
STATUTORY INSTRUMENTS

1991 No. 283

**EMPLOYMENT AND TRAINING
INDUSTRIAL DEVELOPMENT**

**Scottish Enterprise and Highlands and Islands Enterprise
(Transfer of Property, Rights and Liabilities) Order 1991**

Made - - - - - *20th February 1991*

Coming into force - - - - - *1st April 1991*

Whereas in the opinion of the Secretary of State all the property, rights and liabilities of the part of the department of the Secretary of State for Employment known as the Training Agency in Scotland immediately before the coming into force of this Order are properties, rights and liabilities to which he is entitled or subject in connection with the carrying out by him in Scotland of functions conferred by or under the Employment and Training Act 1973⁽¹⁾.

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 22(4) and (6) of the Enterprise and New Towns (Scotland) Act 1990⁽²⁾ (“the 1990 Act”), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Scottish Enterprise and Highlands and Islands Enterprise (Transfer of Property, Rights and Liabilities) Order 1991 and shall come into force on 1st April 1991.

Interpretation

2. In this Order—

- (a) “Highlands and Islands Enterprise area” means the area within or in relation to which the functions of Highlands and Islands Enterprise (established by section 1(b) of the 1990 Act) are exercisable by virtue of section 21(1) of the 1990 Act⁽³⁾; and
- (b) “relevant property, rights and liabilities” means the property of the Secretary of State to which he is entitled for the purposes of the part of his department known immediately before the coming into force of this Order as the Training Agency in Scotland and the rights and liabilities to which he is entitled or subject resulting from the exercise of the

(1) 1973 c. 50; relevant amendments are contained in the Employment Act 1988 (c. 19) and the Employment Act 1989 (c. 38).
(2) 1990 c. 35.
(3) No order has been made under section 21(1)(c) of the 1990 Act.

functions discharged by the said Training Agency in Scotland (being property, rights and liabilities connected with the carrying out by him in Scotland of functions conferred by or under the Employment and Training Act 1973), including the rights under the leases listed in the Schedule to this Order but excluding—

- (i) any land or interest in land not listed in the Schedule to this Order;
- (ii) any rights or liabilities which arise from a contract which terminates on or before 31 March 1991; and
- (iii) any property, rights and liabilities which are connected with the administering of the Technical and Vocational Education Initiative.

Transfer of property etc. to Scottish Enterprise and Highlands and Islands Enterprise

3. Upon the coming into force of this Order there shall be transferred—
- (a) to Highlands and Islands Enterprise all relevant property, rights and liabilities situated in or referable to Highlands and Islands Enterprise area; and
 - (b) to Scottish Enterprise (established by section 1 (a) of the 1990 Act) all remaining relevant property, rights and liabilities including the rights under the leases listed in the Schedule to this Order.

Incidental and transitional provisions

4. Anything done or in the process of being done by or in relation to the Secretary of State for the purposes of or in connection with the property, rights and liabilities transferred by this Order shall from the date of such transfer be treated as having been done by or in relation to or shall be continued by or in relation to Scottish Enterprise or Highlands and Islands Enterprise as the case may be and without prejudice to the foregoing provisions of this article—

- (a) any legal proceedings by or in relation to the Secretary of State for the purposes of or in connection with the said property, rights and liabilities may be continued by or in relation to Scottish Enterprise or Highlands and Islands Enterprise;
- (b) every contract or agreement whether written or not to which the Secretary of State is a party for the purposes of or in connection with the said property, rights and liabilities shall have effect in relation to such property, rights and liabilities, in respect of any time falling after the date of transfer, as if Scottish Enterprise or Highlands and Islands Enterprise as the case may be were a party thereto in place of the Secretary of State and as if for each reference therein to the Secretary of State there were substituted a reference to Scottish Enterprise or Highlands and Islands Enterprise;
- (c) every deed, bond, instrument and document relating to property, rights and liabilities of the Secretary of State which by this Order are transferred to Scottish Enterprise or Highlands and Islands Enterprise as the case may be shall have effect in relation to such property, rights and liabilities, in respect of any time falling after the date of transfer, as if, where the Secretary of State is a party thereto Scottish Enterprise or Highlands and Islands Enterprise were substituted as that party and as if for each reference therein to the Secretary of State there were substituted a reference to Scottish Enterprise or Highlands and Islands Enterprise; and
- (d) every contract or agreement and every deed, bond, instrument and document mentioned in paragraph (b) or (c) respectively of this article shall be subject to the following additional modifications, so far as they are applicable—
 - (i) as if for a reference (however worded and whether express or implied) to an officer or officers of the Secretary of State there were substituted, in respect of anything done

- or falling to be done or occurring after the date of transfer, a reference to a member or members or the staff of Scottish Enterprise or Highlands and Islands Enterprise; and
- (ii) as if for a reference to the office or place of business of the Secretary of State there were substituted, in respect of any time falling after the date of transfer, a reference to the office or place of business of Scottish Enterprise or Highlands and Islands Enterprise.

Signed by order of the Secretary of State.

20th February 1991

Robert Jackson
Under Secretary of State,
Department of Employment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2(b)

LIST OF LEASES

Particulars of Lease

Address	Parties	Date
Level 4 Orchard Brae House Queensferry Road Edinburgh EH4 2HS	Scottish Life Assurance	6 April 1988
	Company and Manpower Services Commission(4)	23 May 1988
25 Bank Street Kilmarnock KA1 1ER	Royal Bank of Scotland and Kilmarnock and Loudoun District Council(5)	1 September 1976
		27 August 1976
4th Floor George House 36 North Hanover Street Glasgow G1 2AD	The City of Glasgow District Council and Manpower Services Commission	3 April 1987
		11 March 1987
West Block 6 Elmbank Gardens Charing Cross Glasgow G2 4PH	Chanthall Investments Limited and Manpower Services Commission	17 August 1981
		14 May 1981
166 Park Street Motherwell ML1 1PF	The Trustees for the Scomag Limited Executive Pension Scheme and Training Commission	12 December 1988
		1 March 1989
		6 April 1989
Argyll House Marketgait Dundee DD1 1UD	Ground 4th and 5th Floors— Bett Brothers (Properties) Limited and Manpower Services Commission	23 April 1985
		18 September 1985
	1st Floor— Bett Brothers (Properties) Limited and Standard Chartered Bank(6)	29 July 1977
		19 July 1977
Glencairn Business Centre Low Glencairn Street Kilmarnock KA1 4AY	Scottish Development Agency and Manpower Services Commission	Missives dated—
		18 June 1987
		24 August 1987
		26 August 1987
		16 September 1987

(4) The Manpower Services Commission was renamed the Training Commission by section 24 (1) of the Employment Act 1988. The Training Commission was dissolved and its property, rights and liabilities passed to the Secretary of State for Employment by section 22 of the Employment Act 1989.

(5) The rights of Kilmarnock and Loudoun District Council were assigned to the Manpower Services Commission by Assigned dated 24 February, 7 March and 18 April 1986.

(6) The rights of Standard Chartered Bank were assigned to the Training Commission by Assigned dated 4 April, 8 May and 5 June 1989.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers from the Secretary of State to Scottish Enterprise and Highlands and Islands Enterprise all property, rights and liabilities of the part of his Department known immediately before the coming into force of this Order as the Training Agency in Scotland to which the Secretary of State is entitled or subject and which in his opinion are connected with the carrying out by him in Scotland of functions conferred by or under the Employment and Training Act 1973.