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NOTIFICATION OF EXPENDITURE WITHOUT STATUTORY AUTHORITY

Scottish Ministers, through their Constitution, External Affairs and Culture portfolio, will provide funding up to an estimated maximum of £10,000 from the budget for financial year 2024/2025 toward the remuneration of the Chair and Vice Chair of the Review of Creative Scotland.

In the absence of statutory powers do so, the provision of this funding will be made under Scottish Ministers' common law powers.

Where there is no statutory power to undertake a particular activity, (provided any necessary resultant expenditure is authorised by Budget Act for the financial year in question), Ministers may use their common law powers to make expenditure, provided the expenditure is not of a continuing nature unless either the sums involved are below £1 million a year or Ministers undertake to seek statutory powers at the first available opportunity.

The Budget (Scotland) Act 2024 provides Parliamentary authority for this expenditure. Although there are no plans to seek statutory powers, this reflects a series of payments to Dame Sue Bruce and Stuart Currie totalling no more than £10,000 in financial year 2024/2025, as remuneration in respect of their work as Chair and Vice Chair of the Review of Creative Scotland. This series of payments is expected to continue into financial year 2025/26, as both periods of appointment extend into that financial year and therefore a further notification will be provided in due course.

Parliament having not been informed of Ministers' reliance on common law powers for this expenditure previously, I trust that the information in this letter provides the requisite notification. I would of course be more than happy to provide further information should the Committee wish it.

Angus Robertson

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