

*This draft Scottish Statutory Instrument supersedes the draft published on 2nd February and laid in the Scottish Parliament on 27th January 2009. It is being issued free of charge to all known recipients of that draft Scottish Statutory Instruments. Draft Order laid before the Scottish Parliament under section 7(2) of the Budget (Scotland) Act 2007 and section 7(2) of the Budget (Scotland) Act 2008, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2009 No.**

**PUBLIC FINANCE AND ACCOUNTABILITY**

**The Budget (Scotland) Acts 2007  
and 2008 Amendment Order 2009**

*Made - - - - 2009*

*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 2007<sup>(1)</sup> and section 7(1) of the Budget (Scotland) Act 2008<sup>(2)</sup> and all other powers enabling them to do so.

In accordance with section 7(2) of the Budget (Scotland) Act 2007 and section 7(2) of the Budget (Scotland) Act 2008, 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) Acts 2007 and 2008 Amendment Order 2009 and comes into force on the day after the day on which it is made.

(2) In this Order—

“the 2007 Act” means the Budget (Scotland) Act 2007; and

“the 2008 Act” means the Budget (Scotland) Act 2008.

**Amendment of section 3 of the 2007 Act**

2. In section 3 of the 2007 Act (overall cash authorisations), in paragraph (a) (in relation to the Scottish Administration), for “£26,853,677,000” substitute “£28,667,377,000”.

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(1) 2007 asp 9 as amended by S.S.I. 2007/551 and 2008/107.

(2) 2008 asp 2 as amended by S.S.I. 2008/424.

### **Amendment of schedule 1 to the 2007 Act**

3. In schedule 1 to the 2007 Act (the Scottish Administration), in column 2 (amount of resources other than accruing resources), in relation to the second purpose, for “£9,969,520,000” substitute “£11,783,220,000”.

### **Amendment of schedule 2 to the 2007 Act**

4.—(1) Schedule 2 to the 2007 Act (accruing resources of the Scottish Administration which may be used without individual limit) is amended in accordance with paragraph (2).

(2) In Part 2 (health and wellbeing portfolio)—

- (a) in item 10 omit “; National Insurance contributions”; and
- (b) for the overall amount of “£3,032,900,000” substitute “£1,219,200,000”.

### **Amendment of section 3 of the 2008 Act**

5.—(1) Section 3 (overall cash authorisations) of the 2008 Act is amended in accordance with paragraph (2).

(2) In—

- (a) paragraph (a) (in relation to the Scottish Administration), for “£26,684,827,000” substitute “£28,736,588,000”;
- (b) paragraph (b) (in relation to the Forestry Commissioners), for “£72,200,000” substitute “£72,535,000”;
- (c) paragraph (c) (in relation to the Food Standards Agency), for “£10,500,000” substitute “£10,400,000”; and
- (d) paragraph (d) (in relation to the Scottish Parliamentary Corporate Body), for “£84,889,000” substitute “£75,389,000”.

### **Amendment of schedule 1 to the 2008 Act**

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

(2) In column 1 (purpose)—

- (a) in the second purpose, after “Scottish Water Business Stream Holdings” insert “Ltd”;
- (b) in the fourth purpose—
  - (i) after “Social Work Inspection Agency” insert “and Disclosure Scotland”;
  - (ii) after “Student Loan Scheme” omit “; Disclosure Scotland”; and
  - (iii) for “and for International Students” substitute “; International Students and English for speakers of other languages”; and
- (c) in the sixth purpose, delete “and Water Industry Commission for Scotland”.

(3) In column 2 (amount of resources other than accruing resources)—

- (a) in relation to the first purpose, for “£252,827,000” substitute “£251,174,000”;
- (b) in relation to the second purpose, for “£3,305,709,000” substitute “£3,271,653,000”;
- (c) in relation to the third purpose, for “£9,639,773,000” substitute “£11,533,286,000”;
- (d) in relation to the fourth purpose, for “£2,786,215,000” substitute “£2,823,938,000”;
- (e) in relation to the fifth purpose, for “£1,700,753,000” substitute “£1,714,103,000”;

- (f) in relation to the sixth purpose, for “£526,093,000” substitute “£478,686,000”;
  - (g) in relation to the seventh purpose, for “£267,773,000” substitute “£268,873,000”;
  - (h) in relation to the eighth purpose, for “£109,730,000” substitute “£110,130,000”;
  - (i) in relation to the ninth purpose, for “£9,724,612,000” substitute “£9,760,274,000”;
  - (j) in relation to the tenth purpose, for “£12,395,000” substitute “£15,792,000”;
  - (k) in relation to the eleventh purpose, for “£9,750,000” substitute “£12,725,000”; and
  - (l) in relation to the thirteenth purpose, for “£3,600,000” substitute “£3,090,000”.
- (4) In column 4 (amount of accruing resources)–
- (a) in relation to the second purpose, for “£55,789,000” substitute “£60,000,000”;
  - (b) in relation to the fifth purpose, for “£2,700,000” substitute “£200,000”; and
  - (c) in relation to the sixth purpose, for “£256,000” substitute “£10,250,000”.

#### **Amendment of schedule 2 to the 2008 Act**

7.—(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 (7).

(2) In Part 1 (First Minister’s portfolio) after item 3 with corresponding purpose, insert–

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“4. Income in respect of legal costs Payments to the Local Government Boundary recovered by the Local Government Commission”.  
Boundary Commission

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- (3) In Part 2 (finance and sustainable growth portfolio)–
- (a) in column 1, omit item 1 with corresponding purpose;
  - (b) in column 1, in item 4A after “Holdings” insert “Ltd”; and
  - (c) in column 2, in item 4A after “Holdings” insert “Ltd”; and
  - (d) for the overall amount of “£224,000,000” substitute “£260,000,000”.
- (4) In Part 3 (health and wellbeing portfolio)–
- (a) in column 1, in item 8 delete “National Insurance contributions”; and
  - (b) for the overall amount of “£3,000,000,000” substitute “£1,200,000,000”.
- (5) In Part 4 (education and lifelong learning portfolio)–
- (a) in column 1, in item 6, after “from” insert “Education and”;
  - (b) in column 2, in item 2 for “education” substitute “Education and Lifelong Learning”;
  - (c) in column 2, in item 6, after “on” insert “Education and”; and
  - (d) for the overall amount of “£70,000,000” substitute “£88,000,000”.
- (6) In Part 6 (rural affairs and the environment portfolio), for the overall amount of “£550,175,000” substitute “£650,000,000”.
- (7) In Part 7 (Scottish Executive (administration)), for the overall amount of “£25,400,000” substitute “£38,100,000”.

#### **Amendment of schedule 3 to the 2008 Act**

8.—(1) Schedule 3 to the 2008 Act (direct funded bodies) is amended in accordance with paragraphs (2) and (3).

- (2) In column 2 (amount of resources other than accruing resources)–
- (a) in relation to the first purpose, for “£90,300,000” substitute “£89,335,000”;
  - (b) in relation to the second purpose, for “£10,600,000” substitute “£10,500,000”; and
  - (c) in relation to the third purpose, for “£101,009,000” substitute “£99,509,000”.
- (3) In column 4 (amount of accruing resources), in relation to the first purpose, for “£500,000” substitute “£12,000,000.”

**Amendment of schedule 4 to the 2008 Act**

**9.** In schedule 4 to the 2008 Act (accruing resources of direct funded bodies which may be used without individual limit), in Part 3 (Scottish Parliamentary Corporate Body), for the overall amount of “£400,000” substitute “£1,400,000”.

**Amendment of schedule 5 to the 2008 Act**

**10.**—(1) Schedule 5 to the 2008 Act (borrowing by certain statutory bodies) is amended in accordance with paragraphs (2) and (3).

(2) In column 2, for the third listed enactment (section 42 of the Water Industry (Scotland Act) 2002), for “£230,800,000” substitute “£161,900,000”.

(3) In column 1, for the fifth listed enactment (section 14(3) of the Water Services etc. (Scotland) Act 2005), at the end insert “(Scottish Water Business Stream Holdings Ltd)”.

St Andrew’s House,  
Edinburgh  
2009

A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Budget (Scotland) Act 2007 (“the 2007 Act”) and the Budget (Scotland) Act 2008 (“the 2008 Act”).

The 2007 Act was amended by the Budget (Scotland) Act 2007 Amendment Order 2007 and the Budget (Scotland) Act 2007 Amendment Order 2008. This Order further amends the 2007 Act so as to—

- (a) alter the overall cash authorisation in relation to the Scottish Administration in section 3 of the 2007 Act (article 2);
- (b) restate the amount of resources other than accruing resources that may be used for the second purpose set out in schedule 1 to the 2007 Act (article 3); and
- (c) alter the types of accruing resources which may be used by the Health and Wellbeing Portfolio by deleting “National Insurance contributions” in respect of item 10 in Part 2 of schedule 2 to the 2007 Act (article 4(2)(a)) (since National Insurance Contributions are to be treated as central funding and no longer as income against the Health and Wellbeing Portfolio’s expenditure); and alter the overall amount of accruing resources in Part 2 of schedule 2 to the 2007 Act (article 4(2)(b)).

The 2008 Act was amended by the Budget (Scotland) Act 2008 Amendment Order 2008 (S.S.I. 2008/424). This Order further amends the 2008 Act so as to—

- (a) alter the overall cash authorisation in relation to the first to fourth bodies referred to in section 3 of the 2008 Act (article 5(2));
- (b) restate the second, fourth and sixth purposes for which resources may be used in accordance with section 1 of and schedule 1 to the 2008 Act (article 6(2));
- (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 6(3));
- (d) restate the amount of accruing resources in schedule 1 to the 2008 Act in respect of the second, fifth and sixth purposes of accruing resources (article 6(4));
- (e) alter the overall amount of accruing resources in Parts 2–4, 6 and 7 of schedule 2 to the 2008 Act which may be used by Portfolios without individual limit (article 7(3)(d), (4)(b), (5)(d), (6) and (7));
- (f) alter the types of accruing resources in Parts 1–4 of schedule 2 to the 2008 Act which may be used (article 7(2), (3)(a)-(c), (4)(a), (5)(a) (c));
- (g) alter the amount of resources other than accruing resources of direct-funded bodies in schedule 3 to the 2008 Act in relation to the first to third purposes (article 8(2)), and alter the amount of accruing resources in relation to the first purpose (article 8(3));
- (h) alter the overall amount of accruing resources of direct-funded bodies in Part 3 of schedule 4 to the 2008 Act which may be used without individual limits (in relation to the Scottish Parliamentary Corporate Body) (article 9); and
- (i) in schedule 5 to the 2008 Act alter the amount of borrowing allowed in terms of section 42 of the Water Industry (Scotland) Act 2002 (article 10(2)); and add “Scottish Business Stream Holdings Ltd” in respect of borrowings in terms of section 14(3) of the Water Services etc (Scotland) Act 2005 (article 10(3))

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Budget (Scotland) Acts 2007 and 2008 Amendment Order 2009 No. 120