

2008 No. 424

PUBLIC FINANCE AND ACCOUNTABILITY

The Budget (Scotland) Act 2008 Amendment Order 2008

Made - - - - 17th December 2008

Coming into force in accordance with article 1

The Scottish Ministers make the following Order in exercise of the powers conferred by section 7(1) of the Budget (Scotland) Act 2008(a) and all other powers enabling them to do so.

In accordance with section 7(2) of that Act, a draft of this Order has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Budget (Scotland) Act 2008 Amendment Order 2008 and comes into force on the day after the day on which it is made.

(2) In this Order, “the 2008 Act” means the Budget (Scotland) Act 2008.

Amendment of section 3 of the 2008 Act

2.—(1) Section 3 of the Budget (Scotland) Act 2008 is amended in accordance with paragraph (2).

(2) In section 3 (overall cash authorisations)–

(a) in relation to the Scottish Administration, for “£26,837,349,000” substitute “£26,684,827,000”; and

(b) in relation to Audit Scotland for “£6,590,000” substitute “£9,113,000”.

Amendment of Schedule 1 to the 2008 Act

3.—(1) Schedule 1 to the 2008 Act (the Scottish Administration) is amended in accordance with paragraph (2) to (4).

(2) In column 1 (purpose)–

(a) in relation to the second purpose–

(i) after “data sharing and standards” insert “support for the running costs of the Scottish Futures Trust;”;

(ii) after “loans to Scottish Water and” insert “Scottish Water Business Stream Holdings”;

(iii) after “planning” insert “planning and environmental appeals; architecture; buildings standards;”;

- (iv) delete “Scottish Building Standards Agency”;
 - (b) in relation to the third purpose–
 - (i) after “housing subsidies;” insert “Scottish Housing Regulator running costs;” and
 - (ii) for “initiatives” substitute “programmes”;
 - (c) in relation to the fourth purpose–
 - (i) after “educational services;” insert “qualifications assessment and skills; funding of the additional support needs tribunal and”;
 - (ii) after “social work services;” insert “youth justice and care for vulnerable children;”;
 - (iii) after “Scotland Limited” insert “Scottish Qualifications Authority, Learning Teaching Scotland, Scottish Children’s Reporter Administration and The Scottish Social Services Council;”;
 - (iv) after “Loan Scheme” insert “Disclosure Scotland”;
 - (v) after “Adviser for Scotland” insert “, including the funding of fellowships”; and
 - (vi) for “Allowance” substitute “Allowances and for International Students”;
 - (d) in relation to the fifth purpose–
 - (i) for “fire and rescue services (including the Scottish Fire Services College and superannuation)” substitute “Scottish Resilience”; and
 - (ii) delete “civil contingencies”;
 - (e) in relation to the sixth purpose–
 - (i) after “special services” insert “marine management;” and
 - (ii) after “Regulator for Scotland” insert “and Water Industry Commission for Scotland”; and
 - (f) in relation to the eighth purpose, after “Remembrancer” where it first occurs insert “(including special payments in ultimis haeres estates)”.
- (3) In column 2 (amount of resources other than accruing resources)–
- (a) in relation to the first purpose, for “£255,365,000” substitute “£252,827,000”;
 - (b) in relation to the second purpose, for “£3,469,070,000” substitute “£3,305,709,000”;
 - (c) in relation to the third purpose, for “£9,838,222,000” substitute “£9,639,773,000”;
 - (d) in relation to the fourth purpose, for “£2,550,598,000” substitute “£2,786,215,000”;
 - (e) in relation to the fifth purpose, for “£1,715,256,000” substitute “£1,700,753,000”;
 - (f) in relation to the sixth purpose, for “£520,783,000” substitute “£526,093,000”;
 - (g) in relation to the seventh purpose, for “£245,654,000” substitute “£267,773,000”;
 - (h) in relation to the eighth purpose, for “£110,200,000” substitute “£109,730,000”;
 - (i) in relation to the ninth purpose, for “£9,728,799,000” substitute “£9,724,612,000”;
 - (j) in relation to the tenth purpose, for “£11,600,000” substitute “£12,395,000”;
 - (k) in relation to the eleventh purpose, for “£10,300,000” substitute “£9,750,000”;
 - (l) in relation to the twelfth purpose, for “£2,647,902,000” substitute “£2,550,143,000”.
- (4) In column 4 (amount of accruing resources)–
- (a) in relation to the second purpose, for “£13,289,000” substitute “£55,789,000”;
 - (b) in relation to the third purpose, for “£33,000,000” substitute “£3,000,000,000”; and
 - (c) in relation to the sixth purpose, for “£10,900,000” substitute “£256,000”.

Amendment of Schedule 2 to the 2008 Act

4.—(1) Schedule 2 to the 2008 Act (accruing resources of the Scottish Administration which may be used without individual limit) is amended in accordance with paragraphs (2) to (9).

(2) In Part 1 for the overall amount of “£25,000,000” substitute “£26,600,000”.

(3) In Part 2, after item 4 with corresponding purpose, insert–

“

4A. Repayment of loans by Scottish Water Business Stream Holdings	Expenditure on the Scottish Water Business Stream Holdings
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(4) In Part 4–

- (a) delete item 1 with corresponding purpose;
- (b) delete item 3 with corresponding purpose;
- (c) delete item 5 with corresponding purpose;
- (d) after item 6 with corresponding purpose, insert–

“

7. Income from criminal record checks carried out by Disclosure Scotland	Expenditure on Disclosure Scotland and Education and Lifelong Learning
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”; and

(e) for overall amount of “£75,500,000” substitute “£70,000,000”.

(5) In Part 5–

- (a) in respect of item 4, in relation to the corresponding purpose, for “of the Scottish Fire Services College” substitute “on Scottish Resilience”;
- (b) in respect of item 5, in relation to the corresponding purpose, for “on civil contingencies (including grants)” substitute “on Scottish Resilience”;
- (c) after item 9 with corresponding purpose, insert–

“

10. Income from proceeds of crime	Expenditure on Community Safety
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”; and

(d) for overall amount of “£38,000,000” substitute “£57,000,000”.

(6) In Part 6–

- (a) substitute in relation to items 2 and 3 with corresponding purposes–

“

2. Sale of carcasses; repayment of loans under Crofting Building Loan Scheme; bond fees and insurance; receipts from the Meat and Livestock Commission under Ministerial Direction; rents and wayleaves; recovery of costs in connection with land drainage; sales of produce; charges under livestock schemes; pension contributions from members of the Crofters Commission; charges for cattle passports; charges for relevant publications and statistics	Related rural and agricultural services expenditure
3. Charges for advisory visits, certifications, testing fish and hire of equipment	Related fisheries research and fisheries protection expenditure

”;

(b) substitute in respect of item 5 with corresponding purpose–

“ 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 and animals	Related rural payments and inspections expenditure
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”; and

(c) delete item 6 with corresponding purpose; and

(d) for overall amount of “£581,000,000” substitute “£550,175,000”.

(7) In Part 7, for overall amount of £16,500,000” substitute “£25,400,000”.

(8) In Part 8, in respect of the first item, delete “; ultimus haeres” and insert “ (ultimus haeres); income from ultimus haeres estates, income from disposal of bona vacantia”.

(9) In Part 9, for the overall amount of “£5,100,000” substitute “£5,500,000”.

Amendment of Schedule 3 to the 2008 Act

5. In column 2 (amount of resources other than accruing resources), of Schedule 3 to the 2008 Act (direct-funded bodies), in relation to the fourth purpose, for “£7,250,000” substitute “£9,773,000”.

Amendment of Schedule 5 to the 2008 Act

6. In Schedule 5 to the 2008 Act (borrowing by certain statutory bodies), add after the fourth entry–

“ 5. Section 14(3) of the Water Services etc. (Scotland) Act 2005 (asp 3)	£58,500,000
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JOHN SWINNEY
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
17th December 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Budget (Scotland) Act 2008 (“the 2008 Act”), which makes provision for the financial year 2008/09, 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, this Order amends the 2008 Act so as to—

- (a) alter the overall cash authorisations in respect of the first and fifth bodies referred to in section 3 of the 2008 Act (article 2(2));
- (b) restate the purposes for which resources may be used in accordance with section 1 of and Schedule 1 to the 2008 Act (article 3(2)(a) to (f));
- (c) restate the amount of resources other than accruing resources that may be used for certain of the purposes set out in Schedule 1 to the 2008 Act (article 3(3)(a) to (l));
- (d) restate the amount of accruing resources in Schedule 1 to the 2008 Act in respect of the second, third and sixth type of accruing resources (article 3(4)(a) to (c));
- (e) add types of accruing resources in Parts 2, 4-6, and 8 of Schedule 2 to the 2008 Act which may be used (article 4(3) to (6) and (8));
- (f) alter the overall amounts of accruing resources in Parts 1, 4-7, and 9 of Schedule 2 to the 2008 Act which may be used by Portfolios without individual limit (article 4(2), (4) to (7), and (9));
- (g) alter in Schedule 3 to the 2008 Act in relation to the fourth directly funded body referred to therein the overall amount of resources other than accruing resources which may be used for the purposes specified (article 5); and
- (h) add in Schedule 5 to the 2008 Act the amount of borrowing allowed in terms of section 14(3) of the Water Services etc. (Scotland) Act 2005 (article 6).

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