SCOTTISH STATUTORY INSTRUMENTS

2004 No. 397

LOCAL GOVERNMENT

The Scottish Network 2 Tourist Board Scheme Order 2004

Made - - - -	*14th September 2004*
Laid before the Scottish Parliament - - - -	*16th September 2004*
Coming into force - -	*1st December 2004*

The Scottish Ministers, in exercise of the powers conferred by sections 172(1), (3) and (4) and 173 of the Local Government etc. (Scotland) Act 1994(**1**) and of all other powers enabling them in that behalf, after consulting the Scottish Tourist Board and all local authorities whose areas lie within the area of the Board in accordance with section 173(4)(a) of that Act, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Scottish Network 2 Tourist Board Scheme Order 2004 and shall come into force on 1st December 2004.

Interpretation

2. In this Order–

"the existing schemes" means–

the Aberdeen and Grampian Tourist Board Scheme 1995;

the Angus and City of Dundee Tourist Board Scheme 1995;

the Argyll, the Isles, Loch Lomond, Stirling and Trossachs Tourist Board Scheme 1995;

the Highlands and Islands Tourist Board Scheme 1995;

the Kingdom of Fife Tourist Board Scheme 1995;

the Orkney Tourist Board Scheme 1995;

the Perthshire Tourist Board Scheme 1995;

the Shetland Tourist Board Scheme 1995; and

the Western Isles Tourist Board Scheme 1995;

(**1**) 1994 c. 39. 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).

"the scheme" means the Scottish Network 2 Tourist Board Scheme 2004 set out in Schedule 1 to this Order;

"the Board" means the Scottish Network 2 Tourist Board established under the scheme;

"the existing Boards" means the Aberdeen and Grampian Tourist Board, the Angus and City of Dundee Tourist Board, the Argyll, the Isles, Loch Lomond, Stirling and Trossachs Tourist Board; the Highlands and Islands Tourist Board, the Kingdom of Fife Tourist Board, the Orkney Tourist Boards, the Perthshire Tourist Board, the Shetland Tourist Board, and the Western Isles Tourist Board, established under the existing schemes;

"local government area" shall be construed in accordance with section 1(2) of the Local Government etc. (Scotland) Act 1994; and

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

The scheme

3.—(1) Subject to paragraph (2), the scheme shall have effect, as from 1st April 2005, for the establishment of the Board for the local government areas of Aberdeenshire, Aberdeen City, Moray, Angus, Dundee City, Argyll and Bute, Clackmannanshire, Dumbarton and Clydebank, Falkirk and Stirling, Highland, Fife, the Orkney Islands, Perthshire and Kinross, the Shetland Islands, and the Western Isles.

(2) The scheme shall have effect from the date of coming into force of this Order in relation to–

(a) the constitution of the Board;

(b) the carrying out by the Board of any functions necessary to bring the scheme into operation on 1st April 2005; and

(c) any functions necessary to wind up the existing Boards on 1st April 2005.

Revocations

4. The Orders specified in Schedule 2 to this Order shall be revoked with effect from 1st April 2005.

St Andrew's House, Edinburgh
14th September 2004

FRANCIS McAVEETY
Authorised to sign by the Scottish Ministers

SCHEDULE 1 Article 3

PART I

GENERAL

Title of scheme

1. This scheme may be cited as the Scottish Network 2 Tourist Board Scheme 2004.

Interpretation

2.—(1) In this scheme–

"the 1994 Act" means the Local Government etc. (Scotland) Act 1994; and

"the area of the Board" means the local government areas for which the Board is established under paragraph 3(1).

(2) Any reference in this scheme to a numbered paragraph is a reference to the paragraph in the scheme bearing that number.

PART II

THE CONSTITUTION OF THE BOARD

The Board

3.—(1) There shall be established a body to be known as the Scottish Network 2 Tourist Board for the local government areas of Aberdeenshire, Aberdeen City, Moray, Angus, Dundee City, Argyll and Bute, Clackmannanshire, Dumbarton and Clydebank, Falkirk and Stirling, Highland, Fife, the Orkney Islands, Perthshire and Kinross, the Shetland Islands, and the Western Isles.

(2) The Board shall be a body corporate with a common seal.

Membership of the Board

4.—(1) The Scottish Ministers shall appoint the first and future members of the Board, which members shall be all or some of the persons who are the members of the Scottish Tourist Board from time to time, as the Scottish Ministers think fit.

(2) The Scottish Ministers may appoint other persons as first or future members of the Board and shall be entitled to remove such persons from membership of the Board, as the Scottish Ministers think fit.

(3) In the case of any member of the Board who is also a member of the Scottish Tourist Board, that member's membership of the Board shall terminate on the termination of that member's membership of the Scottish Tourist Board.

(4) The maximum number of Board members shall be nine.

Membership of controlling body

5.—(1) The Scottish Ministers shall appoint the first members of the controlling body of the Board from among the first members of the Board whom they have appointed under paragraph 4.

(2) Subject to sub paragraph (1), the members of the controlling body shall be appointed by the Board from among the members of the Board.

Proceedings of the Board

6.—(1) The Board may–

(a) subject to the provisions of this scheme, regulate its own procedure;

(b) appoint committees including committees composed of persons who are not members of the Board;

(c) delegate any of its duties to any of its members who or committees which are authorised (generally or specifically) for the purpose;

(d) pay such allowances in respect of expenses as the Board may determine to any of its members or any person appointed to a committee of the Board.

(2) A committee shall act in accordance with such directions as the Board may from time to time give, and the Board may provide for anything done by a committee to have effect as if it had been done by the Board.

(3) The validity of any proceedings of the Board, the controlling body or of any committee appointed by the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

Duty to keep accounting records

7.—(1) The Board shall keep accounting records which are sufficient to show and explain the transactions of the Board and are such as to disclose with reasonable accuracy, at any time, the financial position of the Board at that time.

(2) The accounting records of the Board shall at all times be open to inspection by the Scottish Ministers.

(3) Accounting records which the Board is required by sub paragraph (1) to keep shall be preserved by it for three years from the date on which they are made.

PART III

FUNCTIONS AND POWERS OF THE BOARD

Additional functions and powers

8.—(1) For the purposes of enabling the Board to carry out its principal function which is specified in section 172(2) of the 1994 Act, but subject to sub paragraph (3), the Board shall have the additional functions and powers conferred upon it by this scheme.

(2) Without prejudice to the generality of sub paragraph (1), the Board shall have power–

(a) to hold property, subject to paragraph 9;

(b) to provide finance, whether by way of grant or loan, to any person in relation to activities relating to tourism;

(c) to borrow such sums as it may require;

(d) to grant security over its assets in respect of obligations incurred by it;

(e) to grant guarantees for obligations (arising out of loans or otherwise) incurred by other persons or grant indemnities;