



# Public Finance and Accountability (Scotland) Act 2000

2000 asp 1

## PART 1

### PUBLIC RESOURCES AND FINANCES

#### *Use of resources*

#### **1 Use of resources**

- (1) The use of resources by—
  - (a) the Scottish Administration, and
  - (b) each body or office-holder (other than an office-holder in the Scottish Administration) whose expenditure is payable out of the Scottish Consolidated Fund (“the Fund”) under any enactment,for any purpose in any financial year must be authorised for that year by Budget Act and must not exceed any amount so authorised in relation to that purpose.
- (2) The use of resources accruing to the Scottish Administration or any such body or office-holder in a financial year (“accruing resources”) for any purpose in that financial year must be so authorised separately from the use of other resources.
- (3) In this Act a reference to the use of resources is a reference to their expenditure, consumption or reduction in value.

#### **2 Emergency arrangements**

- (1) This section applies where, at the beginning of any financial year (“the current financial year”), the use of resources mentioned in section 1(1) has not been authorised for that year by Budget Act.
- (2) Until there is in force a Budget Act authorising that use of resources for the current financial year—

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- (a) any purpose for which the use of resources was authorised for the previous financial year by Budget Act shall be taken to be a purpose for which the use of resources is authorised for the current financial year, and
  - (b) the use of resources for any purpose for each calendar month of the current financial year must not exceed whichever is the greater of—
    - (i) one-twelfth of any amount authorised in relation to that purpose by Budget Act for the previous financial year, and
    - (ii) the amount of resources used for that purpose in the corresponding calendar month of the previous financial year;
 and section 1 has effect accordingly.
- (3) Subsection (2) is subject to any provision made by Budget Act for the current financial year.

### **3 Contingencies**

- (1) This section applies where it is proposed that resources be used for any purpose in any financial year by the Scottish Administration or a body or office-holder referred to in section 1(1)(b) other than in accordance with that section (whether or not as modified by section 2).
- (2) The resources may be so used only with the authority of the Scottish Ministers.
- (3) The Scottish Ministers may authorise the use of resources only if they consider that—
  - (a) the use is necessarily required in the public interest, and
  - (b) it is not reasonably practicable, for reasons of urgency, for the requirements of section 1 in relation to the use to be satisfied by a Budget Act.
- (4) The aggregate amount of the resources which the Scottish Ministers may authorise to be used under this section in any financial year must not exceed 0.5% of the aggregate amount of the resources which, at the beginning of that year, were authorised to be used in that year by virtue of section 1.
- (5) Where the Scottish Ministers authorise the use of resources under this section they must, as soon as possible, lay before the Parliament a report setting out the circumstances of the authorisation and why they considered it to be necessary.

### *The Scottish Consolidated Fund*

### **4 Payments out of the Scottish Consolidated Fund**

- (1) A sum may be paid out of the Fund under section 65(1)(c) of the Scotland Act 1998 (c.46) (“the 1998 Act”) only in accordance with the rules in this section and sections 5 and 6 of this Act.
- (2) The sum must fall within the overall cash authorisation for the financial year in which it is to be paid out.
- (3) The expenditure for or in connection with which the sum is to be paid out must be a use of resources authorised for that financial year by virtue of sections 1 to 3.
- (4) In this Act “overall cash authorisation”, in relation to a financial year, means the maximum amount authorised by Budget Act to be paid out of the Fund in that year.

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(5) Where provision is made by Budget Act for a separate overall cash authorisation in relation to—

- (a) the Scottish Administration, or
- (b) any body or office-holder (other than an office-holder in the Scottish Administration) whose expenditure is payable out of the Fund under any enactment,

references in this Act to an overall cash authorisation are to the overall cash authorisation in relation to the Scottish Administration or, as the case may be, the body or office-holder in question.

**Modifications etc. (not altering text)**

**C1** S. 4 modified (15.3.2012) by [Budget \(Scotland\) Act 2012 \(asp 2\)](#), **ss. 6(4), 10** (with s. 6(5))

**Commencement Information**

**II** S. 4 wholly in force at 1.4.2001; s. 4 not in force at Royal Assent see s. 30(1); s. 4(1) in force at 1.4.2000 by [S.S.I. 2000/10](#), **art. 2(3)**; s. 4(2)-(5) in force at 1.4.2001 by [S.S.I. 2000/10](#), **art. 2(4)**

## 5 Credits for payments out of the Fund

- (1) No sum may be paid out of the Fund except in accordance with a credit granted on the Fund by the Auditor General.
- (2) The Auditor General shall grant credits for payments out of the Fund from time to time at the request of the Scottish Ministers.
- (3) Such a credit must not be granted if, in the Auditor General's opinion, the proposed payment out of the Fund would not comply with section 65(1) and (2) of the 1998 Act.
- (4) This section does not apply to sums paid out of the Fund by virtue of section 6.

**Commencement Information**

**I2** S. 5 wholly in force at 1.4.2000; s. 5 not in force at Royal Assent see s. 30(1); s. 5 in force for certain purposes at 1.2.2000 by [S.S.I. 2000/10](#), **art. 2(2)**, **Sch.**; s. 5 in force insofar as not already in force at 1.4.2000 by [S.S.I. 2000/10](#), **art. 2(3)**

## 6 Repayments from the Fund

A sum paid into the Fund where there is no obligation to do so may, with the agreement of the Auditor General, be repaid to the body or office-holder who made the payment.

## 7 Application of receipts

- (1) Subsection (2) applies where the use of accruing resources for any purpose in a financial year is authorised by virtue of sections 1 to 3.
- (2) Sums—

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- (a) which are received in connection with those resources in that or any later financial year by the Scottish Administration or, as the case may be, the body or office-holder in question, and
  - (b) which, apart from this section, are payable into the Fund,
- may instead be applied in the financial year in which they are received for or in connection with expenditure which is a use of resources authorised for that year by virtue of sections 1 to 3.

*Further financial provisions*

**8 Capital expenditure of, and borrowing by, certain statutory bodies**

Schedule 1, which modifies various enactments concerning capital expenditure of, and borrowing by, certain bodies established under enactments, has effect.

**9 Keeper of the Registers of Scotland: financial arrangements**

- (1) Sums<sup>[F1]</sup>(other than payments of stamp duty land tax) ] received by the Keeper of the Registers of Scotland in connection with the exercise of the Keeper's functions (whether by virtue of section 25 of the Land Registers (Scotland) Act 1868 (c.64) or otherwise) are to be retained by the Keeper and applied to meet expenditure.
- (2) The Scottish Ministers may issue sums to the Keeper as public dividend capital.
- (3) Any sums which, immediately before the commencement of this subsection, were treated as public dividend capital of the Registers of Scotland Executive Agency Trading Fund by virtue of section 2A of the Government Trading Funds Act 1973 (c.63) are to be treated as having been issued by the Scottish Ministers to the Keeper as public dividend capital.
- (4) The Keeper shall pay into the Scottish Consolidated Fund—
  - (a) such sums (if any) by way of return on public dividend capital issued (or treated as issued) by the Scottish Ministers as the Scottish Ministers may from time to time determine,
  - (b) such sums as may be appropriate as representing accruing liabilities of the Scottish Ministers in respect of principal or interest on any sum treated by virtue of section 71(6) of the 1998 Act as an advance made by the Secretary of State to the Scottish Ministers.
- (5) The Scottish Ministers may lend sums to the Keeper on such terms and conditions as they may determine.
- (6) The rate of interest on any loan under subsection (5) shall not be less than the lowest rate determined by the Treasury under section 5 of the National Loans Act 1968 (c.13) in respect of similar loans made out of the National Loans Fund on the day the loan is made.
- (7) The Keeper shall pay to the Scottish Ministers such sums as may be appropriate as representing accruing liabilities of the Scottish Ministers in respect of payments by the Scottish Ministers by virtue of section 51 of the 1998 Act in relation to the Keeper and to members of the staff of the Scottish Administration assigned, or who have been assigned, to assist in the exercise of the Keeper's functions.
- (8) In the exercise of the Keeper's functions the Keeper shall achieve such financial objectives as the Scottish Ministers may from time to time determine.

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- (9) Those objectives are to be determined with a view to ensuring, in particular, that the sums received as mentioned in subsection (1) are sufficient, taking one year with another, to meet expenditure.
- (10) In this section “expenditure” means expenditure incurred by the Keeper in the exercise of the Keeper’s functions and includes payments which the Keeper is required to make by virtue of this section.
- (11) Sections 1 to 5 and 7 do not apply in relation to the Keeper.

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**Textual Amendments**

**F1** Words in s. 9(1) inserted (20.7.2005) by [Finance \(No. 2\) Act 2005 \(c. 22\)](#), s. 47(1)

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