

## SCHEDULE 1 MEMBERS AND STAFF

### PART 1

#### MEMBERS

##### *Appointment of members*

- 1 (1) The Scottish Ministers are to appoint—
  - (a) the chair of South of Scotland Enterprise, and
  - (b) its other members.
- (2) The Scottish Ministers may only appoint a person who they are satisfied has knowledge or experience relevant to the discharge of South of Scotland Enterprise's functions.
- (3) In appointing members, the Scottish Ministers must have regard to the desirability of ensuring that the membership (taken as a whole)—
  - (a) has experience or knowledge of the whole of the South of Scotland,
  - (b) has experience or knowledge of the issues facing those who work in the South of Scotland,
  - (c) otherwise has a broad range of interests, skills, experience and expertise.
- (4) In considering, for the purpose of sub-paragraph (3)(b), the particular experience or knowledge the membership should have, the Scottish Ministers must consult—
  - (a) persons appearing to them to represent trade unions operating in the South of Scotland,
  - (b) persons appearing to them to represent businesses operating in the South of Scotland.
- (5) A person may be appointed more than once.
- (6) A person who is disqualified from being a member may not be appointed (see paragraph 4).

##### *Tenure*

- 2 (1) A person's membership continues until the end of the period of appointment (subject to paragraph 3).
- (2) In sub-paragraph (1), "the period of appointment" means the period specified by the Scottish Ministers on appointing the person as a member.

##### *Early termination*

- 3 (1) A person's membership ends if—
  - (a) the person gives written notice to the Scottish Ministers that the person resigns,
  - (b) the person becomes disqualified from being a member (see paragraph 4),
  - (c) the Scottish Ministers give the person written notice that the person is removed from being a member.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Scottish Ministers may remove a member by virtue of sub-paragraph (1)(c) only if—
- (a) the member has been absent, without permission or reasonable excuse, from meetings of South of Scotland Enterprise for more than 3 consecutive months,
  - (b) the member is convicted of an offence,
  - (c) the Ministers consider that the member is—
    - (i) unfit to continue to be a member, or
    - (ii) unable to perform the member’s functions.

*Grounds for disqualification from membership*

- 4 A person is disqualified from being a member if the person is—
- (a) a member of the Scottish Parliament,
  - (b) a member of the House of Commons,
  - (c) disqualified from being a member by virtue of section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

*Remuneration, allowances and gratuities*

- 5 (1) South of Scotland Enterprise may, in accordance with a determination by the Scottish Ministers—
- (a) pay each member 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.
- (2) The arrangements referred to in sub-paragraph (1)(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.
- (3) The reference in sub-paragraph (1) to allowances and gratuities include allowances and gratuities by way of compensation for loss of office as a member.
- (4) South of Scotland Enterprise must, if directed to do so by the Scottish Ministers, pay a person who has ceased to be a member the amount specified by the Ministers in the direction.
- (5) The Scottish Ministers—
- (a) may make a direction under sub-paragraph (5) only in a case where it appears to them to be right that a person should be compensated for losing office as a member,
  - (b) may not make a direction under that sub-paragraph in a case where the loss of office is the result of a period of appointment ending (see paragraph 2).

*Other terms and conditions*

- 6 The Scottish Ministers may determine the terms and conditions of membership in relation to matters not covered by this schedule.