

Budget (Scotland) (No.5) Bill

[AS AMENDED AT STAGE 2]

CONTENTS

Section

PART 1

FINANCIAL YEAR 2021/22

Use of resources etc.

- 1 The Scottish Administration
- 2 Direct-funded bodies
- 3 Borrowing by statutory bodies

The Scottish Consolidated Fund

- 4 Overall cash authorisations
- 5 Contingency payments

PART 2

FINANCIAL YEAR 2022/23

- 6 Emergency arrangements

PART 3

MISCELLANEOUS

Amendment and repeal

- 7 Budget revision regulations
- 8 Repeal of spent provisions

Final provisions

- 9 Interpretation
- 10 Commencement
- 11 Short title

Schedule 1—The Scottish Administration
Schedule 2—Direct-funded bodies
Schedule 3—Borrowing by statutory bodies

Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

Budget (Scotland) (No.5) Bill

[AS AMENDED AT STAGE 2]

5 An Act of the Scottish Parliament to make provision, for financial year 2021/22, 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 2022/23, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

PART 1

FINANCIAL YEAR 2021/22

Use of resources etc.

10 **1 The Scottish Administration**

- (1) The Scottish Administration may use resources in financial year 2021/22 for the purposes specified in column 1 of schedule 1—
- 15 (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—
- 20 (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 2021/22 for all purposes specified in column 1 does not exceed the total of the amounts specified in column 2.
- 25 (4) The second condition is that the total accruing resources used in financial year 2021/22 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 2021/22 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 2021/22 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 2021/22 are as follows.
- (2) In relation to the Scottish Administration, £47,770,352,000.
- (3) In relation to the direct-funded bodies—
- (a) the Scottish Parliamentary Corporate Body, £110,583,000,
- (b) Audit Scotland, £10,785,000.

5 Contingency payments

- (1) This section applies where, in financial year 2021/22, 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
- (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.

PART 2

FINANCIAL YEAR 2022/23

6 Emergency arrangements

- (1) This section applies if, at the beginning of financial year 2022/23, there is no overall cash authorisation for that year for the purposes of section 4(2) of the PFA Act 2000.
- (2) Until there is in force a Budget Act providing such authorisation, there is to be taken to be an overall cash authorisation for each calendar month of that year in relation to each of—
- (a) the Scottish Administration,
 - (b) the direct-funded bodies,
- of an amount determined under subsection (3).
- (3) That amount is whichever is the greater of—
- (a) one-twelfth of the amount specified in section 4(2) or (3) in relation to the Scottish Administration or (as the case may be) the direct-funded body in question,
 - (b) the amount paid out of the Scottish Consolidated Fund under section 65(1)(c) of the Scotland Act 1998 in the corresponding calendar month of financial year 2021/22 for or in connection with expenditure of the Scottish Administration or (as the case may be) that direct-funded body.
- (4) Section 4 of the PFA Act 2000 has effect accordingly.
- (5) This section is subject to any provision made by a Budget Act for financial year 2022/23.

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.

8 Repeal of spent provisions

Part 2 (financial year 2021/22) of the Budget (Scotland) Act 2020 is repealed.

*Final provisions***9 Interpretation**

- (1) In this Act, the “PFA Act 2000” means the Public Finance and Accountability (Scotland) Act 2000.
- 5 (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 2021/22.
- (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).
- 10 (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

- 15 The short title of this Act is the Budget (Scotland) Act 2021.

SCHEDULE 1
 (introduced by section 1)

THE SCOTTISH ADMINISTRATION

<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>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; care, support and rights; social care support; early years; other health and social care services; the Independent Living Fund Scotland; the Mental Welfare Commission; the Care Inspectorate; sportscotland; Active Healthy Lives.</p>	17,247,530,000	2,050,100,000
<p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>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 and distributable non-domestic rates income; a general capital grant and other local authority capital grants for specific purposes including the Transfer of the Management of Development Funding and the Vacant and Derelict Land Fund; housing support grant; other services, including discretionary payments under the Bellwin scheme covering floods, storms and other emergencies; grant assistance and funding of strategic contracts to increase the resilience and capacity of third sector organisations; planning; architecture; building standards; housing subsidies and guarantees; repayment of debt and associated costs; other expenditure, contributions and grants relating to housing; activities relating to homelessness; research and publicity and other portfolio services; grants to local authorities and registered social landlords; loans to individuals; community engagement; regeneration programmes; community empowerment; participatory budgeting; social justice activities, including tackling poverty and inequality; grants and loans to organisations; expenditure and grant assistance in relation to public service reform and efficiency; funding for advice and advocacy services.</p>	12,048,223,000	80,000,000
<p>45</p> <p>3. Through their Finance portfolio, for use by the Scottish Ministers on: operational and administrative costs; the running and capital costs of the Scottish Public Pensions Agency;</p>	170,009,000	50,000,000

<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
<p>5 expenditure on committees, commissions and other portfolio services; expenditure on corporate and central services; support for the running costs of Scottish Futures Trust Limited; Digital Strategy; expenditure in relation to the Office of Chief Statistician; support for Growth Accelerator and Green Growth Accelerator programmes.</p> <p>10</p>		
<p>15 4. Through their Education and Skills portfolio, for use by the Scottish Ministers on: operational and administrative costs; schools; training and development of teachers; educational research, development and promotion; Scottish Attainment Challenge related programmes; provision of Pupil Equity Funding; supporting implementation of education reforms; the Gaelic language; Bòrd na Gàidhlig; Gaelic Media Service (MG Alba); the Scots language; qualifications, assessment and skills; funding of Education Scotland, Disclosure Scotland and Additional Support Needs Tribunals for Scotland; funding expansion of early learning and childcare; child protection and care for looked after and vulnerable children; youth justice and preventing offending by children and young people; secure care for children and young people; advocacy for children and young people; development of the social services workforce; supporting quality improvement and improvement science through the children and young people improvement collaborative; development of the community learning and development workforce; parenting and play; support for families with severely disabled children; early intervention funding for the third sector through the Children, Young People and Families Early Intervention and Adult Learning and Empowering Communities Fund; running costs of the Scottish Child Abuse Inquiry; running costs of the Care Review and implementation of The Promise; incorporation of the United Nations Convention on the Rights of the Child; implementation of Getting It Right For Every Child; financial redress for survivors of child abuse in care including introduction and development of Redress Scotland; central government grants to local authorities; grant in aid for the Scottish Further and Higher Education Funding Council, Scottish Qualifications Authority, Children's Hearings Scotland, Scottish Children's Reporter Administration and Scottish Social Services Council; grant in aid for Skills Development Scotland; administration funding for the Student Awards Agency Scotland (SAAS); funding administered by SAAS for fees, grants, bursaries, student loans and related costs of higher education student support; Enterprise in Education; activities associated with the Chief Scientific Adviser for Scotland and</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p>	4,879,129,000	350,000,000

	<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
5	the promotion of science; international and other educational services; funding for international college and university activities; sundry lifelong learning activities including community-based adult learning; funding activities for young people to develop skills in connection with training and work; funding for employment support programmes; the provision of Education Maintenance Allowances.		
10	5. Through their Justice portfolio, for use by the Scottish Ministers on: operational and administrative costs; legal aid, including the running costs of the Scottish Legal Aid Board; criminal injuries compensation (including administration); support for victims and witnesses of crime, victims of human trafficking and addressing violence against women and girls; certain services relating to crime, including the Parole Board for Scotland; the Scottish Prison Service; the Scottish Criminal Cases Review Commission; the Risk Management Authority; the Scottish Police Authority and Police Investigations and Review Commissioner; additional police services; the running costs of inquiries and reviews; the Scottish Fire and Rescue Service; the payment of police and fire pensions; Scottish Resilience; cyber resilience; central government grants to local authorities for criminal justice social work; measures to create safer and stronger communities, including Community Justice Scotland; miscellaneous services relating to the administration of justice; community justice services; court services, including judicial pensions; certain legal services; costs and fees in connection with legal proceedings; costs relating to the United Kingdom's withdrawal from the European Union, including work on the consequences for the Scottish legal system, and continued security, law enforcement and criminal justice co-operation.	2,879,068,000	39,700,000
15	6. Through their Transport, Infrastructure and Connectivity portfolio, for use by the Scottish Ministers on: operational and administrative costs; support for passenger rail services, rail infrastructure and associated rail services; support for the development and delivery of concessionary travel schemes; support for the bus industry; funding for major public transport projects; the running costs of Transport Scotland; funding for the Strategic Transport Projects Review; funding for travel information services and accessible travel; the maintenance and enhancement of the trunk road network; support for ferry services, loans and grants relating to vessel construction or procurement, grants for pier, harbour and other port infrastructure; support for Highlands and Islands Airports	4,023,056,000	100,000,000
40	45		

	<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
5	<p>Limited; support and loans for investment in air services; funding for the Air Discount Scheme; support for the Tay Road Bridge Joint Board; support for the freight industry; support for Scottish Canals; funding to promote sustainable and active travel; funding and loans to support net-zero emissions and climate change transport initiatives; contributing to the running costs of Regional Transport Partnerships and other bodies associated with the transport sector; support for the Glasgow Subway Modernisation programme; funding for road safety; costs in relation to funding the office of the Scottish Road Works Commissioner; costs related to public inquiries; digital and broadband connectivity; funding for domestic energy efficiency, insulation and refurbishment projects; funding for domestic and non-domestic energy-related activities; funding for City and Regional Growth Deals; funding for National Islands Plan related initiatives; support for Ferguson Marine; central government grants to local authorities.</p>		
10			
15			
20			
25	<p>7. Through their Environment, Climate Change and Land Reform portfolio, for use by the Scottish Ministers on: operational and administrative costs; advisory, research and development services; spend on waste prevention and management; costs relating to the United Kingdom's withdrawal from the European Union; botanical and scientific services; assistance to production, marketing and processing; administration, land management and other agricultural services; core marine functions involving scientific research, compliance, policy and management of Scotland's seas, representing Scotland's interests in relation to common fisheries policy, international fisheries policy, international fisheries negotiation and aquaculture and freshwater policy, administration of all marine consents required for depositing substances at sea, coastal protection and offshore renewables and sponsorship of Crown Estate Scotland; natural heritage; environment protection; other environmental expenditure; flood prevention; coastal protection; air quality monitoring; climate change activities, including the Land Managers' Renewables Fund; Environmental Standards Scotland; the Scottish Land Commission; water grants, including to the Water Industry Commission for Scotland and funding for the Drinking Water Quality Regulator for Scotland; loans to Scottish Water and Scottish Water Business Stream Holdings Limited.</p>	556,026,000	500,000,000
30			
35			
40			
45			
	<p>8. Through their Rural Economy and Tourism portfolio, for use by the Scottish Ministers on: operational and administrative</p>	1,171,506,000	800,000,000

	<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
5	<p>costs; market support, including grants in relation to agriculture and food and drink; support for agriculture in special areas, including grants for rural development; rural development generally; agri-environmental and farm woodland measures; compensation to sheep producers; animal health; agricultural education; administration of the European Maritime and Fisheries Fund and the emergency harbour grants scheme; rural affairs; support for crofting communities, including the crofting environment; grant in aid for Highlands and Islands Enterprise; South of Scotland Enterprise; Scottish Forestry; Forestry and Land Scotland; the promotion of forestry and land management, including advising on the development and delivery of forestry policy; regulating the forestry sector and supporting it through grants; managing the national forest estate; VisitScotland; tourism.</p>		
10	<p>9. Through their Economy, Fair Work and Culture portfolio, for use by the Scottish Ministers on: operational and administrative costs; grant in aid for Scottish Enterprise; industry and technology grants; sundry enterprise-related activities; expenditure in relation to the running costs of the Office of the Chief Economic Adviser; the Enterprise and Skills Analytical Unit; the Scottish National Investment Bank and the Building Scotland Fund; the Accountant in Bankruptcy; European Structural Fund grants to the Enterprise Networks, local authorities, further and higher education institutions, third sector bodies and other eligible bodies and organisations; costs of delivery and evaluation of European Structural Fund; funding for employment support programmes, learning opportunities, workforce development and supporting fair work principles; consumer policy related spend; support for the arts, culture and creativity in Scotland; cultural and heritage organisations; the creative industries; central government grants to non-departmental public bodies, local authorities and other bodies and organisations.</p>	1,433,052,000	350,000,000
15	<p>10. Through their Social Security and Older People portfolio, for use by the Scottish Ministers on: operational and administrative costs; funding to support the development, design and implementation of social security powers; funding for Social Security Scotland; funding for the Scottish Commission on Social Security; funding of payments of social security assistance; funding to tackle poverty; grant assistance; funding of strategic contracts; expenditure relating to equality and human rights issues; expenditure relating to tackling hate</p>	4,004,638,000	10,000,000
20			
25			
30			
35			
40			
45			

<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
5 crime; expenditure relating to community support, resilience and engagement.		
10 15 11. Through their Constitution, Europe and External Affairs portfolio, for use by the Scottish Ministers on: operational and administrative costs; funding to support electoral administration; funding of the Local Government Boundary Commission for Scotland; funding to support social research and analysis; funding to support Royal and ceremonial activity; funding to support implementation of extension of Freedom of Information legislation; costs associated with the functions of the Queen's Printer for Scotland; international relations; protecting Scotland's place in Europe; development assistance.	82,329,000	Nil
20 25 30 35 12. For use by the Lord Advocate, through the Crown Office and Procurator Fiscal Service, on: operational and administrative costs relating to the investigation and prosecution of crime and the investigation of deaths; operational and administrative costs in relation to functions in respect of extradition and mutual legal assistance; costs relating to the United Kingdom's withdrawal from the European Union, including work on the consequences for continued law enforcement and criminal justice co-operation; fees paid to Advocate Deputes, temporary procurators fiscal and ad hoc Advocate Deputes; witness expenses; victim expenses; other costs associated with Crown prosecutions and cases brought under the Proceeds of Crime Act 2002; for use by the Lord Advocate, through the Civil Recovery Unit, on: investigations and cases brought under the Proceeds of Crime Act 2002; and for use by the Crown Agent for the office of the Queen's and Lord Treasurer's Remembrancer (including special payments made in relation to intestate estates which fall to the Crown as ultimate heir).	156,700,000	2,000,000
40 13. Through the National Records of Scotland, for use by the Scottish Ministers, the Registrar General of Births, Deaths and Marriages for Scotland and the Keeper of the Records of Scotland on: operational and administrative costs (including costs associated with running the ScotlandsPeople Centre and delivery of Scotland's Census).	64,361,000	9,800,000
14. For use by the Office of the Scottish Charity Regulator on: operational and administrative costs.	3,580,000	Nil
45 15. For use by the Scottish Housing Regulator on: operational and administrative costs.	5,114,000	Nil

	<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
5			
	16. For use by the Scottish Courts and Tribunals Service on: operational and administrative costs.	129,313,000	46,000,000
	17. For use by the Scottish Fiscal Commission on: operational and administrative costs.	2,005,000	Nil
10	18. For use by Revenue Scotland on: operational and administrative costs.	7,096,000	Nil
	19. For use by Food Standards Scotland on: operational and administrative costs, including research, monitoring and surveillance and public information and awareness relating to food safety, standards and improving diet; protecting the other interests of consumers in relation to food.	19,500,000	4,000,000
15			
	20. For use by the Scottish Ministers on: pensions, allowances, gratuities etc. payable in respect of the teachers' and national health service pension schemes.	5,853,800,000	2,700,000,000
20	21. For use by Registers of Scotland on: operational and administrative costs.	11,217,000	100,000,000
	Total amount of resources	54,747,252,000	7,191,600,000

SCHEDULE 2
 (introduced by section 2)

25 DIRECT-FUNDED BODIES

	<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
30			
35	1. For use by the Scottish Parliamentary Corporate Body on: operational and administrative costs of the Scottish Parliament; payments in respect of the Commissioner for Ethical Standards in Public Life in Scotland, the Standards Commission for Scotland, the Scottish Public Services Ombudsman, the Scottish Information Commissioner, the Scottish Commission for Human Rights and the Commissioner for Children and Young People in Scotland; any other payments relating to the Scottish Parliament.	124,460,000	1,000,000
40	2. For use by Audit Scotland on: the exercise of its functions, including assistance and support to the Auditor General for Scotland and the Accounts Commission for Scotland; other	11,064,000	22,000,000

	<i>Purposes</i>	<i>Amount of resources, other than accruing resources (£)</i>	<i>Amount of accruing resources (£)</i>
5	audit work for public bodies; payment of pension to the former Auditor General for Scotland; payment of pensions to former Local Government Ombudsmen and their staff.		

SCHEDULE 3
(introduced by section 3)

10

BORROWING BY STATUTORY BODIES

	<i>Enactment</i>	<i>Amount (£)</i>
	1. Section 25 of the Enterprise and New Towns (Scotland) Act 1990 (Scottish Enterprise).	10,000,000
	2. Section 26 of that Act (Highlands and Islands Enterprise).	1,000,000
15	3. Section 48 of the Environment Act 1995 (Scottish Environment Protection Agency).	Nil
	4. Section 42B of the Water Industry (Scotland) Act 2002 (Scottish Water).	220,000,000
20	5. Section 14 of the Water Services etc. (Scotland) Act 2005 (Scottish Water Business Stream Holdings Limited and any subsidiary of it within the meaning of section 1159 of the Companies Act 2006).	100,000,000

Budget (Scotland) (No.5) Bill

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision, for financial year 2021/22, 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 2022/23, for authorising the payment of sums out of the Fund on a temporary basis; and for connected purposes.

Introduced by: Kate Forbes
On: 28 January 2021
Bill type: Budget Bill

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot

Produced and published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at: www.parliament.scot/documents