BREASTFEEDING ETC. (SCOTLAND) BILL

FINANCIAL MEMORANDUM

INTRODUCTION

1. This document relates to the Breastfeeding etc. (Scotland) Bill introduced in the Scottish Parliament on 16 December 2003. It has been prepared by Govan Law Centre on behalf of Elaine Smith MSP, who is the member in charge of the Bill, to satisfy Rule 9.3.2 of the Parliament’s Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

A Policy Memorandum is printed separately as SP Bill 15–PM.

COSTS ON THE SCOTTISH ADMINISTRATION

2. The main costs from sections 1 to 3 of the Bill relate to the extra burdens placed on the police and Procurator Fiscal Service. However, it is anticipated that these burdens will be modest and will not require the recruitment of additional staff. Ultimately, it is anticipated that affected private and public bodies will audit existing practices and policies to ensure compliance with the Bill, and therefore, the number of prosecutions is expected to be extremely low.

3. The Scottish Ministers presently promote and support breastfeeding as part of general health promotion strategies and the provisions of this Bill would complement and enhance ongoing work. Additional investment will be needed to ensure that the duty imposed by section 4 (introducing new section 38A to the National Health Service (Scotland) Act 1978 (c.29)) is complied with. Current expenditure on the promotion and support of breastfeeding through NHS health boards varies widely. Additional investment could be found, without any new money, from more efficient deployment and/or ring-fencing of current resources within the following

Scottish Executive budgets: Healthy Living Campaign, Health Improvement Fund, Early Years Funding, Social Inclusion Funding, and Sure Start Scotland. The figure for likely additional costs cannot be precisely estimated at present due to a lack of information about the amount currently spent on supporting breastfeeding, but the annual additional costs involved are unlikely to be significant.

COSTS ON LOCAL AUTHORITIES

4. It is not anticipated that the Bill will impose any additional costs. A number of local authority employees would require training on the provisions of the Bill. However, such training could be given along side existing general staff training.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

5. It is not anticipated that the Bill will impose any additional costs. Overall, it is expected that all bodies will be able to meet any costs arising from the creation of the offence of preventing or stopping a child from being fed milk from within existing resources. A number of employees would require training on the provisions of the Bill. However, such training could be given along side existing general staff training.

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

6. On 15 December 2003, the Presiding Officer (George Reid) made the following statement:

“In my view, the provisions of the Breastfeeding etc. (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”