



# Budget (Scotland) Act 2011

## 2011 asp 4

### PART 1

#### FINANCIAL YEAR 2011/12

#### *Use of resources*

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

- (1) The Scottish Administration may use resources in financial year 2011/12 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,
  - (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,
  - (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 2011/12 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 2011/12 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 2011/12 for the purposes specified in that column.

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*Status: This is the original version (as it was originally enacted).*

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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 PFA Act 2000, the overall cash authorisations for financial year 2011/12 are—

- (a) in relation to the Scottish Administration, £30,179,474,000,
- (b) in relation to the Forestry Commissioners, £71,400,000,
- (c) in relation to the Food Standards Agency, £10,800,000,
- (d) in relation to the Scottish Parliamentary Corporate Body, £75,293,000,
- (e) in relation to Audit Scotland, £6,525,000.

## **4 Contingencies: payments out of the Fund**

- (1) This section applies where, in financial year 2011/12, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998, 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 of the sum 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, and
  - (b) it is not reasonably practicable, for reasons of urgency, to amend the overall cash authorisation by an order under section 7.
- (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 3, the amounts set out in column 2 are the amounts specified for financial year 2011/12 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).

### **PART 2**

#### FINANCIAL YEAR 2012/13

#### **6 Emergency arrangements: overall cash authorisations**

- (1) This section applies if, at the beginning of financial year 2012/13, there is no overall cash authorisation for that year for the purposes of section 4(2) of the PFA Act 2000.
- (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,
  - (b) the direct-funded bodies,of an amount determined under subsection (3).
- (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,
  - (b) the amount paid out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 in the corresponding calendar month of financial year 2011/12 for or in connection with expenditure of the Scottish Administration or (as the case may be) that body.
- (4) Section 4 of the PFA Act 2000 has effect accordingly.
- (5) This section is subject to any provision made by a Budget Act for financial year 2012/13.

### **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 this section unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.

*Supplementary*

**8 Repeal**

Part 2 (financial year 2011/12) of the Budget (Scotland) Act 2010 is repealed.

**9 Interpretation**

- (1) In this Act, the “PFA Act 2000” means the Public Finance and Accountability (Scotland) Act 2000.
- (2) References in this Act to accruing resources in relation to the Scottish Administration or a direct-funded body are to such resources accruing to the Administration or (as the case may be) that body in financial year 2011/12.
- (3) References in this Act to the direct-funded bodies are to the bodies mentioned in section 3(b) to (e) (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 PFA Act 2000 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 2011.