Advocate for the purposes of the Crown Office and Procurator Fiscal Service specified in schedule 1, and to set the maximum amounts of such resources that may be so used.
 - (g) to alter the maximum amounts of accruing resources of specified types that may be used by the Scottish Ministers for the purposes of the Scottish Executive Environment and Rural Affairs Department, the Scottish Executive Development Department, the Scottish Executive Education Department and the Scottish Executive Development Department as specified in schedule 1.
- (4) restate the purposes for which certain accruing resources may be used through the Scottish Executive Environment and Rural Affairs Department and the Scottish Executive Education Department and the overall amount of those resources (articles 2(5)(b) and (c));
 - (5) restate the first type of accruing resources which may be used through the Scottish Executive Administration without individual limit (article 2(5)(d)(i));
 - (6) alter the overall amount of accruing resources which may be used through the Scottish Executive Administration without individual limit (article 2(5)(d)(ii));
 - (7) allow the Scottish Ministers through the Scottish Executive Finance and Central Services Department to use certain types of accruing resources for certain purposes up to an overall limit of £520,000,000 (article 2(5)(e));
 - (8) alter the amounts of resources other than accruing resources that may be used by the Forestry Commissioners, the Food Standards Agency, the Scottish Parliamentary Corporate Body and Audit Scotland in financial year 2001/01 (article 2(6)); and
 - (9) make certain minor and drafting changes.