



# Enterprise and New Towns (Scotland) Act 1990

## 1990 CHAPTER 35

### PART III

#### MISCELLANEOUS AND GENERAL

#### 36 Interpretation.

(1) In this Act, unless the context otherwise requires—

“derelict land” has the meaning given by section 7 of this Act;

“employment” means employment whether under a contract of service, or a contract of apprenticeship, or a contract for services or otherwise than under a contract, and cognate expressions shall be construed accordingly;

“existing body” has the meaning given by section 23(2) of this Act;

“facilities” includes services;

“financial year” means—

(a) as regards Scottish Enterprise, the period beginning with the first transfer date and ending with 31st March 1992;

(b) as regards Highlands and Islands Enterprise, the period beginning with the second transfer date and ending with 31st March 1992,

and each subsequent period of twelve months ending with 31st March;

“the first transfer date” means the date appointed for the purposes of paragraph (a) of section 22(1) of this Act;

“general external borrowing” shall be construed in accordance with section (4) of this Act;

“the Highlands and Islands” shall be construed in accordance with section 21(1) of this Act;

“industry” includes any description of commercial activity and any section of an industry, and “industrial” shall be construed accordingly;

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Part III. (See end of Document for details)*

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“local authority” means a [<sup>F1</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“sea bed” includes its subsoil;

“the second transfer date” means the date appointed for the purposes of paragraph (b) of the said section 22(1);

“subsidiary” and “wholly owned subsidiary” have the meanings given by [<sup>F2</sup>section 1159 of the Companies Act 2006];

“successor” , in relation to an existing body, shall be construed in accordance with the said section 22(1);

“training” includes education with a view to employment, and cognate expressions shall be construed accordingly; and

“transitional period” , in relation to an existing body, has the meaning given by section 23(2) of this Act.

- (2) Except where the context otherwise requires, this Act shall apply in relation to any <sup>F3</sup>... interest in, or right over, the sea bed as it applies in relation to land; and the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and the relevant compulsory purchase enactments shall apply accordingly.
- (3) The reference in subsection (2) above to the relevant compulsory purchase enactments is to the Lands Clauses Acts, to sections 6 and 70 to 78 of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act 1845, to the <sup>M3</sup>Land Compensation (Scotland) Act 1963, to [<sup>F4</sup>section 195 of, and Schedule 15 to, the Town and Country Planning (Scotland) Act 1997] and to the <sup>M4</sup>Land Compensation (Scotland) Act 1973.

#### Textual Amendments

- F1** S. 36(1): Words in definition of “local authority” substituted (1.4.1996) by 1994 c. 39, 180(1), Sch. 13 para. 164(3); S.I. 1996/323, art. 4(c).
- F2** Words in s. 36(1) in the definition of “subsidiary” and “wholly-owned subsidiary” substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 1 para. 117(4) (with art. 10)
- F3** Words in s. 36(2) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), Sch. 13 Pts. 1 (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2; S.S.I. 2003/456, art. 2
- F4** Words in s. 36(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), Sch. 2 para. 47(4).

#### Marginal Citations

- M1** 1947 c. 42.  
**M2** 1845 c. 33.  
**M3** 1963 c. 51.  
**M4** 1973 c. 56.

## 37 Finance.

There shall be defrayed out of money provided by Parliament—

- (a) any expenses of the Secretary of State incurred under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other enactment.

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### **38 Amendments and repeals.**

- (1) The enactments mentioned in Schedule 4 to this Act shall have effect subject to the amendments specified in that Schedule (being minor amendments and amendments consequential on the provisions of this Act).
- (2) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in the third column of that Schedule, with those specified in Part I of the Schedule coming into force on the first transfer date, those in Part II on the dissolution of the Scottish Development Agency, those in Part III on the second transfer date and those in Part IV on the dissolution of the Highlands and Islands Development Board.
- (3) The Secretary of State may by order make such consequential modifications of any provision contained in any subordinate legislation made before—
  - (a) the first transfer date as appear to him to be necessary or expedient in connection with functions becoming, by section 1(a)(ii) of this Act, functions of Scottish Enterprise;
  - (b) the second transfer date as appear to him to be necessary or expedient in connection with functions becoming, by section 1(b)(ii) of this Act, functions of Highlands and Islands Enterprise,and any provision of any order made under this subsection after the transfer date in question may be made so as to have effect as from that or any later date.
- (4) The power to make an order under subsection (3) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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#### **Commencement Information**

**II** S. 38(3) brought into force 1.4.1991 by S.I. 1990/1840

### **39 Commencement.**

- (1) This Act, except the provisions mentioned in subsection (3) below, shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be so appointed for different provisions or for different purposes.
- (2) An order under subsection (1) above may make such transitional provision as appears to the Secretary of State necessary or expedient in connection with the provisions brought into force by the order.
- (3) The provisions of this Act excepted in subsection (1) above are—
  - (a) section 23(4) in so far as relating to paragraphs 4 and 5 of Schedule 3;
  - (b) sections 36, 37 and 38(2), this section and section 40;
  - (c) the said paragraphs 4 and 5;
  - (d) sections 19 and 20, but only for the purposes of the said paragraphs 4 and 5; and
  - (e) Schedule 5.

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**Changes to legislation:** There are currently no known outstanding effects for the  
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**Modifications etc. (not altering text)**

**C1** Power of appointment conferred by s. 39(1) is fully exercised: [S.I. 1990/1840](#), [arts. 3, 4](#)

**40 Short title and extent.**

- (1) This Act—
- (a) may be cited as the Enterprise and New Towns (Scotland) Act 1990; and
  - (b) subject to subsection (2) below, extends only to Scotland.
- (2) This section, section 39 and so much of section 38 and Schedules 4 and 5 as relates to enactments (or as the case may be subordinate legislation) extending to England and Wales extend also to England and Wales.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Part III.