



South of Scotland Enterprise Act 2019

2019 asp 9

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 5th June 2019 and received Royal Assent on 12th July 2019

An Act of the Scottish Parliament to establish South of Scotland Enterprise and to provide for its functions.

Establishment

1 South of Scotland Enterprise

- (1) South of Scotland Enterprise is established.
- (2) It is a body corporate.

Commencement Information

11 [S. 1](#) in force at 16.10.2019 by [S.S.I. 2019/308](#), [reg. 2](#)

2 People constituting body and staff

- (1) South of Scotland Enterprise is to consist of—
 - (a) a member to chair it,
 - (b) at least 5, but not more than 10, other members, and
 - (c) its chief executive.
- (2) Schedule 1 makes provision about South of Scotland Enterprise's members and staff.

Commencement Information

12 [S. 2](#) in force at 16.10.2019 by [S.S.I. 2019/308](#), [reg. 2](#)

3 Exclusion of Crown status

- (1) South of Scotland Enterprise—
 - (a) is not a servant or agent of the Crown, and

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(b) does not enjoy any status, immunity or privilege of the Crown.

(2) South of Scotland Enterprise's members and staff are not to be regarded as civil servants.

Commencement Information

I3 [S. 3](#) in force at 16.10.2019 by [S.S.I. 2019/308](#), [reg. 2](#)

4 Application of public bodies legislation

(1) Schedule 2 amends other enactments so that their provisions apply to South of Scotland Enterprise.

(2) The amendments made by schedule 2 do not affect any power to make an order or regulations amending or revoking any enactment mentioned in schedule 2.

Commencement Information

I4 [S. 4](#) in force at 16.10.2019 by [S.S.I. 2019/308](#), [reg. 2](#)

Aims and powers

5 Aims

(1) South of Scotland Enterprise's aims are to—

- (a) further the sustainable economic and social development of the South of Scotland, and
- (b) improve the amenity and environment of the South of Scotland.

(2) Achieving those aims may involve taking action directed towards (amongst other things)—

- (a) supporting inclusive and sustainable economic growth,
- (b) providing, maintaining and safeguarding employment,
- (c) increasing the number of residents in the South of Scotland who are of working age,
- (d) enhancing skills and capacities relevant to employment,
- (e) encouraging business start-ups and entrepreneurship,
- (f) supporting inclusive business models (such as social enterprises and co-operatives of any kind),
- (g) promoting commercial and industrial—
 - (i) efficiency,
 - (ii) innovativeness, and
 - (iii) international competitiveness,
- (h) promoting digital connectivity,
- (i) promoting improved transport services and infrastructure,
- (j) supporting communities to help them meet their needs,
- (k) supporting community ownership of land and other assets,

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- (l) maintaining, protecting and enhancing the natural and cultural heritage and environmental quality of the South of Scotland,
 - (m) promoting the sustainable and efficient use and re-use of resources,
 - (n) supporting the transitions required to meet the net-zero emissions target (as defined in section A1 of the Climate Change (Scotland) Act 2009),
 - (o) encouraging and facilitating collaborations between persons that will advance one or more of South of Scotland Enterprise's aims.
- (3) The Scottish Ministers may by regulations alter South of Scotland Enterprise's aims by modifying this section.

Commencement Information

I5 [S. 5](#) in force at 1.4.2020 by [S.S.I. 2019/308](#), [reg. 3\(2\)](#) (as amended by S.S.I. 2020/85, regs. 1, 2)

6 Action plan

- (1) South of Scotland Enterprise—
- (a) must make a plan of the things it intends to do to achieve its aims (“its action plan”),
 - (b) must keep its action plan under review,
 - (c) may modify its action plan at any time (subject to subsection (2)).
- (2) South of Scotland Enterprise may not make or modify its action plan unless the plan or modification has been approved in draft by the Scottish Ministers.
- (3) Replacing one version of the action plan with another is a modification of the plan for the purposes of this section.

Commencement Information

I6 [S. 6](#) in force at 1.4.2020 by [S.S.I. 2019/308](#), [reg. 3\(2\)](#) (as amended by S.S.I. 2020/85, regs. 1, 2)

7 Consultation on action plan

- (1) South of Scotland Enterprise must—
- (a) consult about its action plan before first making it, and
 - (b) thereafter, begin to consult about its action plan within 5 years of completing the last consultation under this subsection.
- (2) Before carrying out a consultation under subsection (1), South of Scotland Enterprise must prepare, and make publicly available, a document describing its strategy for consulting with—
- (a) people who live and work in the South of Scotland, and
 - (b) businesses and public authorities that operate there.
- (3) In carrying out a consultation under subsection (1), South of Scotland Enterprise must—
- (a) follow its most recently prepared consultation strategy, and
 - (b) seek views from—

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- (i) Dumfries and Galloway Council,
 - (ii) Scottish Borders Council.
- (4) Having completed a consultation under subsection (1), South of Scotland Enterprise must—
 - (a) prepare a report setting out what (if anything) it intends to do in light of the views elicited through the consultation process, and
 - (b) send a copy of the report to—
 - (i) the Scottish Ministers, and
 - (ii) the local authorities mentioned in subsection (3)(b).
- (5) The Scottish Ministers are to lay before the Scottish Parliament a copy of each report received by them under subsection (4).
- (6) The Scottish Ministers may by regulations change the date by which the next consultation under subsection (1) must begin to a date later than would otherwise be allowed by paragraph (b) of that subsection if, in the Scottish Ministers' opinion, it would be expedient to do so in order to synchronise South of Scotland Enterprise's consultation process with any equivalent consultation process being undertaken by, or on behalf of, Scottish Enterprise or Highlands and Islands Enterprise.

Commencement Information

I7 S. 7 in force at 1.4.2020 by S.S.I. 2019/308, reg. 3(2) (as amended by S.S.I. 2020/85, regs. 1, 2)

8 General powers

- (1) South of Scotland Enterprise may do anything which appears to it to be—
 - (a) either—
 - (i) necessary or expedient for the purposes of, or in connection with, achieving its aims or the performance of any of its other functions, or
 - (ii) otherwise conducive to the performance of its functions, and
 - (b) consistent with its action plan.
- (2) Without prejudice to the generality of subsection (1), South of Scotland Enterprise may—
 - (a) enter into contracts,
 - (b) acquire and dispose of land and other property,
 - (c) form or promote (whether alone or with others) subsidiaries within the meaning of section 1159 of the Companies Act 2006,
 - (d) form and register (whether alone or with others) a society under the Co-operative and Community Benefit Societies Act 2014,
 - (e) enter into a partnership,
 - (f) become a member of a consortium,
 - (g) provide grants and loans.
- (3) Despite the generality of subsection (1), South of Scotland Enterprise may not borrow money except from—
 - (a) the Scottish Ministers (see section 19), or

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- (b) a person who is, or was at the time the loan was made, one of its subsidiaries within the meaning of section 1159 of the Companies Act 2006.
- (4) South of Scotland Enterprise may charge for providing a service.

Commencement Information

- I8** S. 8(1)(3) in force at 16.10.2019 for specified purposes by [S.S.I. 2019/308](#), **reg. 2** (with [reg. 4](#))
- I9** S. 8(1)(3) in force at 1.4.2020 in so far as not already in force by [S.S.I. 2019/308](#), **reg. 3(2)** (with [reg. 4](#)) (as amended by [S.S.I. 2020/85](#), regs. 1, 2)
- I10** S. 8(2)(a)(b) in force at 16.10.2019 by [S.S.I. 2019/308](#), **reg. 2**
- I11** S. 8(2)(c)-(g)(4) in force at 1.4.2020 by [S.S.I. 2019/308](#), **reg. 3(2)** (as amended by [S.S.I. 2020/85](#), regs. 1, 2)

Operational matters

9 Headquarters

- (1) The Scottish Ministers must specify in a direction under section 17 the place where South of Scotland Enterprise is to have its headquarters.
- (2) Any place specified in fulfilment of the duty under subsection (1) must be in the South of Scotland.

Commencement Information

- I12** [S. 9](#) in force at 16.10.2019 by [S.S.I. 2019/308](#), **reg. 2**

10 Committees

- (1) South of Scotland Enterprise may establish committees and sub-committees.
- (2) Committees and sub-committees may include people who are not members of South of Scotland Enterprise.
- (3) South of Scotland Enterprise may, in accordance with a determination by the Scottish Ministers—
- (a) pay each member of a committee or sub-committee remuneration and allowances (including expenses), and
 - (b) pay, or make arrangements for the payment of, allowances and gratuities to, or in respect of, any person who is or has been a member of a committee or sub-committee.
- (4) The arrangements referred to in subsection (3)(b) may include—
- (a) making payments towards the provision of those allowances and gratuities,
 - (b) providing and maintaining schemes for the payment of those allowances and gratuities to, or in respect of, any person who is or has been a member of a committee or sub-committee.