

Draft Regulations laid before the Scottish Parliament under section 165(5) of the Local Government etc. (Scotland) Act 1994 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

LOCAL GOVERNMENT

**The Local Authority (Capital Finance and Accounting)
(Scotland) (Coronavirus) Amendment Regulations 2022**

Made - - - - 2022
Coming into force in accordance with regulation 1(2)
and (3)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 165 of the Local Government etc. (Scotland) Act 1994⁽¹⁾, section 105(1) of the Local Government (Scotland) Act 1973⁽²⁾ and all other powers enabling them to do so.

In accordance with section 165(5) of the 1994 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 105(2) of the 1973 Act, the Scottish Ministers have consulted with such associations of local authorities as appear to them to be concerned.

Citation and commencement

1.—(1) These Regulations may be cited as the Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2022.

(2) Regulations 2 and 3 come into force on 1 April 2022.

(3) Regulation 4 comes into force on 31 March 2022.

Amendment of the Local Authority Accounts (Scotland) Regulations 2014

2.—(1) The Local Authority Accounts (Scotland) Regulations 2014⁽³⁾ are amended as follows.

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- (1) 1994 c. 39. Section 165 was amended by schedule 24 of the Environment Act 1995 (c. 25) and section 122(3) of the Transport (Scotland) Act 2019 (asp 17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The requirement to obtain Treasury consent was removed by section 55 of that Act.
- (2) 1973 c. 65. Section 105 is amended by section 10(2) of the Rating and Valuation (Amendment) (Scotland) Act 1984 (c. 31). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.
- (3) S.S.I. 2014/200, relevantly amended by S.S.I. 2021/119.

- (2) In regulation 10(1)(b)(i) (consideration and signing of audited annual accounts)—
 - (a) for “31 October 2021” substitute “30 November 2022”, and
 - (b) for “2020-2021” substitute “2021-2022”.
- (3) In regulation 11(3) (publication of the audited annual accounts) for “November 2021” substitute “December 2022”.

Amendment of the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016

3.—(1) The Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016(4) are amended as follows.

- (2) In regulation 14A(5) (deferral of statutory repayments in 2020-21 or 2021-22)—
 - (a) the heading becomes “Deferral of statutory repayments in 2020-21, 2021-22 or 2022-23”, and
 - (b) in paragraph (1), for sub-paragraph (a) substitute—
 - “(a) if it reduces any repayment under the power in this paragraph in any one of the financial years 2020-21, 2021-22 or 2022-23, it may not reduce any repayments under the power in either or both of the other two financial years.”.

Amendment of the Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2021

4.—(1) The Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2021(6) are amended as follows.

- (2) In regulation 1(3) (citation and commencement), for “2022” substitute “2023”.
- (3) In regulation 6(3), in paragraph (1) of the new regulation 14 (duty to make a statutory repayment of loans fund advances) to be substituted in the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016, for “2022” substitute “2023”.
- (4) For regulation 6(4) substitute—
 - “(4) Regulation 14A(7) (deferral of statutory repayments in 2020-21, 2021-22 or 2022-23) is revoked.”.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

(4) S.S.I. 2016/123, which was amended by S.S.I. 2021/119.
(5) Regulation 14A was inserted by regulation 3 of S.S.I. 2021/119.
(6) S.S.I. 2021/119. Provisions in those Regulations are being amended before they come into force.
(7) Regulation 14A was inserted by regulation 3 of S.S.I. 2021/119.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authority Accounts (Scotland) Regulations 2014 (“the 2014 Regulations”), the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016 (“the 2016 Regulations”) and the Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2021 (“the 2021 Regulations”).

Regulation 2 amends dates set by the 2014 Regulations which prescribe when local authorities must approve and publish audited accounts. The amended dates are later than would otherwise apply in relation to accounts for the 2021-22 financial year.

Regulation 3 amends regulation 14A of the 2016 Regulations, which enables a local authority to defer repayment in either, but not both, the 2020-21 financial year or the 2021-22 financial year. Regulation 3 allows local authorities to make use of the deferral for a further year in financial year 2022-23. The power to defer can only be used in one of the three financial years.

Regulation 4 amends the 2021 Regulations so that the 2016 Regulations will provide that from 1 April 2023, rather than 1 April 2022, the requirement for local authorities to set repayment periods and amounts will be replaced for loans fund advances that are made on or after that date. Existing arrangements for the repayment of any loans fund advances that are made prior to 1 April 2023 will allow the local authority to continue to vary any such advance, where the local authority considers it prudent to do so. Regulation 4 also defers the revocation of regulation 14A of the 2016 Regulations for a further year, to 1 April 2023.