

SOUTH OF SCOTLAND ENTERPRISE ACT 2019

EXPLANATORY NOTES

THE ACT

Ministerial powers

Section 17 (Direction)

44. **Section 17** places South of Scotland Enterprise under a legal duty to comply with ministerial directions in carrying out its functions. It also requires that the Scottish Ministers consult South of Scotland Enterprise before issuing directions to it, and publish any directions and the reasons for issuing them.

Section 18 (Fair work direction)

45. **Section 18** requires that the Scottish Ministers issue a direction about fair work to South of Scotland Enterprise. The direction is to set out that South of Scotland Enterprise must promote fair work, and is to define what “fair work” means for the direction’s purposes. The direction may also include any other provision about South of Scotland Enterprise’s promotion of fair work that the Scottish Ministers consider appropriate. As the fair work direction will be a direction under section 17, South of Scotland Enterprise will be under a legal duty to comply with it.
46. Subsection (3) of section 18 requires that the Scottish Ministers consult workers and employers in the South of Scotland before issuing the fair work direction. As with any direction under section 17, the Ministers will also be required to consult South of Scotland Enterprise itself (see section 17(3)).
47. A direction under section 18 must be issued within 1 year of the section coming into force. The section is to come into force on a day appointed by the Scottish Ministers by regulations under section 24.

Section 19 (Financial assistance)

48. **Section 19** provides a statutory basis for the Scottish Ministers to give financial support, of various kinds, to South of Scotland Enterprise.