



Budget (Scotland) Act 2004

2004 asp 2

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 12th February 2004 and received Royal Assent on 23 March 2004

An Act of the Scottish Parliament to make provision, for financial year 2004/05, 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 payment of sums out of the Fund and for the maximum amounts of borrowing by certain statutory bodies; to make provision, for financial year 2005/06, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

PART 1

FINANCIAL YEAR 2004/05

Use of resources

1 The Scottish Administration

- (1) Resources other than accruing resources may, in financial year 2004/05, be used by the Scottish Administration for the purposes specified in column 1 of schedule 1—
 - (a) so far as the use of resources consists of incurring liability in respect of recoverable VAT, without limit as to amount, and
 - (b) in any other case, up to the amounts specified in the corresponding entries in column 2.
- (2) Accruing resources of the types specified in column 3 of schedule 1 may, in financial year 2004/05, be used by the Scottish Administration for the purposes specified in the corresponding entries in column 1 up to the amounts specified in column 4.
- (3) Accruing resources in respect of recoverable VAT may, in financial year 2004/05, be used, without limit as to amount, by the Scottish Administration for any purpose for which resources are authorised to be used by virtue of subsection (1).
- (4) Accruing resources of the types specified in column 1 of each Part of schedule 2 may, in financial year 2004/05, be used by the Scottish Administration for the purposes specified in the corresponding entries in column 2 up to the overall amount specified at the end of that Part.

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

- (5) Accruing resources authorised to be used by virtue of subsection (3) or (4) may be so used only through the part of the Scottish Administration through which they accrue.
- (6) The Parts of schedule 2 set out the types of accruing resources, purposes and overall amounts by reference to the parts of the Scottish Administration through which the resources accrue and may be used.
- (7) In this section, references to recoverable VAT are to value added tax in respect of which a claim for a refund may be made by the Scottish Administration under section 41(3) of the Value Added Tax Act 1994 (c. 23).

2 Direct-funded bodies

- (1) Resources other than accruing resources may, in financial year 2004/05, be used by the direct-funded bodies mentioned in column 1 of schedule 3 for the purposes specified in that column—
 - (a) so far as the use of resources consists of incurring liability in respect of recoverable VAT, without limit as to amount, and
 - (b) in any other case, up to the amounts specified in the corresponding entries in column 2.
- (2) Accruing resources of the types specified in column 3 of schedule 3 may, in financial year 2004/05, be used by those bodies for the purposes specified in the corresponding entries in column 1 up to the amounts specified in column 4.
- (3) Accruing resources in respect of recoverable VAT may, in financial year 2004/05, be used, without limit as to amount, by any direct-funded body mentioned in column 1 of schedule 3 for any purpose for which resources are authorised to be used by that body by virtue of subsection (1).
- (4) Accruing resources of the types specified in column 1 of each Part of schedule 4 may, in financial year 2004/05, be used by the direct-funded body to which that Part relates for the purposes specified in the corresponding entries in column 2 up to the overall amount specified at the end of that Part.
- (5) In this section, references to recoverable VAT are to value added tax in respect of which a claim for a refund may be made by the direct-funded body concerned under section 41(3) of the Value Added Tax Act 1994 (c. 23).

The Scottish Consolidated Fund

3 Overall cash authorisations

For the purposes of section 4(2) of the 2000 Act, the overall cash authorisations for financial year 2004/05 are—

- (a) in relation to the Scottish Administration, [^{F1}£22,009,078,000];
- (b) in relation to the Forestry Commissioners, [^{F2}£55,360,000];
- (c) in relation to the Food Standards Agency, [^{F3}£8,380,000];
- (d) in relation to the Scottish Parliamentary Corporate Body, [^{F4}£175,694,000];
- (e) in relation to Audit Scotland, [^{F5}£9,910,000].

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

Textual Amendments

- F1** Word in s. 3 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(2)(a)**
- F2** Word in s. 3 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(2)(b)**
- F3** Word in s. 3 substituted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, **2(2)(c)**
- F4** Word in s. 3 substituted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, **2(2)(d)**
- F5** Word in s. 3 substituted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, **2(2)(e)**

4 Contingencies: payments out of the Fund

- (1) This section applies where, in financial year 2004/05, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 (c. 46) for or in connection with expenditure of the Scottish Administration or a direct-funded body, a sum which does not fall within the overall cash authorisation specified in section 3 in relation to the Scottish Administration or, as the case may be, that body.
- (2) The sum may be paid out of the Fund only if its payment is authorised by the Scottish Ministers.
- (3) The Scottish Ministers may authorise payment only if they consider that—
 - (a) the payment is necessarily required in the public interest to meet urgent expenditure for a purpose falling within section 65(2) of the Scotland Act 1998 (c. 46), and
 - (b) it is not reasonably practicable, for reasons of urgency, to amend the overall cash authorisation by an order under section 7 of this Act.
- (4) But the Scottish Ministers must not authorise payment of the sum if it would result in an excess of sums paid out of the Fund over sums paid into the Fund.
- (5) The aggregate amount of the sums which the Scottish Ministers may authorise to be paid out of the Fund under this section must not exceed £50,000,000.
- (6) Where the Scottish Ministers authorise a payment under this section they must, as soon as possible, lay before the Scottish Parliament a report setting out the circumstances of the authorisation and why they considered it to be necessary.

Borrowing by certain statutory bodies

5 Borrowing by certain statutory bodies

In schedule 5, the amounts set out in column 2 are the amounts specified for financial year 2004/05 for the purposes of the enactments listed in the corresponding entries in column 1 (which make provision as to the net borrowing of the bodies mentioned in that column).

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

PART 2

FINANCIAL YEAR 2005/06

6 **Emergency arrangements: overall cash authorisations**

- (1) This section applies if, at the beginning of financial year 2005/06, there is no overall cash authorisation for that year for the purposes of section 4(2) of the 2000 Act.
- (2) Until there is in force a Budget Act providing such authorisation, there is to be taken to be an overall cash authorisation for each calendar month of that year in relation to each of—
 - (a) the Scottish Administration, and
 - (b) the direct-funded bodies,
 of an amount determined in accordance with subsection (3) of this section; and section 4 of the 2000 Act has effect accordingly.
- (3) That amount is whichever is the greater of—
 - (a) one-twelfth of the amount specified in section 3 in relation to the Scottish Administration or, as the case may be, the direct-funded body in question, and
 - (b) the amount paid out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 (c. 46) in the corresponding calendar month of financial year 2004/05 for or in connection with expenditure of the Scottish Administration or that body.
- (4) Subsection (2) is subject to any provision made by Budget Act for financial year 2005/06.

PART 3

MISCELLANEOUS AND SUPPLEMENTARY

Budget revisions

7 **Amendment of this Act**

- (1) The Scottish Ministers may by order made by statutory instrument amend—
 - (a) the amounts specified in section 3,
 - (b) schedules 1 to 5.
- (2) No order may be made under subsection (1) unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.

Supplementary

8 **Repeal**

Part 2 (financial year 2004/05) of the Budget (Scotland) Act 2003 (asp 6) is repealed.

*Changes to legislation: There are currently no known outstanding effects
for the Budget (Scotland) Act 2004. (See end of Document for details)*

9 Interpretation

- (1) References in this Act to “the 2000 Act” are references to the Public Finance and Accountability (Scotland) Act 2000 (asp 1).
- (2) References in this Act to accruing resources in relation to the Scottish Administration or any direct-funded body are to such resources accruing to the Scottish Administration or, as the case may be, that body in financial year 2004/05.
- (3) References in this Act to the direct-funded bodies are references to the bodies mentioned in section 3(b) to (e) of this Act; and references to a direct-funded body are references to any of those bodies.
- (4) Except where otherwise expressly provided, expressions used in this Act and in the 2000 Act have the same meanings in this Act as they have in that Act.

10 Short title

This Act may be cited as the Budget (Scotland) Act 2004.

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

SCHEDULE 1

(introduced by section 1)

THE SCOTTISH ADMINISTRATION

<i>Purpose</i>	<i>Amount of resources other than accruing resources</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
1. For use by the Scottish Ministers (through the Scottish Executive Environment and Rural Affairs Department) on market support; support for agriculture in special areas including crofting communities; rural development, agri-environmental and farm woodland measures; compensation to sheep producers; animal health; agricultural education; advisory, research and development services; botanical and scientific services; assistance to production, marketing and processing; administration, land management and other agricultural services; assistance to the Scottish fisheries sector; fishery protection; other services including fisheries research and development and special services; natural heritage; environment protection; rural affairs; other environmental	[^{F6} £1,024,853,000]	Sale of surplus land, buildings and equipment; sale of holdings to existing tenants; repayment of loans by Scottish Water	[^{F7} £61,249,000]

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

expenditure; flood prevention; coastal protection; air quality monitoring; loans to Scottish Water and other water grants (including the Water and Sewerage Charges Reduction scheme)

<p>2. For use by the Scottish Ministers (through the Scottish Executive Development Department) on housing subsidies; Communities Scotland and financial support for Scottish Homes; new housing partnerships and community ownerships; sponsorship of Energy Action Scotland; repayment of debt and any associated costs; other expenditure, contributions and grants relating to housing; departmental research and publicity and other central services; sites for travelling people; residual grants to housing associations; grants for the Social Inclusion Partnership Fund and other services; other urban regeneration initiatives^[F8] anti-social behaviour; ^[F9] reclaiming our communities]; other sundry services in connection with the environment;</p>	<p>[^{F10}£1,261,960,000]</p>	<p>Sale of property, land and equipment; repayment of loans</p>	<p>£100</p>
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*Changes to legislation: There are currently no known outstanding effects
 for the Budget (Scotland) Act 2004. (See end of Document for details)*

grants to voluntary
 organisations and
 other costs associated
 with the voluntary
 sector; expenditure
 relating to equality
 issues; regulation of
 charities; Office of
 the Scottish Charity
 Regulator; Scottish
 Building Standards
 Agency

3. For use by the Scottish Ministers (through the Scottish Executive Education Department) on schools; childcare; associated social work services including the Scottish Children's Reporter Administration, the Scottish Commission for the Regulation of Care and the Scottish Social Services Council; educational development; research and promotion; training and development of teachers; curriculum development; international and other educational services, including support for School Boards, training, research and educational technology; HM Inspectors of Education; sport; community education; support for the cultural heritage of Scotland, including the Gaelic language; tourism; arts, libraries, museums and	[^{F11} £786,805,000]	Sale of surplus land, buildings and equipment	[^{F12} £340,000]
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Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

galleries, including
 purchase grants;
 cultural activities
 and organisations;
 historic buildings
 and monuments
 (including
 administration);
 architecture;
 publicity;
 indemnities;
 administration;
 central government
 grants to non
 departmental public
 bodies and local
 authorities

4. For use by the Scottish Ministers (through the Scottish Executive Enterprise, Transport and Lifelong Learning Department) on grant in aid for the Scottish Higher Education Funding Council, the Scottish Further Education Funding Council, Scottish Enterprise, Highlands and Islands Enterprise; funding for the Student Awards Agency for Scotland for the Student Loans Scheme and related costs; Regional Selective Assistance grants and sundry enterprise and lifelong learning related activities; European Structural Fund grants to public corporations, non-departmental public bodies, local authorities and other bodies and organisations;	[^{F20} £4,083,411,000]	Repayment of voted loans (capital) by Scottish Enterprise and Caledonian MacBrayne; the repayment of Student Loans; sale of property, land and equipment; repayment of loans by the Tay Bridge Joint Board and by Independent Piers and Harbours Trusts	£48,982,000
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Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

roads, bridges and
^{F13} ... associated
 services, including
 the acquisition
 of land, lighting
 and road safety;
 assistance to local
 transport; support
 for transport services
 in the highlands and
 islands; piers and
 harbours; [^{F14} support
 for ferry services;]
 grant aid to British
 Waterways Board in
 respect of Scotland's
 inland waterways;
 funding for ^{F15} ... rail
 services in Scotland;
 other expenditure
 relating to [^{F16} heavy
 and light] rail;
 [^{F17} other transport
 and transport related
 services], grants and
 research expenditure;
 expenditure relating
 to Highlands and
 Islands Airports
 Limited and the
 privatisation of
 the Scottish Bus
 Group; [^{F18} support
 for ^{F19} ... air services;]
 transport-related and
 Piers and Harbours
 grants to local
 authorities and the
 Strathclyde Passenger
 Transport Authority;
 miscellaneous
 costs in relation to
 ports and harbours;
 payments to former
 members of Scottish
 Transport Group
 pension schemes;
 expenditure related
 to establishing and
 funding a Transport
 Agency; and support

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

for concessionary fare schemes

5. For use by the Scottish Ministers (through the Scottish Executive Health Department) on hospital and community health services; family health services; community care; grants to local authorities and voluntary organisations; social care; welfare food; the Scottish Drugs Challenge Fund; repayments of originating capital debt; other health services; [F21] payments to the Skipton Fund]	[F22]£6,564,745,000]	Sale of land, buildings, vehicles, equipment and property	[F23]£50,000,000]
6. For use by the Scottish Ministers (through the Scottish Executive Justice Department) on legal aid (including administration); criminal injuries compensation (including administration); certain services relating to crime including the Parole Board for Scotland; the Scottish Prison Service; the Scottish Prisons Complaints Commission; the Scottish Criminal Cases Review Commission; police services (including grants to local authorities) and superannuation of police on secondment; fire	[F24]£1,379,969,000]	Sale of police vehicles; sale of prison land, buildings, staff quarters, vehicles, equipment and property	[F25]£800,000]

*Changes to legislation: There are currently no known outstanding effects
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services (including
Scottish Fire Service
Training School
and superannuation
and grants to
local authorities);
civil defence
(including grants);
miscellaneous
services relating to
administration of
justice; community
justice services
including probation
and supervised
attendance orders;
grants to voluntary
organisations; court
services, including
judicial pensions;
the Accountant in
Bankruptcy; certain
legal services;
costs and fees in
connection with legal
proceedings

7. For use by the Scottish Ministers on administrative costs and operational costs; costs of providing continuing services to the Scottish Parliament; costs associated with the functions of the Queen's Printer for Scotland	[^{F26} £250,090,000]	Income from sale of surplus capital assets	[^{F27} £50,000]
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8. For use by the Registrar General of Births, Deaths and Marriages for Scotland (through the General Register Office for Scotland) on administrative costs and operational costs	[^{F28} £8,950,000]
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9. For use by the Scottish Ministers and the Keeper	[^{F29} £9,133,000]
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of the Records of
Scotland (through the
National Archives
of Scotland) on
administrative costs;
acquiring record
material; support
for the Scottish and
European Archive
Network; The Acts
of Parliament;
conservation grants
to local archives;
grant to the Business
Archives Council of
Scotland

10. [^{F30}For use by the [^{F31}£7,235,786,000]
Scottish Ministers
(through the Scottish
Executive Finance
and Central Services
Department) on
running and capital
costs of the Scottish
Public Pensions
Agency; revenue
support grants and
payment of non-
domestic rates in
Scotland; other local
authority grants
and 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; grants to
the Civic Forum;
expenditure
in relation to
modernising
government and
efficient government;

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international relations
and development
assistance;
expenditure in
relation to running
costs of the Crown
Office and Procurator
Fiscal Service
Inspectorate]

11. For use by the Lord Advocate (through the Crown Office and the Procurator Fiscal Service) on administrative costs, including fees paid to temporary procurators fiscal, witness expenses and other costs associated with Crown prosecutions	[^{F32} £89,052,000]	Miscellaneous income; sale of surplus assets	[^{F33} £250,000]
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[^{F34} 12. For use by the Scottish Ministers (through the Scottish Public Pensions Agency) on pensions, allowances, gratuities etc. payable in respect of the Teachers' and National Health Service Pension Schemes]	[^{F35} £1,211,923,000]
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Textual Amendments

- F6** Word in Sch. 1 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(3\)\(b\)\(i\)](#)
- F7** Word in Sch. 1 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(3\)\(c\)\(i\)](#)
- F8** Words in Sch. 1 inserted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(3\)\(a\)\(i\)](#)
- F9** Words in Sch. 1 inserted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, [2\(3\)\(a\)\(i\)](#)
- F10** Word in Sch. 1 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(3\)\(b\)\(ii\)](#)
- F11** Word in Sch. 1 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(3\)\(b\)\(iii\)](#)
- F12** Word in Sch. 1 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(3\)\(c\)\(ii\)](#)

*Changes to legislation: There are currently no known outstanding effects
for the Budget (Scotland) Act 2004. (See end of Document for details)*

- F13** Word in Sch. 1 deleted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(a)(ii)(aa)
- F14** Words in Sch. 1 inserted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, 2(3)(a)(ii), 2(3)(aa)
- F15** Words in Sch. 1 deleted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(a)(ii)(bb)
- F16** Words in Sch. 1 inserted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, 2(3)(a)(ii), 2(3)(bb)
- F17** Words in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(a)(ii)(cc)
- F18** Words in Sch. 1 inserted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, 2(3)(a)(ii), 2(3)(cc)
- F19** Word in Sch. 1 deleted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(a)(ii)(dd)
- F20** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(iv)
- F21** Words in Sch. 1 inserted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, 2(3)(a)(iii)
- F22** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(v)
- F23** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(c)(iii)
- F24** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(vi)
- F25** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(c)(iv)
- F26** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(vii)
- F27** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(c)(v)
- F28** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(viii)
- F29** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(ix)
- F30** Words in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(a)(iii)
- F31** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(x)
- F32** Word in Sch. 1 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(xi)
- F33** Word in Sch. 1 substituted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, 2(3)(c)(iii)
- F34** Words in Sch. 1 inserted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(a)(iv)
- F35** Word in Sch. 1 inserted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, 2(3)(b)(xii)

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

SCHEDULE 2

(introduced by section 1)

ACCRUING RESOURCES OF THE SCOTTISH ADMINISTRATION WHICH MAY BE USED WITHOUT INDIVIDUAL LIMIT

PART 1

SCOTTISH EXECUTIVE ENVIRONMENT AND RURAL AFFAIRS DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Income of the Scottish Agricultural Science Agency (SASA) under Service Level Agreement	SASA expenditure
2. Sale of carcasses; repayment of loans under Crofting Building Loan Scheme; bond fees and insurance; European Union (EU) contributions towards EU rural development measures; receipts from the Meat and Livestock Commission under Ministerial Direction	Related rural development expenditure
3. Contributions under the superannuation scheme for the Scottish Agricultural College and Agricultural and Biological Research Institutes; rents and wayleaves; recovery of costs in connection with land drainage; fees for Common Agricultural Policy Scheme appeals; sales of produce; charges under livestock schemes; pension contributions from members of the Crofters Commission and the Deer Commission; charges for cattle passports, publication and statistics; EU payments for Farm Account data	Related agricultural services expenditure
4. Repayment of loans to harbour authorities; charges for licences under the Food and Environment Protection Act 1985, publications and statistics; payments under the European Financial Instrument for Fisheries Guidance	Related fisheries expenditure
5. Charges for plant health and control work, seed and variety testing and pesticides work; sales of produce; charges for advisory visits, certifications, testing plants, animals and fish; charges for hire of equipment, publications and statistics	Related SASA, FRS and Scottish Fisheries Protection Agency (SFPA) expenditure
6. Income of SASA, FRS and SFPA from services provided to external customers	SASA, FRS and SFPA expenditure
Overall amount: [F36£23,500,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

7. Sale of research results and publications	Expenditure on environmental services
8. Repayment of loans	Expenditure on Scottish Water

Overall amount: [^{F36}£23,500,000]

Textual Amendments

F36 Word in Sch. 2 Pt. 1 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(a)**

PART 2

SCOTTISH EXECUTIVE DEVELOPMENT DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Income from the sale of research results and publications; other minor miscellaneous income	Expenditure on miscellaneous Development Department programmes
2. Capital sums accruing from Scottish Homes	Repayment of debt, including debt from Scottish Homes
3. Recovery of unused grant from voluntary organisations	Expenditure on voluntary sector
4. Recovery of grant awarded to councils and Registered Social Landlords under the New Housing Partnerships initiative and Community Ownership	Related housing expenditure
5. Income from local authorities in respect of right to buy sales following housing stock transfer	Expenditure on housing
6. Receipts from local authorities arising out of housing stock transfers	Repayment of local authority housing debt and associated costs
7. Receipts from Energy Action Grant Agency in respect of energy efficiency matters	Expenditure on central heating programme
8. Fees for functions carried out by the Scottish Building Standards Agency	Expenditure of the Scottish Buildings Standards Agency
9. Receipts from interest on Scottish Homes loans to Housing Associations	Expenditure on housing
[^{F38} 10. Recovery of unused regeneration monies	Expenditure on regeneration]
[^{F39} 11. Recovery of Development Grant	Expenditure on housing and related issues]
Overall amount: [^{F37} £60,000,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

Textual Amendments

- F37** Word in Sch. 2 Pt. 2 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(c)**
- F38** Words in Sch. 2 Pt. 2 inserted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, **2(4)(a)**
- F39** Sch. 2 Pt. 2 entry inserted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(b)**

PART 3

SCOTTISH EXECUTIVE EDUCATION DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Recovery of costs from local authorities in respect of self-governing schools	Expenditure on education services
2. Recovery of costs from HM Inspectors of Education	Expenditure on education services
3. Recovery of costs from Youthlink	Expenditure on education services
4. Income from admissions and retail at monuments operated by Historic Scotland and external partnership funding for capital projects	Expenditure on tourism and culture
5. Income from sales and grants in respect of the Royal Commission on Ancient and Historic Monuments of Scotland	Expenditure on tourism and culture
Overall amount: [^{F40} £28,000,000]	

Textual Amendments

- F40** Word in Sch. 2 Pt. 3 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(d)**

PART 4

SCOTTISH EXECUTIVE ENTERPRISE, TRANSPORT AND LIFELONG LEARNING DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Repayments of student [^{F42} awards] and interest capitalised on student loans	Expenditure of the Student Awards Agency for Scotland
2. F43	F43 ...
Overall amount: [^{F41} £38,000,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

...	
3. Refunds of grants for Regional Selective Assistance	Expenditure on departmental investment assistance
4. F44	F44 ...
...	
5. Rents from land and property; Erskine Bridge toll income; income from administering harbours orders	Expenditure on motorways and trunk roads; expenditure on miscellaneous costs in relation to ports and harbours
6. Any sums accruing as a result of the dissolution of Scottish Transport Group	Payments to former members of Scottish Transport Group pensions schemes
Overall amount: [F41£38,000,000]	

Textual Amendments

- F41** Word in Sch. 2 Pt. 4 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(e)(iv)**
- F42** Word in Sch. 2 Pt. 4 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(e)(i)**
- F43** Words in Sch. 2 Pt. 4 deleted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(e)(ii)**
- F44** Words in Sch. 2 Pt. 4 deleted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(e)(iii)**

PART 5

SCOTTISH EXECUTIVE HEALTH DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Charges to private patients; income generation schemes; charges for the processing of plasma for the Department of Health, Social Services and Public Safety Northern Ireland; handling charges for blood products; sales of antibodies and related products; repayments of Project 2000 bursaries; National Insurance contributions	Expenditure on hospital and community health services
2. Prescription charges collected by dispensing doctors, pharmacists, Health Boards and appliance suppliers; sales of prescription pre-payment certificates; payments under the Pharmaceutical Price Regulation Scheme; rental of national health service properties; charges collected by dental practitioners and ophthalmologists;	Expenditure on family health services
Overall amount: [F45£2,000,000,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

recovery of charges from patients, dispensing contractors and practitioners

3. Sales of publications; fees for conferences and courses; royalties from projects developed with departmental assistance; sales of vitamin drops and tablets at national health service clinics; other miscellaneous income Expenditure on other health services

4. Income from fees charged by the Scottish Commission for the Regulation of Care Expenditure on community care

Overall amount: [^{F45}£2,000,000,000]

Textual Amendments

F45 Word in Sch. 2 Pt. 5 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(f)**

PART 6

SCOTTISH EXECUTIVE JUSTICE DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Superannuation contributions for police officers on secondment to the Scottish Police College (SPC); charges for students from outwith Scottish Police Forces; charges for use of SPC for various activities	Expenditure of the SPC
2. Contributions made by the Scottish Police Federation to the cost of salaries, etc. of their secretary and chairman; [^{F47} receipts from fixed penalty notices]	Expenditure on police services
3. Income from sale of prison-manufactured goods, services and other industries income; various income including income from land and buildings	Expenditure of the Scottish Prison Service
4. General income of the Scottish Fire Service Training School, including that from fire-related and other organisations which use the school's teaching and conference facilities on a repayment basis	Expenditure of the Scottish Fire Service Training School
5. Civil defence income from sale of surplus and obsolete equipment; course income; rents from other bodies using radio masts or stations owned by the Scottish Executive	Expenditure on civil defence (including grants)
Overall amount: [^{F46} £35,000,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

6. Superannuation contributions collected by the Scottish Legal Aid Board	Expenditure on legal aid
7. Income from cinematography exemption certificate fees and criminal statistics and other miscellaneous receipts	Miscellaneous expenditure
8. Fees for civil cases; rent from minor occupiers	Expenditure of the Scottish Court Service
9. Income from sequestration	Expenditure on the Accountant in Bankruptcy
Overall amount: [^{F46} £35,000,000]	

Textual Amendments

- F46** Word in Sch. 2 Pt. 6 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(4\)\(g\)\(ii\)](#)
- F47** Words in Sch. 2 Pt. 6 inserted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(4\)\(g\)\(i\)](#)

PART 7

SCOTTISH EXECUTIVE (ADMINISTRATION)

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Payments from departments outwith the Scottish Executive for professional services; income from the Statistical Office of the European Union; discounts; recoveries of legal costs; income from payment for services and recovery of other costs; New Deal income; profit from sale of surplus capital assets; recoveries from the National Insurance Fund; repayments of loans made to members of staff for house purchase; rent from minor occupiers; European Fast Stream income	Scottish Executive core departments running costs
2. Recoveries of salaries and other expenses of outward seconded and loaned staff; recoveries of salaries of staff assigned to the Criminal Injuries Compensation Agency (CICA)	Expenditure on outward seconded and loaned staff and staff assigned to CICA
Overall amount: [^{F48} £17,300,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

Textual Amendments

F48 Word in Sch. 2 Pt. 7 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(h)**

PART 8

REGISTRAR GENERAL OF BIRTHS, DEATHS AND MARRIAGES FOR SCOTLAND

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Income from sales of records services; royalties from sales on the Internet; reappportioned income from minor occupiers	Expenditure on Records Enterprise ^{F50} (including Scottish Family History Research Service)]
2. Income from sales of records services; reappportioned income from minor occupiers	Registration expenditure
3. Income from Scottish Executive for running the National Health Service Central Register; income from sales of information by National Health Service Central Register; income from sales of vital statistics; reappportioned income from minor occupiers	Expenditure on vital events and national health service
4. Income from sales of Census and other geographical information; sales of population statistics; reappportioned income from minor occupiers	Expenditure on Census and population statistics
Overall amount: [^{F49} £4,500,000]	

Textual Amendments

F49 Word in Sch. 2 Pt. 8 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(i)(ii)**

F50 Words in Sch. 2 Pt. 8 inserted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(i)(i)**

PART 9

KEEPER OF THE RECORDS OF SCOTLAND

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Fees and other income for the issue of photocopy orders; professional searchers contract fees; inspection fees; issue of microfilm and sale of facsimiles; income	Running costs of the National Archives of Scotland
Overall amount: [^{F51} £700,000]	

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

from conservation and specialist services;
income from Registers of Scotland Executive
Agency for associated services; external
advertising on General Register House

Overall amount: [^{F51}£700,000]

Textual Amendments

F51 Word in Sch. 2 Pt. 9 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(j)**

PART 10

SCOTTISH EXECUTIVE FINANCE AND CENTRAL SERVICES DEPARTMENT

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Income from marketing	Expenditure on marketing
2. Income in respect of legal costs recovered by the Local Government Boundary Commission	Payments to the Local Government Boundary Commission
3. F53	F53 ...
4. Administration charges in respect of services undertaken by the Scottish Public Pensions Agency	Running costs of the Scottish Public Pensions Agency
5. F54	F54 ...
6. Recovery of grant awarded to councils under the Bellwin scheme covering floods, storms, and other emergencies	Expenditure on floods, storms and other emergencies
Overall amount: [^{F52} £500,000]	

Textual Amendments

F52 Word in Sch. 2 Pt. 10 substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(k)(iii)**

F53 Words in Sch. 2 Pt. 10 deleted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(k)(i)**

F54 Words in Sch. 2 Pt. 10 deleted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, **2(4)(k)(ii)**

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

PART 11

CROWN OFFICE AND PROCURATOR FISCAL SERVICE

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Fees charged for administering the estates of persons who die intestate and without known heirs; ultimus haeres; sale of Statute Amendments; income from the sale of waste paper and obsolete office machinery; minor occupancy income; contributions towards postal citation scheme; minor miscellaneous income; [^{F56} profit on the sale of surplus assets]	Running costs of the Crown Office and Procurator Fiscal Service
Overall amount: [^{F55} £500,000]	

Textual Amendments

- F55** Word in Sch. 2 Pt. 11 substituted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, [2\(4\)\(i\)\(ii\)](#)
- F56** Words in Sch. 2 Pt. 11 inserted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, [2\(4\)\(i\)\(i\)](#)

[^{F57}PART 12

SCOTTISH TEACHERS' AND NHS PENSION SCHEMES

Textual Amendments

- F57** [Sch. 2 Pt. 12](#) inserted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(4\)\(l\)](#)

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Contributions in respect of Expenditure on Teachers' and National Teachers' and National Health Health Service Superannuation Service Superannuation	
Overall amount: £1,653,000,000.]	

SCHEDULE 3

(introduced by section 2)

DIRECT-FUNDED BODIES

<i>Purpose</i>	<i>Amount of resources other</i>	<i>Type of accruing resources</i>	<i>Amount of accruing resources</i>
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Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

<i>than accruing resources</i>			
1. For use by the Forestry Commissioners in or as regards Scotland on the promotion of forestry in Scotland, including support to the private sector for planting of new forest and woodlands, replanting after felling and maintenance grants for improvements; regulating forestry activity through the application of forest management standards and felling controls; managing the Forestry Commission's forests in Scotland; associated administrative costs, including an appropriate share of the Commission's headquarters and central service costs	[^{F58} £81,029,000]	Miscellaneous income	[^{F59} £2,500,000]
2. For use by the Food Standards Agency in or as regards Scotland on administrative and operational costs, including research, monitoring and surveillance and public information and awareness relating to food safety and standards; the Meat Hygiene Service	[^{F60} £8,445,000]	Miscellaneous income	£100
3. For use by the Scottish Parliamentary Corporate Body	[^{F62} £279,085,000]	Miscellaneous income and capital receipts	£100

*Changes to legislation: There are currently no known outstanding effects
for the Budget (Scotland) Act 2004. (See end of Document for details)*

on ongoing costs
associated with the
administration and
operation of the
Scottish Parliament;
payments in respect
of the functions
of the Scottish
Parliamentary
Standards
Commissioner^{F61}the
Commissioner for
Public Appointments
in Scotland,
the Scottish
Public Services
Ombudsman, the
Scottish Information
Commissioner and
the Commissioner
for Children and
Young People in
Scotland; any other
payments relating
to the Scottish
Parliament]

4. For use by Audit Scotland, including assistance and support to the Auditor General for Scotland and the Accounts Commission for Scotland and other audit work for public bodies	[^{F63} £10,295,000]	Income from sale of IT equipment	£5,000
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Textual Amendments

- F58** Word in Sch. 3 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, **2(5)(b)(i)**
- F59** Word in Sch. 3 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, **2(5)(c)**
- F60** Word in Sch. 3 substituted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, **2(5)(b)**
- F61** Words in Sch. 3 substituted (16.3.2005) by virtue of Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, **2(5)(a)**
- F62** Word in Sch. 3 substituted (16.3.2005) by Budget (Scotland) Act 2004 Amendment Order 2005 (S.S.I. 2005/164), arts. 1, **2(5)(b)(ii)**
- F63** Word in Sch. 3 substituted (23.12.2004) by Budget (Scotland) Act 2004 Amendment (No.2) Order 2004 (S.S.I. 2004/565), arts. 1, **2(5)(d)**

Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2004. (See end of Document for details)

SCHEDULE 4

(introduced by section 2)

ACCRUING RESOURCES OF DIRECT-FUNDED BODIES WHICH MAY BE USED WITHOUT INDIVIDUAL LIMIT

PART 1

FORESTRY COMMISSIONERS

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Recoveries of grants; repayments by staff of loans and other recoverable expenses; miscellaneous income from sales of publications, training courses etc.	Policy, regulatory and grant-giving functions
Overall amount: £5,000,000	

PART 2

FOOD STANDARDS AGENCY

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Recovery of costs from Radioactive Site Operators in relation to the Food Standards Agency's role in assessing the impact of proposed radioactive waste disposal authorisations on the food chain; income from sale of publications and income generation schemes	Expenditure of the Food Standards Agency in or as regards Scotland
2. Income from industry levied charges in respect of statutory veterinary services and inspections undertaken by the Meat Hygiene Service	Expenditure of the Food Standards Agency in or as regards Scotland in supporting the provision of the Meat Hygiene Service
Overall amount: [^{F64} £3,000]	

Textual Amendments

F64 Word in [Sch. 4 Pt. 2](#) substituted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, [2\(6\)\(a\)](#)

*Changes to legislation: There are currently no known outstanding effects
for the Budget (Scotland) Act 2004. (See end of Document for details)*

PART 3

SCOTTISH PARLIAMENTARY CORPORATE BODY

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Broadcasting income; gifts; income from commercial sales and other services provided to the public	Expenditure on administrative costs of the Scottish Parliament
Overall amount: [^{F65} £670,000]	

Textual Amendments

F65 Word in [Sch. 4 Pt. 3](#) substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(6\)](#)

PART 4

AUDIT SCOTLAND

<i>Type of accruing resources</i>	<i>Purpose</i>
1. Fees and charges for audit work; recoveries of costs associated with the functions of the Auditor General for Scotland and the Accounts Commission for Scotland; miscellaneous income from publications, conferences, provision of administrative services etc.; recoveries of costs of seconded staff; repayments of staff loans; recoveries of car leasing payments; interest received on working balances	Expenditure of Audit Scotland, the Auditor General for Scotland and the Accounts Commission for Scotland
Overall amount: [^{F66} £17,000,000]	

Textual Amendments

F66 Word in [Sch. 4 Pt. 4](#) substituted (23.12.2004) by [Budget \(Scotland\) Act 2004 Amendment \(No.2\) Order 2004 \(S.S.I. 2004/565\)](#), arts. 1, [2\(6\)\(c\)](#)

SCHEDULE 5

(introduced by section 5)

BORROWING BY CERTAIN STATUTORY BODIES

<i>Enactment</i>	<i>Amount</i>
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Changes to legislation: There are currently no known outstanding effects
for the Budget (Scotland) Act 2004. (See end of Document for details)

1. Section 7 of the Housing (Scotland) Act 1988 (c. 43) (Scottish Homes)	Nil
2. Section 25 of the Enterprise and New Towns (Scotland) Act 1990 (c. 35) (Scottish Enterprise)	£10,000,000
3. Section 26 of that Act (Highlands and Islands Enterprise)	£1,000,000
4. Section 42 of the Water Industry (Scotland) Act 2002 (asp 3) (Scottish Water)	[^{F67} £151,100,000]
5. Section 48 of the Environment Act 1995 (c. 25) (Scottish Environment Protection Agency)	Nil

Textual Amendments

F67 Word in [Sch. 5](#) substituted (16.3.2005) by [Budget \(Scotland\) Act 2004 Amendment Order 2005 \(S.S.I. 2005/164\)](#), arts. 1, [2\(7\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Budget (Scotland) Act 2004.