FINANCE COMMITTEE

AGENDA

29th Meeting, 2004 (Session 2)

Monday 15 November 2004

The Committee will meet at 11.30 am in County Hall, County Buildings, Cupar, to consider the following agenda items:

1. **Budget process 2005-06:** The Committee will consider the outcome of the workshop sessions involving local organisations held before the start of the meeting.

   Not before 2.00 pm

2. **Budget process 2005-06:** The Committee will take evidence from—

   Tavish Scott, MSP, Deputy Minister for Finance and Public Service Reform

   Richard Dennis, Team Leader; Martin Bolt and Scott Mackay, Finance Co-ordination, Scottish Executive Finance and Central Services Department.

3. **Subordinate legislation:** The Committee will consider the following affirmative instrument—

   the Budget (Scotland) Act 2004 Amendment (No. 2) Order 2004 (draft)

   and will take evidence from—

   Tavish Scott, MSP, Deputy Minister for Finance and Public Service Reform

   Richard Dennis, Team Leader; Martin Bolt and Scott Mackay, Finance Co-ordination, Scottish Executive Finance and Central Services Department.

4. **Subordinate legislation:** Tavish Scott, MSP, Deputy Minister for Finance and Public Service Reform to move motion S2M-1974, in the name of Tom McCabe MSP – That the Finance Committee recommends that the draft Budget (Scotland) Act 2004 Amendment (No. 2) Order 2004 be approved.
5. **Item in private:** The Committee will agree whether to take an interim report on the Financial Memorandum of the Gaelic Language (Scotland) Bill in private at its next meeting.

Susan Duffy
Clerk to the Committee

The papers for this meeting are:

**Agenda Item 2**

Draft Budget 2005-06 – web link

**Agenda Item 3**

Paper by the Clerk

The Budget (Scotland) Act 2004 Amendment (No. 2) Order 2004 and Budget Documents – hard copy only

PRIVATE PAPER
Finance Committee

29th Meeting 2004 – Monday 15 November 2004

Procedure for Considering Subordinate Legislation

Introduction
1. The Finance Committee may consider subordinate legislation which seeks to amend Budget Acts (referred to as ‘budget revisions’). These budget revisions request parliamentary authorisation for a number of in-year changes to the allocations as set out in the Budget. For these items, the Minister or Deputy Minister responsible for the instrument gives evidence to the Committee, normally accompanied by officials from the Scottish Executive’s Finance and Central Services Department. Members may find this briefing note on the procedure for the consideration of subordinate legislation helpful.

Background
2. When passing legislation, the Parliament accepts the principles of a bill but often leaves much of the detail to be filled in by subordinate (or secondary) legislation via Scottish Statutory Instruments (SSIs) at a later date. The nature and extent of the powers which are delegated to Ministers are set out in the parent Act.

3. After a SSI has been laid before the Parliament, the Parliament has 40 days to report on it. The SSI is referred to the Subordinate Legislation Committee first, for consideration of its technical and legal aspects, and then to a nominated lead committee (this is the committee within whose remit the subject matter falls) to consider the policy issues.

4. SSIs are usually considered under either affirmative or negative procedures\(^1\). The draft order before the Committee is an affirmative instrument and thus requires the approval of the Parliament by motion before it can come into force. Negative instruments, on the other hand, automatically become law unless a member proposes a motion for annulment.

Procedure
5. It is the role of the lead committee to scrutinise the draft order and decide whether to recommend its approval to the Parliament. The Minister or Deputy Minister responsible for the instrument will speak to and move the motion calling on the Committee to recommend that the order be approved. The motion recommending approval of this motion is listed below. The Committee may then question the Minister and the debate on whether to recommend approval of the instrument must last no longer than 90 minutes (Rule 10.6.3). At the conclusion of the debate, the question will be put to committee members that they recommend to the Parliament that the SSI be approved.

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\(^1\) For further information on the procedure for examining subordinate legislation, Members are advised to consult Chapter 10 of Standing Orders.
6. The Committee will then report its decision to the Parliament. If it recommends the approval of the instrument, the Parliamentary Bureau shall, by motion, propose that the instrument be approved by the Parliament.

Motion
S2M-01974 Tom McCabe MSP: The Draft Budget (Scotland) Act 2004 Amendment (No 2) Order 2004—That the Finance Committee recommends that the draft Budget (Scotland) Act 2004 Amendment (No 2) Order 2004 be approved.
Supported by: Tavish Scott

Emma Berry
November 2004