

SFT Guidance on powers of Scottish public bodies to generate/procure heat and electricity supplies, and to supply heat and electricity to third parties, and the constraints on those powers.

Appendix 5

Legislation referred to in the Central government and its agencies (and the Scottish Court Service) section.

SCOTLAND ACT 1998**53.— General transfer of functions**

(1) The functions mentioned in subsection (2) shall, so far as they are exercisable within devolved competence, be exercisable by the Scottish Ministers instead of by a Minister of the Crown.

(2) Those functions are—

(a) those of Her Majesty's prerogative and other executive functions which are exercisable on behalf of Her Majesty by a Minister of the Crown,

(b) other functions conferred on a Minister of the Crown by a prerogative instrument, and

(c) functions conferred on a Minister of the Crown by any pre-commencement enactment, but do not include any retained functions of the Lord Advocate.

(3) In this Act, "pre-commencement enactment" means—

(a) an Act passed before or in the same session as this Act and any other enactment made before the passing of this Act,

(b) an enactment made, before the commencement of this section, under such an Act or such other enactment,

(c) subordinate legislation under section 106, to the extent that the legislation states that it is to be treated as a pre-commencement enactment.

(4) This section and section 54 are modified by Part III of Schedule 4.

59.— Property and liabilities of the Scottish Ministers

(1) Property may be held by the Scottish Ministers by that name.

(2) Property acquired by or transferred to the Scottish Ministers shall belong to, and liabilities incurred by the Scottish Ministers shall be liabilities of, the Scottish Ministers for the time being.

(3) In relation to property to be acquired by or transferred to, or belonging to, the Scottish Ministers or liabilities incurred by the Scottish Ministers, references to the Scottish Ministers—

(a) in any title recorded in the Register of Sasines or registered in the Land Register of Scotland, or

(b) in any other document, shall be read in accordance with subsection (2).

(4) A document shall be validly executed by the Scottish Ministers if it is executed by any member of the Scottish Government.

66.— Borrowing by the Scottish Ministers etc.

(1) The Scottish Ministers may borrow from the Secretary of State any sums required by them for the purpose of—

(a) meeting a temporary excess of sums paid out of the Scottish Consolidated Fund over sums paid into that Fund, or

(b) providing a working balance in the Fund.

(2) Amounts required for the repayment of, or the payment of interest on, sums borrowed under this section shall be charged on the Fund.

(3) Sums borrowed under this section shall be repaid to the Secretary of State at such times and by such methods, and interest on them shall be paid to him at such rates and at such times, as the Treasury may from time to time determine.

(4) A member of the Scottish Government may borrow money only under this section or under any power conferred by any other Act of Parliament.

67.— Lending by the Secretary of State

(1) The Treasury may issue to the Secretary of State out of the National Loans Fund such sums as are required by him for making loans under section 66.

(2) The aggregate at any time outstanding in respect of the principal of sums borrowed under that section shall not exceed £500 million.

(3) The Secretary of State may by order made with the consent of the Treasury substitute for the amount (or substituted amount) specified in subsection (2) such increased amount as may be specified in the order.

(4) Sums received by the Secretary of State under section 66(3) shall be paid into the National Loans Fund.

JUDICIARY AND COURTS (SCOTLAND) ACT 2008**61 Administrative support for the Scottish courts and judiciary**

(1) The SCS has the function of providing, or ensuring the provision of, the property, services, officers and other staff required for the purposes of—

(a) the Scottish courts, and

(b) the judiciary of those courts.

(2) In carrying out that function, the SCS must—

(a) take account, in particular, of the needs of members of the public and those involved in proceedings in the Scottish courts, and

(b) so far as practicable and appropriate, co-operate and co-ordinate activity with any other person having functions in relation to the administration of justice.

(3) In this Part, “the Scottish courts” has the meaning given by section 2(6).

66 Corporate plan

(1) The SCS must, before the beginning of each planning period, prepare and submit to the Scottish Ministers for approval a corporate plan describing how the SCS proposes to carry out its functions during the period.

(2) The plan must—

(a) be prepared in such form,

(b) contain such information, and

(c) be submitted by such time, as the Scottish Ministers may direct.

(3) The Scottish Ministers may approve the plan subject to such modifications as may be agreed between them and the SCS.

(4) The SCS must, as soon as possible after the approval of a corporate plan—

(a) lay before the Scottish Parliament a copy of the plan as approved, and

(b) publish the plan in such manner as it thinks fit.

(5) During the planning period to which a corporate plan relates, the SCS—

(a) may, or

(b) if the Scottish Ministers so direct, must, review the plan and submit a revised corporate plan to the Scottish Ministers for approval.

(6) In carrying out its functions in any planning period, the SCS must have regard to the corporate plan for the period.

7) Subsections (2) to (6) apply to a revised corporate plan as they apply to a corporate plan.

(8) In this section, “planning period” means—

(a) the period beginning with the day on which section 61 comes into force and ending on a date specified by order made by the Scottish Ministers, and

(b) each subsequent period of 3 years.

(9) The Scottish Ministers may by order substitute for the period specified in subsection (8)(b) such other period as they consider appropriate.

Schedule 3 paragraph 15

Ancillary powers

(1) The SCS may do anything which it considers necessary or expedient for the purposes of or in connection with its functions.

(2) In particular, the SCS may—

(a) acquire and dispose of land and other property,

(b) enter into contracts,

(c) provide information and advice.