



Tourist Boards (Scotland) Act 2006

2006 asp 15

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Tourist Boards (Scotland) Act 2006

2006 asp 15

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 24th October 2006 and received Royal Assent on 30th November 2006

An Act of the Scottish Parliament to rename the Scottish Tourist Board, to increase the maximum number of members of that body and to abolish area tourist boards.

1 Scottish Tourist Board: change of name

- (1) The Scottish Tourist Board is renamed VisitScotland.
- (2) Accordingly, in the Development of Tourism Act 1969 (c.51), for “the Scottish Tourist Board”, wherever that expression occurs, there is substituted “VisitScotland”.

2 Scottish Tourist Board: increase in maximum number of members

In section 1(3) of the Development of Tourism Act 1969 (which provides for the maximum number of members of the national tourist boards), for “six” where it secondly occurs, there is substituted “eleven”.

3 Abolition of area tourist boards

- (1) Sections 172 to 175 of the Local Government etc. (Scotland) Act 1994 (c.39) (which make provision for area tourist boards) are repealed.
- (2) The following bodies are dissolved—
 - (a) the Scottish Network 1 Tourist Board, and
 - (b) the Scottish Network 2 Tourist Board.
- (3) Schedule 1 makes provision in connection with the dissolution of those bodies.

4 Consequential modifications

Schedule 2 makes modifications of enactments in consequence of the preceding provisions.

5 Commencement and short title

- (1) The preceding provisions come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
- (2) This Act may be cited as the Tourist Boards (Scotland) Act 2006.

SCHEDULE 1
(introduced by section 3)

DISSOLUTION OF EXISTING AREA TOURIST BOARDS

Transfer of staff

- 1 (1) On the dissolution of a network tourist board, each person employed by the board immediately before its dissolution transfers to and becomes a member of staff of VisitScotland.
- (2) The contract of employment of such a person—
- (a) is not terminated by the transfer, and
 - (b) has effect from the date of the transfer as if originally made between that person and VisitScotland.
- (3) Without prejudice to sub-paragraph (2), where a person becomes a member of the staff of VisitScotland under sub-paragraph (1)—
- (a) all the rights, powers, duties and liabilities of the board from which that person is transferred under or in connection with that person's contract of employment are by virtue of this sub-paragraph transferred to VisitScotland on the date of the transfer, and
 - (b) anything done before that date by or in relation to the board from which that person is transferred in respect of that contract of employment or that person is to be treated from that date as having been done by, or in relation to, VisitScotland.
- (4) This paragraph does not prejudice any right of any person to terminate that person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such a change is not to be taken to have occurred by reason only that the identity of that person's employer changes by virtue of this paragraph.

Transfer of property and liabilities

- 2 (1) On the dissolution of a network tourist board, the property and liabilities to which the board was entitled or subject immediately before its dissolution transfer to and vest in VisitScotland.
- (2) Sub-paragraph (1) has effect in relation to property and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or restrict the transfer of the property or liabilities.

Interpretation

- 3 In this schedule, "network tourist board" means a body mentioned in section 3(2).

SCHEDULE 2
(introduced by section 4)

CONSEQUENTIAL MODIFICATIONS

PART 1

ACTS

The Development of Tourism Act 1969 (c.51)

- 1 In the Development of Tourism Act 1969, in section 2 (general functions), in subsection (5)—
- (a) for “the Boards” in both places where that expression occurs, there is substituted “those bodies”, and
 - (b) for “Boards” in the third place where that word occurs, there is substituted “bodies”.

The Local Government (Scotland) Act 1973 (c.65)

- 2 In the Local Government (Scotland) Act 1973, in section 90 (powers of local authorities to carry on tourism-related activities)—
- (a) subsection (1)(d) is repealed,
 - (b) in subsection (4), for “(d)” there is substituted “(c)”,
 - (c) in subsection (6)—
 - (i) for “modifications” there is substituted “modification”, and
 - (ii) paragraph (a) and the word “and” immediately following it are repealed, and
 - (d) subsection (8) is repealed.

The Race Relations Act 1976 (c.74)

- 3 In the Race Relations Act 1976, in Part 2 of Schedule 1A (bodies and other persons subject to general statutory duty)—
- (a) the entry relating to the Scottish Tourist Board is repealed, and
 - (b) after the entry relating to the Victoria and Albert Museum, there is inserted—
“VisitScotland.”.

The Tourism (Overseas Promotion) (Scotland) Act 1984 (c.4)

- 4 In the Tourism (Overseas Promotion) (Scotland) Act 1984, in section 1 (power of the Scottish Tourist Board to engage outside the UK in the promotion of tourism in Scotland)—
- (a) in subsection (1), for “the Scottish Tourist Board” there is substituted “VisitScotland”, and

- (b) in subsection (3)(b), for “the Scottish Tourist Board” there is substituted “VisitScotland”.

The Greater London Authority Act 1999 (c.29)

- 5 In the Greater London Authority Act 1999, in section 378 (duty of the Authority to promote tourism), in subsection (11)(d), for “the Scottish Tourist Board” there is substituted “VisitScotland”.

The Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 6 In the Ethical Standards in Public Life etc. (Scotland) Act 2000, in schedule 3 (devolved public bodies)—
- (a) the entries relating to—
 - (i) the controlling body of an area tourist board established under section 172 of the Local Government etc. (Scotland) Act 1994 (c.39), and
 - (ii) the Scottish Tourist Board,are repealed, and
 - (b) after the entry relating to a Transport Partnership created under the Transport (Scotland) Act 2005 (asp 12) there is inserted—
“VisitScotland”.

The Scottish Public Services Ombudsman Act 2002 (asp 11)

- 7 In the Scottish Public Services Ombudsman Act 2002, in Part 2 of schedule 2 (listed authorities)—
- (a) the entry numbered 53 (the Scottish Tourist Board) is repealed, and
 - (b) after the entry numbered 54 there is inserted—
“54A VisitScotland.”.

The Freedom of Information (Scotland) Act 2002 (asp 13)

- 8 In the Freedom of Information (Scotland) Act 2002, in schedule 1 (Scottish public authorities)—
- (a) the entries numbered—
 - (i) 56 (area tourist boards), and
 - (ii) 101 (the Scottish Tourist Board),are repealed, and
 - (b) after the entry numbered 105 there is inserted—
“105A VisitScotland.”.

The Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)

- 9 In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (specified authorities)—
- (a) the entry relating to the Scottish Tourist Board is repealed, and
 - (b) after the entry relating to the Scottish University for Industry there is inserted—
“VisitScotland”.

PART 2

SUBORDINATE LEGISLATION

The Financial Services and Markets Act 2000 (Exemption) Order 2001 (SI 2001/1201)

- 10 In the Financial Services and Markets Act 2000 (Exemption) Order 2001, in Part 3 of the Schedule (persons exempt in respect of any regulated activity mentioned in article 5(1) of the Order), in the entry numbered 31, for “the Scottish Tourist Board” there is substituted “VisitScotland”.

Orders making the Scottish Network Tourist Board Schemes

- 11 The following instruments are revoked—
- (a) the Scottish Network 1 Tourist Board Scheme Order 2004 (SSI 2004/396),
 - (b) the Scottish Network 2 Tourist Board Scheme Order 2004 (SSI 2004/397),
 - (c) the Scottish Network 1 Tourist Board Scheme Amendment Order 2004 (SSI 2004/464), and
 - (d) the Scottish Network 2 Tourist Board Scheme Amendment Order 2004 (SSI 2004/465).