

Delegated Powers and Law Reform Committee

29th Meeting, 2023 (Session 6), Tuesday, 31
October 2023

Instrument Responses

Budget (Scotland) Act 2023 Amendment Regulations 2023 (SSI 2023/Draft)

On 19 October 2023, the Committee asked the Scottish Government

1. Regulation 2(b) amends the amount specified in section 4 of the Budget (Scotland) Act 2023 for the Scottish Parliamentary Corporate Body (SPCB). The 'amended' amount of £117,598,000 is the same amount currently specified in the Act. Is this intentional?
2. Regulation 3 amends the policy purposes in Schedule 1 of the Act against which resources are allocated. Regulation 3(2)(c)(iv) in relation to purpose 3 deletes reference to the Green Growth Accelerator programme leaving reference only to the Growth Accelerator programme. Following the deletion of one of the two named programmes, should the word 'programmes' now be in the singular rather than plural, or is there more than one Growth Accelerator programme in existence?
3. Regulation 3(2)(i) also amends purpose 9 which relates to the Deputy First Minister and Finance portfolio. At the end of the text of the amendments in the entries listed at (ii) and (iv) there is reference to 'the organisation'. These are the first references in purpose 9 to 'the organisation' which is not defined. There are various entities referred to in the amended purpose 9. Does 'the organisation' refer to the office of the Deputy First Minister, or the Scottish Administration or another organisation? Is it sufficiently clear what this term refers to?

Please confirm whether any corrective action is proposed, and if so, what action and when.

On 24 October 2023, the Scottish Government responded:

1. As noted, the amended figure is the same as the original figure. The insertion of an unchanged figure was unintentional, but it is considered that no corrective action is necessary, as the figure remains correct.
2. The word 'programmes' should be in the singular. The oversight in failing to amend this, when omitting the reference to 'Green Growth Accelerator', is regretted, but it is considered that the meaning is clear in context. This will be addressed in the next amending instrument.

3. The word 'organisation' refers to the Scottish Administration. Schedule 1 sets out the various purposes for which the Scottish Administration may use resources. It is considered that in this context, it is clear that a reference to 'the organisation' without further qualification is to the Scottish Administration, and no corrective action is proposed.