
STATUTORY INSTRUMENTS

1999 No. 3273

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Transitory and Transitional
Provisions) (Finance) Amendment Order 1999**

Made - - - - 8th December 1999
Laid before Parliament 10th December 1999
Coming into force - - 31st December 1999

In exercise of the powers conferred upon me by sections 112(1), 113 and 129(1) of the Scotland Act 1998(1), and of all other powers enabling me in that behalf, I hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Amendment Order 1999 and shall come into force on 31st December 1999.

(2) In this Order “the principal Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Order 1999(2).

Amendment of the principal Order

2. For article 21 (Auditor General for Scotland) of the principal Order there is substituted—

“Auditor General for Scotland

21.—(1) The provisions of this article shall cease to apply on the coming into force of any provision made by or under an Act of the Scottish Parliament relating to the salary, allowances, expenses, pension and other terms and conditions of appointment of the Auditor General for Scotland (referred to in this article as “the Auditor General”).

(2) The Auditor General is entitled to—

- (a) a salary of such amount, and
- (b) such allowances,

as the Parliamentary corporation may determine.

(3) The salary and allowances and any expenses incurred by the Auditor General in the exercise of the Auditor General's functions are to be paid by the Parliamentary corporation.

(4) The Parliamentary corporation may make arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to hold the office of Auditor General and in particular may—

- (a) make contributions or payments towards provision for such pensions, allowances or gratuities,
- (b) establish and administer one or more pensions schemes.

(5) A person appointed to be the Auditor General—

- (a) may be relieved of office by Her Majesty at that person's request,
- (b) vacates office on attaining the age of 65, or on such later date as the Parliament may by resolution determine,
- (c) in other respects holds office on such terms and conditions as the Parliamentary corporation may determine."

Dover House,
London
8th December 1999

JOHN REID
Secretary of State for Scotland

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends of the Scotland Act 1998 (Transitory and Transitional Provisions) (Finance) Order 1999 (S.I.1999/441) (“the principal Order”) which, amongst other things, makes temporary provision concerning the Auditor General for Scotland (“the Auditor General”) until provision is made by or under an Act of the Scottish Parliament.

The office of Auditor General is established by section 69 of the Scotland Act 1998 (c. 46). That section also provides that the Auditor General is appointed by Her Majesty on the nomination of the Parliament and that a recommendation shall not be made to Her Majesty for the removal from office of the Auditor General unless the Parliament so resolves and, if the resolution is passed on a division, the number of members voting in favour is not less than two-thirds of the total number of seats for members of the Parliament.

This Order amends the principal Order by substituting a new article 21 which makes provision in relation to the salary, allowances, expenses and pension of the Auditor General. It also makes provision as to the resignation and retirement of the Auditor General and as to the determination of his other terms and conditions of appointment.

The provisions of the new article 21 of the principal Order will apply until the coming into force of any provision made by or under an Act of the Scottish Parliament relating to the salary, allowances, expenses, pension and other terms and conditions of the Auditor General.