Delegated Powers and Law Reform Committee

4th Report, 2015 (Session 4)

Budget (Scotland) (No.4) Bill

Published by the Scottish Parliament on 20 January 2015
Delegated Powers and Law Reform Committee

Remit and membership

Remit:

1. The remit of the Delegated Powers and Law Reform Committee is to consider and report on—
   (a) any—
   (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
   (ii) [deleted]
   (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
   (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
   (c) general questions relating to powers to make subordinate legislation;
   (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
   (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and
   (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.
   (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
   (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

Membership:

Nigel Don (Convener)
John Mason (Deputy Convener)
Margaret McCulloch
John Scott
Stewart Stevenson
Committee Clerking Team:

Clerk to the Committee
Euan Donald

Assistant Clerk
Elizabeth Anderson

Support Manager
Daren Pratt
Delegated Powers and Law Reform Committee

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The Committee reports to the Parliament as follows—

1. The Delegated Powers and Law Reform Committee considered the delegated powers provision in the Budget (Scotland) (No.4) Bill\(^1\) at its meeting on 20 January 2015. The Committee reports to the Parliament on the provision under Rule 9.16.3 of Standing Orders.

2. The Bill makes provision for the Scottish Administration’s budget for the financial year 2015/16.

Delegated powers

3. The Bill contains one delegated power that permits certain parts of the Bill to be amended by subordinate legislation.

Section 7 – Budget Revision Regulations

<table>
<thead>
<tr>
<th>Power conferred on:</th>
<th>the Scottish Ministers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power exercisable by:</td>
<td>regulations</td>
</tr>
<tr>
<td>Parliamentary procedure:</td>
<td>affirmative</td>
</tr>
</tbody>
</table>

4. Section 7 of the Bill provides that the Scottish Ministers may by regulations amend the amounts specified in sections 4(2) and 4(3), and any part of schedules 1-3. Section 7(2) provides that this power is subject to the affirmative procedure.

5. Sections 4(2) and 4(3) of the Bill specify the cash amounts which can be drawn on the Scottish Consolidated Fund by the Scottish Administration and each of the direct-funded bodies respectively. Schedules 1 and 2 of the Bill specify the authorised purposes and the amounts of resources which can be used by the Scottish Administration and the direct-funded bodies in relation to those purposes and schedule 3 provides the amounts of borrowing available to certain specified statutory bodies under the enactments listed in that schedule.

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\(^{1}\) Budget (Scotland) (No.4) Bill is available here: [http://www.scottish.parliament.uk/S4_Bills/Budget%20(Scotland)%20(No.4)%20Bill/b59s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Budget%20(Scotland)%20(No.4)%20Bill/b59s4-introd.pdf)
6. The Committee reports that it is satisfied with the power in section 7 of the Bill, and that its exercise is subject to the affirmative procedure.
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