Police and Fire Services (Finance) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about the carrying forward by police authorities, joint police boards and joint fire boards of unspent balances from one financial year to the next; and for connected purposes.

Police carry-forward

1 Carry-forward of unspent police funds

(1) In section 19 (schemes for the amalgamation of police forces) of the Police (Scotland) Act 1967 (c.77) (“the 1967 Act”)—

(a) in subsection (2)—

(i) in paragraph (d), for the words “incurred by the joint police board” there is substituted “which the joint police board estimates will be incurred,”;

(ii) after paragraph (d) there is inserted—

“(e) arrangements for the carry-forward from one financial year (the “carry-forward year”) to the next by the joint police board of any money received by the board in respect of the carry-forward year from the constituent authorities under provision made under paragraph (d) above and remaining unspent at the end of the carry-forward year.”;

(b) in subsection (3), for the words “incurred by the joint police board” there is substituted “which the joint police board estimates will be incurred” and after “net” there is inserted “estimated”; and

(c) after subsection (3) there is inserted—

“(3A) Provision made under subsection (2)(c) above shall secure—

(a) that money shall be carried forward by the joint police board only—

(i) with the consent of the constituent authority whose payment, or a part of it, constitutes, or is part of, the money; and

(ii) with the consent of the Scottish Ministers; and
(3B) An order under subsection (3A)(b) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

(3C) Paragraphs (d) and (e) of subsection (2) above are not to be taken as preventing the carrying forward of any money, being money already carried forward to a financial year under arrangements made under subsection (2)(e) above and remaining unspent at the end of that year, from that year to the next year and, if it remains unspent at the end of that next year, to the following year, and so on.”.

(2) In section 32 (police grant) of the 1967 Act—

(a) in subsection (10), after the word “shall” there is inserted “, subject to subsection (10E) below,”; and

(b) after subsection (10), there is inserted—

“(10A) Where, at the end of the financial year, any part of police grant made to the police authority or joint police board under this section for that financial year has not been spent, the Scottish Ministers may, on the application of the authority or board, authorise the carry-forward to the next financial year by the authority or board of the sum unspent up to the limit specified in or under subsection (10B) below.

(10B) In respect of any financial year, the police authority or joint police board shall carry forward no more than three per cent of the police grant made to that authority or board in respect of that financial year or such other percentage of that grant as the Scottish Ministers may, by order, fix in substitution.

(10C) An order under subsection (10B) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

(10D) Subsection (10A) above is not to be taken as preventing the carrying forward of any sum, being a sum already carried forward to a financial year under that subsection and remaining unspent at the end of that year, from that year to the next year and, if it remains unspent at the end of that next year, to the following year, and so on.

(10E) In a financial year in respect of which subsection (10) above applies and in respect of which the Scottish Ministers have authorised the carry-forward of unspent sums under subsection (10A) above, the sum to be paid to Ministers by the police authority or joint police board under subsection (10) above shall be the balance, if any, of the sum payable under subsection (10) less the sum carried forward in respect of that financial year under subsection (10A).”.

Combined fire brigade carry-forward

2 Carry-forward of unspent combined fire brigade funds

In section 36 of the Fire Services Act 1947 (c.41) (application of the Act to Scotland)—

(a) in subsection (4), for paragraph (e) there is substituted—
“(e) the payment by the fire authorities into the aforesaid fund, for the purpose set out in subsection (4A) below, of contributions in such proportions as may be determined by or under the scheme;

(f) arrangements for the carry-forward from one financial year (the “carry-forward year”) to the next by the joint board of any money paid by way of contributions by the fire authorities in respect of the carry-forward year under provision made under paragraph (e) above and remaining unspent at the end of the carry-forward year.”;

(b) after subsection (4) there is inserted—

“(4A) The purpose referred to in subsection (4)(e) above is that of meeting the expenses which the joint board estimates will be incurred by it in the administration of the combined fire brigade.

(4B) Provision made under subsection (4)(f) above shall secure—

(a) that money shall be carried forward by the joint board only—

(i) with the consent of the fire authority whose contribution, or a part of it, constitutes, or is part of, the money; and

(ii) with the consent of the Scottish Ministers; and

(b) that the money carried forward shall not exceed three per cent of the total of the contributions paid into the fund by the fire authorities in respect of the carry-forward year or such other proportion as the Scottish Ministers may, by order, fix in substitution.

(4C) An order under subsection (4B)(b) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

(4D) Paragraphs (e) and (f) of subsection (4) above are not to be taken as preventing the carrying forward of any money, being money already carried forward to a financial year under arrangements made under subsection (4)(f) above and remaining unspent at the end of that year, from that year to the next year and, if it remains unspent at the end of that next year, to the following year, and so on.”;

(c) in subsection (7), after “above” there is inserted “or an administration scheme made under section 147(4) of the Local Government (Scotland) Act 1973 (c.65)”;

(d) in subsection (8), in paragraph (a), after “scheme” there is inserted “made under this section or an administration scheme made under section 147(4) of the Local Government (Scotland) Act 1973 (c.65)”.

3 Short title and commencement

(1) This Act may be cited as the Police and Fire Services (Finance) (Scotland) Act 2001.

(2) This Act, except this section, comes into force on such day as the Scottish Ministers may, by order made by statutory instrument, appoint, and different days may be appointed for different purposes.

(3) An order made under subsection (2) above may contain such transitional provisions as the Scottish Ministers think fit.
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Introduced by: Mr Jim Wallace
On: 31 May 2001
Supported by: Angus MacKay, Iain Gray
Bill type: Executive Bill