

2009 No. 537

**CONSTITUTIONAL LAW**  
**DEVOLUTION, SCOTLAND**

**The Scotland Act 1998 (Designation of Receipts) Order 2009**

<i>Made</i> - - - -	<i>9th March 2009</i>
<i>Laid before the House of Commons</i>	<i>9th March 2009</i>
<i>Coming into force</i> - -	<i>31st March 2009</i>

The Treasury, after consultation with the Scottish Ministers, make this Order in exercise of the powers conferred on them by sections 64(5) and 115 of, and Schedule 7 to, the Scotland Act 1998(a).

**Citation and commencement**

1. This Order may be cited as the Scotland Act 1998 (Designation of Receipts) Order 2009 and shall come into force on 31st March 2009.

**Designated receipts**

2.—(1) Receipts of any description specified in paragraph (2) below, so far as they are payable into the Scottish Consolidated Fund (or would be but for provision made by or under an Act of the Scottish Parliament), shall be designated receipts for the purposes of subsections (5) to (7) of section 64 of the Scotland Act 1998.

(2) The specified descriptions of receipts are —

- (a) forfeitures and fixed penalties;
- (b) fines, other than amounts equal to expenses which were—
  - (i) incurred in connection with justice of the peace business; and
  - (ii) defrayed from fines imposed in proceedings in justice of the peace courts(b).
- (c) dividends on public dividend capital;
- (d) interest, other than interest on—
  - (i) any loan that was provided by Scottish Homes under section 2(2) of the Housing (Scotland) Act 1988(c);

---

(a) 1998 c.46.

(b) Justice of the peace courts may be established by Scottish Ministers, by order, in accordance with section 59(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6). See, for example, the Justice of the Peace Court (Sheriffdom of Glasgow and Strathkelvin) Order 2008 (S.S.I. 2008/328).

(c) 1988 c.43; section 2(2) was amended by the Housing (Scotland) Act 2001 (asp 10), section 112 and Schedule 10, paragraph 14. The Housing (Scotland) Act 2001 (Transfer of Scottish Homes Property and Liabilities) Order 2003 (S.S.I. 2003/532) transferred all the rights and interests of Scottish Homes in relation to such loans to the Scottish Ministers.

- (ii) £1,555,554 of 6% Convertible Unsecured Loan Stock dated 23rd February 2001, held in Partnerships (UK) Limited; and
- (iii) any voted loans issued by the Scottish Executive since 1st June 1999.

**Revocation**

3. The Scotland Act 1998 (Designation of Receipts) Order 2004(a) is revoked.

9th March 2009

*Frank Roy*  
*Tony Cunningham*  
Two of the Lords Commissioners of Her Majesty's Treasury

**EXPLANATORY NOTE**

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

This Order specifies the receipts of the Scottish Ministers and other office holders in the Scottish Administration that are to be designated receipts. In accordance with section 64(6) of the Scotland Act 1998, the Scottish Ministers must pay to the Secretary of State sums equal to the amount of the designated receipts.

This Order revokes the Scotland Act 1998 (Designation of Receipts) Order 2004.

---

(a) S.I. 2004/953.