The Committee will meet at 8.50 am in Committee Room 2, Committee Chambers, to consider the following agenda items:

1. **Subordinate Legislation:** The Committee will discuss how it intends to consider the draft affirmative instruments at item 2.

   *Not before 9.00 am*

2. **Subordinate Legislation:** The Committee will consider the following draft affirmative instruments—

   - Special Grant Report No 4 – Special Grant Report on Grant in Aid of Expenditure on Rural Public Passenger Transport for 2000-2001 (SE/2000/17)
   - Special Grant Report No 5 – Special Grant Report on Grant in Aid of Expenditure on South Fife to Edinburgh Rail Services for 2000-2001 (SE/2000/34)

3. **Subordinate Legislation:** The Committee will consider the following negative instrument—


4. **National Parks (Scotland) Bill:** The Committee will consider possible areas of questioning for witnesses on the National Parks (Scotland) Bill.

   *Not before 10 am*

5. **National Parks (Scotland) Bill:** The Committee will take evidence at Stage 1 on the general principles of the National Parks (Scotland) Bill from—

   - Scottish Natural Heritage
   - CoSLA
   - Scottish Society of Directors of Planning
   - Royal Town Planning Institute (Scotland)
The following papers are relevant for this meeting:

<table>
<thead>
<tr>
<th>Paper Description</th>
<th>Reference</th>
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</thead>
<tbody>
<tr>
<td>Special Grant Report No 4 – Special Grant Report on Grant in Aid of Expenditure on Rural Public Passenger Transport for 2000-2001 (SE/2000/17) Agenda items 1 and 2</td>
<td>TE/00/8/1</td>
</tr>
<tr>
<td>Executive covering note on Special Grant Report No 4 Agenda items 1 and 2</td>
<td>TE/00/8/2</td>
</tr>
<tr>
<td>Committee covering note on Special Grant Report No 4 Agenda items 1 and 2</td>
<td>TE/00/8/3</td>
</tr>
<tr>
<td>Special Grant Report No 5 – Special Grant Report on Grant in Aid of Expenditure on South Fife to Edinburgh Rail Services for 2000-2001 (SE/2000/34) Agenda items 1 and 2</td>
<td>TE/00/8/4</td>
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<td>Executive covering note on Special Grant Report No 5 Agenda items 1 and 2</td>
<td>TE/00/8/5</td>
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<td>Committee covering note on Special Grant Report No 5 Agenda items 1 and 2</td>
<td>TE/00/8/6</td>
</tr>
<tr>
<td>The Scotland Act 1998 (Agency Arrangements) (Specification) Order 2000 (SI 2000/745) Agenda item 3</td>
<td>TE/00/8/7</td>
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<tr>
<td>National Parks (Scotland) Bill, as introduced</td>
<td>TE/00/7/1</td>
</tr>
<tr>
<td>Policy Memorandum</td>
<td></td>
</tr>
<tr>
<td>Explanatory Memorandum (and other accompanying documents)</td>
<td></td>
</tr>
<tr>
<td>Agenda items 4 and 5</td>
<td></td>
</tr>
<tr>
<td>(previously circulated)</td>
<td></td>
</tr>
</tbody>
</table>

| Submissions received as a result of the consultation on the National Parks (Scotland) Bill | TE/00/8/10 |
| Agenda items 4 and 5 | |
| (to follow) | |

| SPICe briefing on the National Parks (Scotland) Bill | TE/00/8/11 |
| Agenda items 4 and 5 | |
| (to follow) | |
SCOTTISH EXECUTIVE

LOCAL GOVERNMENT FINANCE

SPECIAL GRANT REPORT No.4

SPECIAL GRANT REPORT ON GRANT IN AID OF EXPENDITURE ON RURAL PUBLIC PASSENGER TRANSPORT FOR 2000-2001


Laid before the Scottish Parliament by the Scottish Ministers

March 2000
SE/2000/17

SGR001
SPECIAL GRANT REPORT

SPECIAL GRANT REPORT ON GRANT IN AID OF EXPENDITURE ON RURAL PUBLIC PASSENGER TRANSPORT FOR 2000-2001

INTRODUCTION

1. This Report is made by the Scottish Ministers(1) and laid before the Scottish Parliament under section 108A of the Local Government Finance Act 1992 ("the 1992 Act") as inserted by section 167 of the Local Government etc (Scotland) Act 1994.

2. The Report specifies the Scottish Ministers’ determination under section 108A(3) of the 1992 Act of:

(i) the local authorities to which they propose to pay the special grant;

(ii) the purpose for which the special grant is to be paid; and

(iii) the amount which they propose to pay to each of the local authorities concerned.

3. The Report also sets out an explanation of the main features of the determination and specifies conditions which are to be imposed on payment of the special grant.

Local authorities to which special grant to be paid and amounts of special grant

4. (1) Pursuant to section 108A(3)(a) and (c) of the 1992 Act and subject to subparagraph (2) and paragraph 5 below, the Scottish Ministers determine that the local authorities to which special grants are to be paid are those authorities the areas of which are listed in column 1 of Annex A to this Report and the amount of grant to be paid to each authority is the corresponding amount set out in column 2 of that Annex.

(2) Where a local authority, either

(a) is unable, before 30th June 2000 to give the confirmation referred to in condition 2 of Annex C to this Report as respects the amount specified in relation to it in Annex A, but is able before that date to give confirmation of a lower amount; or

(b) subsequently amends the amount for which it gave confirmation to an amount lower than that previously confirmed,

the amount of special grant payable to that authority shall be that lower amount rather than the amount specified in Annex A in relation to that authority.

(1) The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46)
5. (1) In respect of the local authorities listed in column 1 of Annex B to this Report (the areas of which lie partly within the Strathclyde Passenger Transport Area designated under section 40(4) of the 1994 Act), the Scottish Ministers determine that the total amount for each authority set out in column 2 of Annex A shall be divided so that the amount set out in column 2 of Annex B shall be the amount paid in relation to that part of the local authority’s area which lies outwith the Strathclyde Passenger Transport Area and the amount set out in column 3 of Annex B shall be the amount to be paid by that local authority to the Strathclyde Passenger Transport Authority.

(2) Where any amount proposed to be paid in accordance with Annex B to the local authorities mentioned in sub-paragraph (1) becomes a lower amount as provided for in paragraph 4(2) above the amount specified in columns 2 or 3 of Annex B shall be reduced accordingly as the case may be.

**Purpose**

6. (1) Pursuant to section 108A(3)(b) of the 1992 Act the Scottish Ministers determine that the purpose for which special grant is to be paid is to provide support towards -

(a) (where the area of a local authority lies wholly or partly within the Strathclyde Passenger Transport Area), the amount required by that local authority to meet its proportion of the expenditure on rural public passenger transport by the Strathclyde Passenger Transport Authority for its passenger transport area and required to be met by that local authority in terms of section 13 of the Transport Act 1968 as substituted by section 41 of the 1994 Act; and

(b) (where the area of a local authority lies wholly or partly outside the Strathclyde Passenger Transport Area), the expenditure by that local authority in the provision of rural public passenger transport for its area or that part of its area which lies outside the Strathclyde Passenger Transport Area, as the case may be.

(2) In this Report “rural public passenger transport” means public passenger transport services and related facilities which are provided or secured by a local authority or the Strathclyde Passenger Transport Authority for the benefit of settlements of a population of less than 10,000 within the area of the local authority or within the Strathclyde Passenger Transport Area, as the case may be (the population of a settlement being calculated from the 1991 Census of Population).

**Conditions on payment of special grant**

7. Pursuant to section 108A(7) of the 1992 Act, the conditions to be imposed on the payment of special grant are those specified in Annex C.
Explaination of main features of determination

8. Pursuant to section 108A(4) of the 1992 Act, an explanation of the main features of the determination in this Report is contained in Annex D to this Report.

[Signature]

A member of the Scottish Executive

12 March 2000
## LOCAL AUTHORITIES AND AMOUNT OF SPECIAL GRANT

<table>
<thead>
<tr>
<th>Area</th>
<th>Amount £000s</th>
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<tr>
<td>Aberdeenshire</td>
<td>351</td>
</tr>
<tr>
<td>Angus</td>
<td>131</td>
</tr>
<tr>
<td>Argyll &amp; Bute</td>
<td>300</td>
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<tr>
<td>Clackmannanshire</td>
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<tr>
<td>Dumfries and Galloway</td>
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<td>East Ayrshire</td>
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<td>Orkney Islands</td>
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<td>Perth and Kinross</td>
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<td>Renfrewshire</td>
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<td>Scottish Borders</td>
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<td>Shetland Islands</td>
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<td>West Dunbartonshire</td>
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<td>West Lothian</td>
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**Total:** 3,708
### ANNEX B

#### DIVISION OF SPECIAL GRANT FOR CERTAIN AUTHORITIES

<table>
<thead>
<tr>
<th>Authority</th>
<th>Amount for area outwith Strathclyde Passenger Transport Area £000s</th>
<th>Amount for area within Strathclyde Passenger Transport Area £000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argyll &amp; Bute</td>
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<td>East Ayrshire</td>
<td>6</td>
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<td>16</td>
</tr>
<tr>
<td>South Lanarkshire</td>
<td>12</td>
<td>119</td>
</tr>
</tbody>
</table>
for that purpose to that local authority shall within five working days of receipt be remitted by that local authority to the Strathclyde Passenger Transport Authority.

5. The Scottish Ministers may refuse to pay the second instalment if they are not satisfied that the previous instalment paid to that local authority has been used for the purpose determined in paragraph 6(1) of the Report.

6. Where -

   (a) special grant paid to a local authority exceeds the amount payable in accordance with paragraph 4 of the Report and condition 3; or

   (b) any special grant is not used in accordance with this Report,

the local authority shall repay to the Scottish Ministers such amount (if any) as is notified in writing by the Scottish Ministers to that authority.

7. Subject to condition 8 below, each local authority shall by 30th June 2001 submit to the Scottish Ministers an audit certificate showing actual expenditure met from the special grant paid to that authority.

8. (1) Where a local authority’s area lies wholly within the Strathclyde Passenger Transport Area that local authority shall not be required to submit an audit certificate.

   (2) Where a local authority’s area lies partly within the Strathclyde Passenger Transport Area that local authority shall be required to submit an audit certificate only in respect of expenditure met from special grant paid to that authority in respect of so much of its area as lies outwith the Strathclyde Passenger Transport Area in accordance with Annex B.

9. The Strathclyde Passenger Transport Authority shall by 30th June 2001 submit to the Scottish Ministers an audit certificate showing actual expenditure met from the special grant paid to local authorities whose areas lie wholly or partly within the Strathclyde Passenger Transport Area and remitted to the Strathclyde Passenger Transport Authority in terms of paragraph 6(1) (a) of the Report and condition 4 of this Annex.
MAIN FEATURES

1. The amount of grant to be paid to councils under Annex A of this Report for improving rural public passenger transport services in Scotland has been calculated taking account of several factors. Firstly the four city councils of Aberdeen, Dundee, Edinburgh and Glasgow were excluded from the distribution process. Secondly, a base amount of £25,000 was then allocated to each of the remaining 28 councils.

2. This base allocation of £25,000 was then augmented by a further amount determined specifically by the following factors relevant to the assessment of councils’ transport needs:

   (1) the share of Scotland’s rural population within each relevant council; and

   (2) the degree to which the rural population was dispersed around the council’s area in relation to distance from settlements within that local authority’s boundaries.

3. A further amount representing six per cent of the total of the base allocation and the amount determined on the basis of the two factors referred to in paragraph 2 above was added to each relevant council mainly towards meeting the cost of inflation. On this basis the total amount available for distribution in 2000-2001 is £3.710 million.

4. The two factors outlined in paragraph 2 above were derived from an analysis of the 1991 Census of Population data. The measure of a council’s share of the rural population was calculated as the number of inhabitants whose home address was outwith settlements of 1,000 population or more. The use of the 1,000 threshold followed consideration of other, higher, values which were judged to be less appropriate as indicators of level of transport need in more remote areas.

5. The dispersion factor used was selected as a means of quantifying the element of sparsity within a local authority’s area. This involved the calculation of distances from each populated area to the largest settlement within catchments of over 1,000 inhabitants. The sum of the distances between each census output area and the largest town or village multiplied by the population of the output area produced a cumulative dispersion value for each council.

6. The division of the special grant as set out in Annex B in relation to a local authority the area of which lies partly within the Strathclyde Passenger Transport Area was determined in accordance with paragraph 7 below.

7. For each local authority area concerned the number of people living in settlements of less than 1,000 inhabitants was established. That total was then divided to show the number living within the relevant part of the Strathclyde Passenger Transport Area and the number living outside that Area. The total amount of special grant payable to each local authority concerned was then divided in equivalent proportion to the population figures thus arrived at. There was then allocated to each local authority a base amount of £5,000 in respect of the amount arrived at for the respective parts of the local authority’s area within and outwith the Strathclyde Passenger Transport Area. Any necessary adjustment to achieve that base amount was made from the amount of special grant calculated for the remaining part of the local authority area.
EXECUTIVE NOTE

Special Grant Report on Grant in Aid of Expenditure on Rural Public Passenger Transport for 2000-2001

1. The above report is being laid before the Scottish Parliament under section 108A of the Local Government Finance Act 1992 to enable the payment of special grant to be made to local authorities for rural public passenger transport services in 2000-2001 as part of the Rural Transport Funding Package. The report is subject to affirmative resolution procedure.

Policy Objectives

2. The Rural Transport Funding Package was announced in 1998 following decisions in that year’s Budget to provide £4.5 million in each of the 3 years starting in 1998-99 to be spent on securing and improving transport links in rural Scotland. In each of the first two years the funding was allocated as follows: £3.5 million for subsidising public transport services; £0.6 million for funding community transport projects and £0.4 million to help rural petrol stations. A further £0.73 million was made available for rural transport measures in 1999-00 in 1999. This was subsequently allocated as follows: £0.3 million for rural petrol stations, £0.265 million for a rural public transport fund award and £0.150 million towards rural community transport.

3. The 2000-01 Special Grant Report contains the following specific features (which are also common to grants in 1999-00):

- The grant can be used to aid rural public passenger transport services and related facilities (i.e. it is not restricted solely to bus services but can be used for rail, air and ferry services).

- Expenditure has to be for the benefit of people living in settlements of less than 10,000.

- Confirmation is required from local authorities that they can spend the money in year for the purposes stated.

- The grant will be paid in 2 instalments: 75%, once the necessary confirmation is received and 25% later in the financial year (before 31 December 2000) on receipt of a 2nd confirmation.

- The essential features of the distribution method are that all authorities, outwith the 4 cities, will receive a £25,000 base amount with the balance of the original £3.5m distributed using settlements of less than 1,000 as a threshold, and an associated dispersion value within each area to determine transport needs in the more remote parts of the country.

- In view of representations received from local authorities about the effect of inflation and that an increase in the cost of providing the new or improved services in year 3 would result in some of these new services being withdrawn, the grant report allows for a 6% (3% per annum) increase in the allocations to local authorities to reflect the approximate rate of inflation over the past 2 years. The overall effect has been to increase the total funding for Rural Public Passenger Transport by £0.210m to £3.710m.
• The Report enables grant relevant to the SPTA's area to be passed onto them.

4. The £3.5 million allocated to local authorities in 1998-99 and 1999-00 for rural public transport services has helped to provide additional rural bus services by allowing local authorities to subsidise non-commercial routes. Over 350 new or improved services – mainly bus – have been introduced in the first year and there have also been a number of improvements to inter island ferry services and to air services. An audit report detailing how local authorities have used the Grant in 1999-00 is required by 30 June 2000.

5. Consultants have been commissioned to carry out research to evaluate the rural transport funding package; this is due to report in October 2000. In order to help the Executive gauge need for the allocation of resources to local authorities in 2000-01 an interim report on the local authority grant element was prepared in advance. The conclusions reached were that this element of the funding package has been welcomed by local authorities reversing a steady decline in rural services. The interim report concluded that the amount of funding was about right and has been put to good use by authorities and there is no evidence of councils using this funding to support existing services and that those introduced are truly additional to what existed prior to 1998.

6. The Executive consider that the findings of this interim research and the need to ensure continuity points towards maintaining the same level and distribution of funding to local authorities in 2000-01 as the previous 2 years. When COSLA were initially consulted to discuss the distribution of grant, local authority representatives emphasised the need for stability and continuity in the level of funding over a 2-3 year period to ensure that the generative effect of trips made following the provision of additional services is fully captured. It takes some time to build up knowledge amongst the public that additional services are available and to maximise the service’s usage. Public confidence would be damaged if such services were to cease due to lack of funding (unless they were patently unviable). There are therefore strong reasons for maintaining the status quo over the initial 3 year period then, once having received the final study report in the autumn, to consult with local authorities about the way ahead taking account of the effect of the Funding Package over the first 3-year period.

Consultation

7. The Convention of Scottish Local Authorities was consulted about the report and have indicated their agreement.

Financial Effects

8. The grant funding is intended to be additional to what local authorities would have otherwise budgeted to spend on subsidising rural bus services.

Scottish Executive Development Department
March 2000
1. The Special Grant Report on Grant in Aid of Expenditure on Rural Public Passenger Transport for 2000-2001 was laid on 29th March 2000 and has been assigned to the Transport and the Environment Committee for consideration (paper TE/00/8/1).

2. The Report is accompanied by an Executive Note (paper TE/00/8/2).

3. The Report is laid under an "affirmative procedure" which means that Parliament must approve the instrument before it may come into force. The sponsoring Minister, (Sarah Boyack, Minister for Transport and the Environment) will accordingly lodge a motion that the Transport and the Environment Committee recommend approval of the instrument to Parliament.

4. Parliament has until 24th May 2000 to deal with the instrument and the Transport and the Environment Committee is required to report on the instrument by 22nd May 2000.

5. The Report provides for the payment of Special Grant monies to be made to local authorities for rural public transport services in 2000-2001 as part of the Rural Funding Package. The grant funding is intended to be additional to what local authorities would have otherwise budgeted to spend on subsidising rural bus services.

6. The Subordinate Legislation Committee considered the Report at its meeting on 4th April 2000. The 14th report of the Subordinate Legislation Committee (SL/00/R14) confirms that there are no technical issues of drafting which that Committee wished to draw to the attention of Parliament.

Actions required on 26th April 2000

7. The Minister and supporting Officials will be attending the meeting of the Transport and the Environment Committee on 26th April to answer any questions members may have on the Report. The Minister will then move the motion and the Committee may formally debate the motion.

8. Under Rule 10.6, the Committee is required to report to the Parliament with its recommendation on whether to approve the instrument.

Lynn Tullis
Clerk to the Transport and Environment Committee.
April 2000
SCOTTISH EXECUTIVE

LOCAL GOVERNMENT FINANCE

SPECIAL GRANT REPORT No. 5

SPECIAL GRANT REPORT ON GRANT IN AID OF EXPENDITURE ON SOUTH FIFE TO EDINBURGH RAIL SERVICES FOR 2000-01

Report by the Scottish Ministers under section 108A of the Local Government Finance Act 1992

Laid before the Scottish Parliament by the Scottish Ministers

March 2000
SE/2000/34
INTRODUCTION

1. This Report is made by the Scottish Ministers(1) and laid before the Scottish Parliament under Section 108A(5) of the Local Government Finance Act 1992 ("the 1992 Act") as inserted by section 167 of the Local Government etc (Scotland) Act 1994. It specifies a determination concerning a special grant, which the Scottish Ministers propose to pay to Fife Council.

2. This report specifies the Scottish Ministers' determination under section 108A(2) of the 1992 Act of the special grant to be paid to Fife Council and the purpose for which the grant is to be paid. It also sets out such explanation as the Scottish Ministers consider desirable of the main features of this determination and specifies the conditions which the Scottish Ministers intend to impose on the payment of the grant to which this Report relates.

The Purpose

3. Pursuant to section 108(2)(b) of the 1992 Act, the Scottish Ministers hereby determine that the purpose for which special grant is to be paid is to support the provision of additional rail services between South Fife and Edinburgh.

Amounts Payable to Fife Council

4. Pursuant to section 108A(2)(c) of the 1992 Act, the Scottish Ministers hereby determine that the amount of the special grant to be paid is £312,455.

Main Features

5. Annex A contains such explanation, as the Scottish Ministers consider desirable of the main features of the determination specified in this Report.

Conditions for the Payment of the Grant

6. Pursuant to section 108A(7) of the 1992 Act, the Scottish Ministers hereby specify as the conditions which they intend to impose on the payment of the special grant for the purpose described in paragraph 3 above the conditions set out in Annex B.

7 March 2000

A Member of the Scottish Executive

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(1) The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
ANNEX A TO SPECIAL GRANT REPORT

EXPLANATION OF GRANT

1. This grant is to provide support towards relevant expenditure incurred by Fife Council between 1 April 2000 and 31 March 2001 under the terms of their contract with ScotRail for the provision of additional rail services between South Fife and Edinburgh.

2. Under the contract ScotRail will provide, from Monday to Friday, additional seating capacity in the peak period – 280 to 290 seats depending on the class of train – in excess of the Office of Passenger Rail Franchising Director’s requirement as determined under the ScotRail franchise. The agreement also commits ScotRail to continuing the off-peak services on weekdays and Saturdays between Edinburgh and Markinch and Edinburgh and Cowdenbeath.

3. The procurement costs of the additional rail services total £2.384 million (subject to Retail Price Index increases) spread over the financial years 2000/01 to 2003/04. In recognition of these costs, a commitment has been given to Fife Council that the Scottish Executive will support these additional rail services through special grant payments.

4. Fife Council will receive a special grant of £312,455 in the financial year 2000-01 subject to the conditions set out in Annex B.
ANNEX B TO SPECIAL GRANT REPORT

CONDITIONS FOR PAYMENT OF 2000/2001 SPECIAL GRANT IN AID OF EXPENDITURE ON SOUTH FIFE TO EDINBURGH RAIL SERVICES

1. The special grant of £312,455 ("grant money") to Fife Council made pursuant to section 108A of the Local Government Finance Act 1992 in support of the Council's contract with ScotRail for the provision of additional rail services between South Fife and Edinburgh in the financial year 2000/01 shall be subject to the conditions set out in the following paragraphs.

2. The special grant of £312,455 will be paid in monthly instalments. The first instalment will be paid when the additional rail services have commenced and when the Scottish Ministers have received an invoice from Fife Council in respect of those services.

3. The special grant of £312,455 represents payment for the additional rail services from 1 April 2000 to 31 March 2001. If the additional rail services do not commence on 1 April 2000 the amount of the special grant will be reduced accordingly on a pro-rata basis.

4. Fife Council may make a claim for grant money only in respect of relevant expenditure which means expenditure incurred by the Council under the terms of their contract with ScotRail for the provision of additional rail services between South Fife and Edinburgh.

5. Fife Council shall supply to Scottish Ministers such information as may be required by them for the purposes of determining payment of grant money.

5. If, for any reason, Fife Council default on the above mentioned contract with ScotRail then the Scottish Ministers may require the repayment of the whole or any part of the grant money paid to the Council, as may be determined by the Scottish Ministers and notified in writing to the Council. Such sum as has been notified shall immediately become repayable to Scottish Ministers.
EXECUTIVE NOTE

SPECIAL GRANT REPORT ON GRANT IN AID OF EXPENDITURE ON SOUTH FIFE TO EDINBURGH RAIL SERVICES FOR 2000-01

1. The Report was made under Section 108A(5) of the Local Government Finance Act 1992 as inserted by section 167 of the Local Government etc (Scotland) Act 1994. The Report is subject to affirmative resolution procedure.

Policy Objectives

2. This Report specifies the special grant to be paid to Fife Council in support of their contract with ScotRail for the provision of additional rail services between South Fife and Edinburgh. Under the contract ScotRail will provide, from Monday to Friday, additional seating capacity in the peak period –280 to 290 seats depending on the class of train- in excess of the Office of Passenger Franchising Director's requirement as determined under the ScotRail franchise. The agreement also commits ScotRail to continuing the off-peak services on weekdays and Saturdays between Edinburgh and Markinch and Edinburgh and Cowdenbeath.

3. The Scottish Executive has agreed to providing certain additional resources for Fife Council’s South Fife Rail project and funding has already been made available for the construction of new stations at Dalgety Bay and Queen Margaret in Dunfermline. In recognition of the procurement costs of the additional rail services the Executive will provide support through special grant payments. Support for the improvement of rail services between South Fife and Edinburgh sits readily with the Scottish Executive’s policy to encourage usage of public transport.

Financial Effects

4. The procurement cost of the additional rail services total £2.384 million (subject to Retail Price Index increases) spread over the financial years 2000-01 to 2003-04. The special grant to be paid to Fife Council in the financial year is £312,455.

5. There will be similar Reports for the payment of special grant in financial years 2001-02, 2002-03 and 2003-04.

Scottish Executive Development Department
March 2000
The Special Grant Report on Grant in Aid of Expenditure on South Fife to Edinburgh Rail Services for 2000-2001 was laid on 29th March 2000 and has been assigned to the Transport and the Environment Committee for consideration (paper TE/00/8/4).

The Report is accompanied by an Executive Note (paper TE/00/8/5).

The Report is laid under an "affirmative procedure" which means that Parliament must approve the instrument before it may come into force. The sponsoring Minister, (Sarah Boyack, Minister for Transport and the Environment) will accordingly lodge a motion that the Transport and the Environment Committee recommend approval of the instrument to Parliament.

Parliament has until 24th May 2000 to deal with the instrument and the Transport and the Environment Committee is required to report on the instrument by 22nd May 2000.

The Report specifies the special grant to be paid to Fife Council in support of their ScotRail contract to provide additional rail services between South Fife and Edinburgh. The special grant to be paid to Fife Council in 2000-2001 is £312,455.

The Subordinate Legislation Committee considered the Report at its meeting on 4th April 2000. The 14th report of the Subordinate Legislation Committee (SL/00/R14) confirms that there are no technical issues of drafting which that Committee wished to draw to the attention of Parliament.

Actions required on 26th April 2000

The Minister and supporting Officials will be attending the meeting of the Transport and the Environment Committee on 26th April to answer any questions members may have on the Report. The Minister will then move the motion and the Committee may formally debate the motion.

Under Rule 10.6, the Committee is required to report to the Parliament with its recommendation on whether to approve the instrument.

Lynn Tullis
Clerk to the Transport and Environment Committee.
April 2000
EXECUTIVE NOTE

(S.I. 2000/745)

Introduction

On occasion, it may make administrative sense for Ministers of one administration, in practice through their officials, to exercise the functions of Ministers of the other.

Section 93 of the Scotland Act 1998 enables a United Kingdom Minister and the Scottish Ministers to make arrangements for the exercise functions by one on behalf of the other. Ministerial responsibility for the exercise of a function is not affected by such an arrangement. Before such agency arrangements can be entered into, the function concerned must be specified in an Order in Council, subject to annulment by either House of the United Kingdom Parliament or the Scottish Parliament. Functions of making, confirming or approving subordinate legislation cannot be the subject of agency arrangements.

The power in section 93 has already been exercised in making the Scotland Act (Agency Arrangements) (Specification) Order 1999 (S.I. 1999/1512) and the Scotland Act (Agency Arrangements) (Specification) (No.2) Order 1999 (S.I. 1999/3320).

Content of the Order

This draft Order specifies certain functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. The statutory functions of the Scottish Ministers which may be exercised by a Minister of the Crown on their behalf are specified in Schedule 1 to the Order. Non-statutory functions are specified in article 2(2).

The relevant functions are described below.

Creutzfeldt-Jacob Disease (CJD) Surveillance

The National CJD Surveillance Unit (CJD SU), which is located in Edinburgh University medical school, was formally established on 1st May 1990. Its remit is to monitor the incidence of epidemiology of CJD with a view to detecting any changes in the pattern of disease and to provide neuropathological validation of any clinical diagnosis.

Public health surveillance, patient diagnosis and patient care are all devolved functions. However, in order to minimise the administrative burden on the CJD SU, and because of the benefits of having a coherent strategy and response across the UK in relation to dealing with the emergence of variant CJD, it is proposed that the CJD SU have only one sponsor Department and that should be the Department of Health. This Order will enable the agency arrangement between the Scottish Ministers and the Secretary of State for Health.
Medicines Act 1968

The Medicines Act 1968 introduced into the UK a comprehensive system for licensing the manufacture, sale, supply and importation and distribution of medicinal products.

Responsibility for medicines control is reserved to Westminster, but the Secretary of State for Scotland’s powers in relation to enforcement of medicines legislation under section 109 of the 1968 Act have been transferred to the Scottish Ministers by virtue of Schedule 1 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750).

It is intended that medicines enforcement should be carried out by the Medicines Control Agency, an executive agency of DoH, who have experience of this area and carry out this function in England and Wales.

Ringing and Registration of Birds

It is an offence to be in possession or control of any bird listed on Schedule 4 to the Wildlife and Countryside Act 1981 unless it has been registered and fitted with an official ring. The listed birds include certain eagles, falcons, harriers, ospreys and sparrowhawks.

The functions under the 1981 Act and the Wildlife and Countryside (Registration and Ringing of Certain Captive Birds) Regulations 1982 include maintaining a register of birds, the issuing of application forms for registration and for rings and cable ties; and the setting, collecting and recording of registration fees.

Prior to devolution, the functions were exercised by the Secretary of State for the Environment, Transport and the Regions from offices in Bristol. In consequence, the staff with skills and experience of exercising these functions are based there. It is intended to enter into an agency arrangement to allow the continued use of this expertise.

SCOTTISH EXECUTIVE SECRETARIAT

March 2000

1. Parliament has assigned the lead committee role on the Scotland Act 1998 (Agency Arrangements) (Specification) Order 2000 (SI 2000/745) to the Transport and the Environment Committee for consideration (paper TE/00/8/7). The Health and Community Care Committee have been assigned the role of secondary committee.

2. The Order comes into force on 1 May 2000 and was laid under a "negative procedure" which means that the Parliament has power to annul the order by resolution within 40 days, excluding recess. In the case of this order therefore, the time limit for Parliamentary action expires on 18 May 2000. Any MSP may lodge a motion to propose to the lead committee that the order be annulled. The Transport and the Environment Committee are required to report on the instrument by 15 May 2000. Should an annulment be required, under Rule 10.4, the Transport and Environment will have to debate the issue and then report to the Parliament with its decision.

3. The Order is being laid before both Houses of Parliament and specifies certain functions to be exercised by Scottish Ministers. The functions relate to enforcement of provisions relating to medicine, the registration and ringing of certain captive birds and non statutory functions relating to Creutzfeld Jacob Disease surveillance.

4. An Explanatory Memorandum from the Scottish Executive is attached as Paper TE00/8/8.

5. The Health and Community Care Committee considered this instrument on 5 April 2000 and had nothing to report.

6. The Subordinate Legislation Committee considered this instrument 28 March 2000 and had nothing to report.

Lynn Tullis
Clerk to the Transport and Environment Committee
April 2000