

SOUTH OF SCOTLAND ENTERPRISE ACT 2019

EXPLANATORY NOTES

THE ACT

Schedule 1

Part 1: Members

60. As section 2 provides, South of Scotland Enterprise consists of its members and its chief executive (as to whom see paragraphs 66 and 67 of these Notes). All of the members of South of Scotland Enterprise (the numbers of which are regulated by section 2) are to be appointed by the Scottish Ministers, and it is for the Ministers to appoint the chairing member to that office (see paragraph 1 of schedule 1). Certain people are disqualified from appointment by paragraph 4 of schedule 1.
61. Amendments made by schedule 2 mean that the appointment of members will need to be carried out in accordance with the code of practice on public appointments produced by the Commissioner for Ethical Standards in Public Life in Scotland, and the Gender Representation on Public Boards (Scotland) Act 2018. Separately, [section 159 \(positive action: recruitment and promotion\) of the Equality Act 2010](#) will also apply in relation to the appointment of members.
62. On appointing someone as a member, the Scottish Ministers are to specify how long the person is to remain a member as a result of that appointment (see paragraph 2 of schedule 1). The person may continue as a member beyond that period by being re-appointed by the Scottish Ministers for another period.
63. [Paragraph 3](#) of schedule 1 sets out the circumstances in which someone can cease to be a member of South of Scotland Enterprise before the person's period of appointment is up, namely:
- a member can resign,
 - a person will automatically cease to be a member if the person becomes someone who is disqualified from being a member (see paragraph 4 of schedule 1),
 - a person may be removed as a member by the Scottish Ministers in the circumstances described in sub-paragraph (2) of paragraph 3.
64. If someone ceases to be a member before the person's period of appointment has ended, the Scottish Ministers can direct South of Scotland Enterprise to pay that person a sum of money as compensation for the premature loss of office (see paragraph 5(2) and (3) of schedule 1).