

*Status: Point in time view as at 16/10/2019.*

**Changes to legislation:** South of Scotland Enterprise Act 2019, SCHEDULE 1 is up to date with all changes known to be in force on or before 12 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULE 1

*(introduced by section 2)*

### MEMBERS AND STAFF

#### PART 1

#### MEMBERS

##### *Appointment of members*

- 1 (1) The Scottish Ministers are to appoint—
  - (a) the chair of South of Scotland Enterprise, and
  - (b) its other members.
- (2) The Scottish Ministers may only appoint a person who they are satisfied has knowledge or experience relevant to the discharge of South of Scotland Enterprise's functions.
- (3) In appointing members, the Scottish Ministers must have regard to the desirability of ensuring that the membership (taken as a whole)—
  - (a) has experience or knowledge of the whole of the South of Scotland,
  - (b) has experience or knowledge of the issues facing those who work in the South of Scotland,
  - (c) otherwise has a broad range of interests, skills, experience and expertise.
- (4) In considering, for the purpose of sub-paragraph (3)(b), the particular experience or knowledge the membership should have, the Scottish Ministers must consult—
  - (a) persons appearing to them to represent trade unions operating in the South of Scotland,
  - (b) persons appearing to them to represent businesses operating in the South of Scotland.
- (5) A person may be appointed more than once.
- (6) A person who is disqualified from being a member may not be appointed (see paragraph 4).

##### **Commencement Information**

**II** [Sch. 1 para. 1](#) in force at 16.10.2019 by [S.S.I. 2019/308](#), [reg. 2](#)

##### *Tenure*

- 2 (1) A person's membership continues until the end of the period of appointment (subject to paragraph 3).
- (2) In sub-paragraph (1), “the period of appointment” means the period specified by the Scottish Ministers on appointing the person as a member.

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#### Commencement Information

**I2** Sch. 1 para. 2 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Early termination*

- 3 (1) A person's membership ends if—
- (a) the person gives written notice to the Scottish Ministers that the person resigns,
  - (b) the person becomes disqualified from being a member (see paragraph 4),
  - (c) the Scottish Ministers give the person written notice that the person is removed from being a member.
- (2) The Scottish Ministers may remove a member by virtue of sub-paragraph (1)(c) only if—
- (a) the member has been absent, without permission or reasonable excuse, from meetings of South of Scotland Enterprise for more than 3 consecutive months,
  - (b) the member is convicted of an offence,
  - (c) the Ministers consider that the member is—
    - (i) unfit to continue to be a member, or
    - (ii) unable to perform the member's functions.

#### Commencement Information

**I3** Sch. 1 para. 3 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Grounds for disqualification from membership*

- 4 A person is disqualified from being a member if the person is—
- (a) a member of the Scottish Parliament,
  - (b) a member of the House of Commons,
  - (c) disqualified from being a member by virtue of section 19 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

#### Commencement Information

**I4** Sch. 1 para. 4 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Remuneration, allowances and gratuities*

- 5 (1) South of Scotland Enterprise may, in accordance with a determination by the Scottish Ministers—
- (a) pay each member remuneration and allowances (including expenses), and
  - (b) pay, or make arrangements for the payment of, allowances and gratuities to, or in respect of, any person who is or has been a member.
- (2) The arrangements referred to in sub-paragraph (1)(b) may include—

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- (a) making payments towards the provision of those allowances and gratuities,
  - (b) providing and maintaining schemes for the payment of those allowances and gratuities to, or in respect of, any person who is or has been a member.
- (3) The reference in sub-paragraph (1) to allowances and gratuities include allowances and gratuities by way of compensation for loss of office as a member.
- (4) South of Scotland Enterprise must, if directed to do so by the Scottish Ministers, pay a person who has ceased to be a member the amount specified by the Ministers in the direction.
- (5) The Scottish Ministers—
  - (a) may make a direction under sub-paragraph (5) only in a case where it appears to them to be right that a person should be compensated for losing office as a member,
  - (b) may not make a direction under that sub-paragraph in a case where the loss of office is the result of a period of appointment ending (see paragraph 2).

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Other terms and conditions*

- 6 The Scottish Ministers may determine the terms and conditions of membership in relation to matters not covered by this schedule.

**Commencement Information**

**I6** Sch. 1 para. 6 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

**PART 2**

**STAFF**

*Chief executive*

- 7
- (1) South of Scotland Enterprise is to have a chief executive.
  - (2) The chief executive is a member of staff of South of Scotland Enterprise.
  - (3) The Scottish Ministers are to appoint the first chief executive.
  - (4) Subsequent chief executives are to be appointed by South of Scotland Enterprise.
  - (5) South of Scotland Enterprise may not appoint a chief executive without the Scottish Ministers' approval.
  - (6) A person may be appointed more than once.

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#### Commencement Information

**I7** Sch. 1 para. 7 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Other staff*

8 South of Scotland Enterprise may appoint staff.

#### Commencement Information

**I8** Sch. 1 para. 8 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Staff terms and conditions*

- 9
- (1) Staff appointed by South of Scotland Enterprise are appointed on such terms and conditions as South of Scotland Enterprise determines.
  - (2) South of Scotland Enterprise may not determine staff terms and conditions without the Scottish Ministers' approval.
  - (3) The first chief executive is appointed on such terms and conditions as the Scottish Ministers determine.

#### Commencement Information

**I9** Sch. 1 para. 9 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Pensions, allowances and gratuities*

- 10
- (1) South of Scotland Enterprise may, with the approval of the Scottish Ministers, pay or make arrangements for the payment of pensions, allowances and gratuities to, or in respect of, any person who is or has been a member of staff of South of Scotland Enterprise.
  - (2) Those arrangements may include—
    - (a) making payments towards the provision of those pensions, allowances and gratuities,
    - (b) providing and maintaining schemes for the payment of those pensions, allowances and gratuities.
  - (3) The reference in sub-paragraph (1) to pensions, allowances and gratuities includes pensions, allowances and gratuities by way of compensation for loss of office.

#### Commencement Information

**I10** Sch. 1 para. 10 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

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