



# Budget (Scotland) Act 2019

## 2019 asp 3

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 21st February 2019 and received Royal Assent on 29th March 2019**

An Act of the Scottish Parliament to make provision, for financial year 2019/20, for the use of resources by the Scottish Administration and certain bodies whose expenditure is payable out of the Scottish Consolidated Fund, for the maximum amounts of borrowing by certain statutory bodies and for authorising the payment of sums out of the Fund; to make provision, for financial year 2020/21, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

### PART 1

#### FINANCIAL YEAR 2019/20

##### *Use of resources etc.*

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

- (1) The Scottish Administration may use resources in financial year 2019/20 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 of that schedule,
  - (b) in the case of accruing resources, up to the amounts specified in the corresponding entries in column 3 of that schedule.
- (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 2019/20 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 2.

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- (4) The second condition is that the total accruing resources used in financial year 2019/20 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 3.

## **2 Direct-funded bodies**

- (1) A direct-funded body may use resources in financial year 2019/20 for the purposes specified in column 1 of schedule 2 in relation to the body.
- (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 the corresponding entries in column 3 of that schedule.

## **3 Borrowing by statutory bodies**

In schedule 3, the amounts set out in column 2 are the amounts specified for financial year 2019/20 for the purposes of the enactments listed in the corresponding entries in column 1 (which make provision as to the net borrowing of the statutory bodies mentioned in that column).

### *The Scottish Consolidated Fund*

## **4 Overall cash authorisations**

- (1) For the purposes of section 4(2) of the PFA Act 2000, the overall cash authorisations for financial year 2019/20 are as follows.
- (2) In relation to the Scottish Administration, [<sup>F1</sup>£38,353,712,000].
- (3) In relation to the direct-funded bodies—
- (a) the Scottish Parliamentary Corporate Body, [<sup>F2</sup>£91,740,000,]
  - (b) Audit Scotland, [<sup>F3</sup>£7,269,000].

### **Textual Amendments**

- F1** Sum in s. 4(2) substituted (25.3.2020) by [The Budget \(Scotland\) Act 2019 Amendment Regulations 2020 \(S.S.I. 2020/91\)](#), regs. 1(2), **2(a)**
- F2** Sum in s. 4(3)(a) substituted (25.3.2020) by [The Budget \(Scotland\) Act 2019 Amendment Regulations 2020 \(S.S.I. 2020/91\)](#), regs. 1(2), **2(b)**
- F3** Sum in s. 4(3)(b) substituted (26.11.2019) by [The Budget \(Scotland\) Act 2019 Amendment Regulations 2019 \(S.S.I. 2019/402\)](#), regs. 1(1), **2(c)**

## **5 Contingency payments**

- (1) This section applies where, in financial year 2019/20, it is proposed to pay out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998—
- (a) for or in connection with expenditure of the Scottish Administration, a sum which does not fall within the amount specified in section 4(2) in relation to it, or

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- (b) for or in connection with expenditure of a direct-funded body, a sum which does not fall within the amount specified in section 4(3) in relation to the 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 regulations 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.

## **F<sup>4</sup>PART 2**

FINANCIAL YEAR 2020/21

### **Textual Amendments**

**F4** [Pt. 2](#) repealed (19.3.2020) by [Budget \(Scotland\) Act 2020 \(asp 5\)](#), [ss. 8, 10](#)

## **6 Emergency arrangements**

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## **PART 3**

MISCELLANEOUS

*Amendment and repeal*

## **7 Budget revision regulations**

- (1) The Scottish Ministers may by regulations amend—
  - (a) the amounts specified in section 4(2) and (3),
  - (b) schedules 1 to 3.
- (2) Regulations under this section are subject to the affirmative procedure.

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## **8 Repeal of spent provisions**

Part 2 (financial year 2019/20) of the Budget (Scotland) Act 2018 is repealed.

### *Final provisions*

## **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 2019/20.
- (3) References in this Act to the direct-funded bodies are to the bodies listed in section 4(3) (and references to a direct-funded body are to either 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 Commencement**

This Act comes into force on the day after Royal Assent.

## **11 Short title**

The short title of this Act is the Budget (Scotland) Act 2019.

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## SCHEDULE 1

(introduced by section 1)

### THE SCOTTISH ADMINISTRATION

<b>Purposes</b>	<b>Amount of resources (other than accruing resources)</b>	<b>Amount of accruing resources</b>
	<b>£</b>	<b>£</b>
1. Through their Health and Sport portfolio, for use by the Scottish Ministers on: operational and administrative costs; hospital and community health services; family health services, including local GP practices, pharmacy, dental and ophthalmic services; community care; mental health services; capital investment; health and social care integration outcomes framework; delivery of services by digital means and communication (eHealth); care, support and rights; early years; other health services; the Independent Living Fund Scotland; the Mental Welfare Commission; the Care Inspectorate; sportscotland; Active Healthy Lives.	[ <sup>F5</sup> 14,587,204,000]	2,050,000,000
2. Through their Communities and Local Government portfolio, for use by the Scottish Ministers on: operational and administrative costs; financial support to local authorities including the guaranteed combined general revenue grant, non-domestic rates income[ <sup>F6</sup> ]; a general capital grant; other local authority capital grants for specific purposes including the [ <sup>F7</sup> Transfer of the Management of Development and Vacant and Derelict Land Fund]; housing support grant; other services, including	[ <sup>F9</sup> 11,669,882,000]	80,000,000