



# Budget (Scotland) Act 2010

## 2010 asp 4

### PART 1

FINANCIAL YEAR 2010/11

#### *Use of resources*

#### **1 The Scottish Administration**

- (1) The Scottish Administration may use resources in financial year 2010/11 for the purposes specified in column 1 of schedule 1—
  - (a) in the case of resources other than accruing resources, up to the amounts specified in the corresponding entries in column 2, and
  - (b) in the case of accruing resources, up to the amounts specified in the corresponding entries in column 3.
- (2) Despite paragraphs (a) and (b) of subsection (1), the resources which may be used for a purpose specified in column 1 may exceed the amount specified in the corresponding entry in column 2 or (as the case may be) column 3, if—
  - (a) in the case of resources other than accruing resources, the first condition is met, or
  - (b) in the case of accruing resources, the second condition is met.
- (3) The first condition is that the total resources (other than accruing resources) used in financial year 2010/11 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 2.
- (4) The second condition is that the total accruing resources used in financial year 2010/11 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 3.

#### **2 Direct-funded bodies**

- (1) The direct-funded bodies mentioned in column 1 of schedule 2 may use resources in financial year 2010/11 for the purposes specified in that column.

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*Changes to legislation: There are currently no known outstanding effects for the Budget (Scotland) Act 2010. (See end of Document for details)*

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- (2) Resources other than accruing resources may be used for those purposes up to the amounts specified in the corresponding entries in column 2 of that schedule.
- (3) Accruing resources may be used for those purposes up to the amounts specified in column 3 of that schedule.

### *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 2010/11 are—

- (a) in relation to the Scottish Administration, [<sup>F1</sup>£31,218,013,000],
- (b) in relation to the Forestry Commissioners, [<sup>F2</sup>£77,569,000],
- (c) in relation to the Food Standards Agency, [<sup>F3</sup>£10,225,000],
- (d) in relation to the Scottish Parliamentary Corporate Body, [<sup>F4</sup>£78,774,000],
- (e) in relation to Audit Scotland, [<sup>F5</sup>£6,919,000].

#### Textual Amendments

- F1** Words in s. 3(a) substituted (16.3.2011) by [The Budget \(Scotland\) Act 2010 Amendment Order 2011 \(S.S.I. 2011/212\)](#), arts. 1(1), **2(2)**
- F2** Words in s. 3(b) substituted (16.3.2011) by [The Budget \(Scotland\) Act 2010 Amendment Order 2011 \(S.S.I. 2011/212\)](#), arts. 1(1), **2(3)**
- F3** Words in s. 3(c) substituted (16.3.2011) by [The Budget \(Scotland\) Act 2010 Amendment Order 2011 \(S.S.I. 2011/212\)](#), arts. 1(1), **2(4)**
- F4** Words in s. 3(d) substituted (16.3.2011) by [The Budget \(Scotland\) Act 2010 Amendment Order 2011 \(S.S.I. 2011/212\)](#), arts. 1(1), **2(5)**
- F5** Word in s. 3(e) substituted (9.12.2010) by [The Budget \(Scotland\) Act 2010 Amendment \(No. 2\) Order 2010 \(S.S.I. 2010/445\)](#), arts. 1(1), **2(5)**

## 4 Contingencies: payments out of the Fund

- (1) This section applies where, in financial year 2010/11, 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.

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- (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 3, the amounts set out in column 2 are the amounts specified for financial year 2010/11 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).

**<sup>F6</sup>PART 2**

FINANCIAL YEAR 2011/12

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**Textual Amendments**

**F6** Pt. 2 repealed (17.3.2011) by [Budget \(Scotland\) Act 2011 \(asp 4\), s. 8](#)

**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 3.
- (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 2010/11) of the Budget (Scotland) Act 2009 (asp 2) is repealed.

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## **9 Interpretation**

- (1) In this Act, “the 2000 Act” means 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 Administration or (as the case may be) that body in financial year 2010/11.
- (3) References in this Act to the direct-funded bodies are to the bodies mentioned in section 3(b) to (e) of this Act; and references to a direct-funded body are 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**

The short title of this Act is the Budget (Scotland) Act 2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Budget (Scotland) Act 2010.