

# **SOUTH OF SCOTLAND ENTERPRISE ACT 2019**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### *Aims and powers*

#### *Section 8 (General powers)*

22. Subsection (1) of section 8 gives South of Scotland Enterprise powers to act in order to achieve its aims (which are set out in section 5) and to do other things connected to performing any of its other functions (for example, it may hire an accountancy firm to help it fulfil its function of preparing annual accounts under section 15).
23. Subsection (1)(b) limits South of Scotland Enterprise to acting in ways that are consistent with its action plan (see section 6).
24. Subsection (2) gives some specific examples of the things that South of Scotland Enterprise is empowered to do by subsection (1). The list is not exhaustive.
25. Subsection (3) restricts the ability of South of Scotland Enterprise to borrow money. It is permitted to do so from only two sources. The first is the Scottish Ministers. The second is its own subsidiaries. The word “subsidiary” is defined for this purpose by [section 1159 of the Companies Act 2006](#). Loosely, in this context, it means a corporation that is to a certain degree under the control of South of Scotland Enterprise and so would include, for example, a limited company set up by South of Scotland Enterprise provided that the majority of voting rights in the company were held by South of Scotland Enterprise.
26. Subsection (4) gives South of Scotland Enterprise the power to charge for providing services.