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## 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).

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#### **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).

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**Commencement Information**

**15** 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.

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**Commencement Information**

**16** 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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## SCHEDULE 2

(introduced by section 4)

### APPLICATION OF PUBLIC BODIES LEGISLATION

#### *Ethical Standards in Public Life etc. (Scotland) Act 2000*

- 1 In schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, after the entry relating to Social Care and Social Work Improvement Scotland insert—  
“ South of Scotland Enterprise ”.

#### **Commencement Information**

**I11** Sch. 2 para. 1 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Scottish Public Services Ombudsman Act 2002*

- 2 In schedule 2 of the Scottish Public Services Ombudsman Act 2002, after paragraph 52A insert—  
“52B South of Scotland Enterprise.”.

#### **Commencement Information**

**I12** Sch. 2 para. 2 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Freedom of Information (Scotland) Act 2002*

- 3 In schedule 1 of the Freedom of Information (Scotland) Act 2002, after paragraph 102A insert—  
“102B South of Scotland Enterprise.”.

#### **Commencement Information**

**I13** Sch. 2 para. 3 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Public Appointments and Public Bodies etc. (Scotland) Act 2003*

- 4 In schedule 2 of the Public Appointments and Public Bodies etc. (Scotland) Act 2003, after the entry relating to Social Care and Social Work Improvement Scotland insert— “ South of Scotland Enterprise ”.

#### **Commencement Information**

**I14** Sch. 2 para. 4 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

#### *Further and Higher Education (Scotland) Act 2005*

- 5 (1) The Further and Higher Education (Scotland) Act 2005 is amended as follows.

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- (2) In section 22(5)—
- (a) the word “and” immediately preceding paragraph (fa) is repealed,
  - (b) after paragraph (fa) insert—  
 “(fb) South of Scotland Enterprise.”.
- (3) In section 23B—
- (a) in subsection (3)(k) after “Scottish Enterprise” insert “, South of Scotland Enterprise ”,
  - (b) in subsection (5)(i) after “Scottish Enterprise” insert “, South of Scotland Enterprise ”.
- (4) In section 23M—
- (a) in subsection (1)(l) after “Scottish Enterprise” insert “, South of Scotland Enterprise ”,
  - (b) in subsection (3)(j) after “Scottish Enterprise” insert “, South of Scotland Enterprise ”.

**Commencement Information**

**I15** Sch. 2 para. 5 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Public Services Reform (Scotland) Act 2010*

- 6 (1) The Public Services Reform (Scotland) Act 2010 is amended as follows.
- (2) In schedule 5, after the entry relating to Social Care and Social Work Improvement Scotland insert— “ South of Scotland Enterprise ”.
  - (3) In schedule 8, after the entry relating to Social Care and Social Work Improvement Scotland insert— “ South of Scotland Enterprise ”.

**Commencement Information**

**I16** Sch. 2 para. 6 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Public Records (Scotland) Act 2011*

- 7 In the schedule of the Public Records (Scotland) Act 2011, after the entry relating to Social Care and Social Work Improvement Scotland insert— “ South of Scotland Enterprise ”.

**Commencement Information**

**I17** Sch. 2 para. 7 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Water Resources (Scotland) Act 2013*

- 8 In section 3 of the Water Resources (Scotland) Act 2013, at the end of paragraph (f) insert “,
- (g) South of Scotland Enterprise”.

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**Commencement Information**

**I18** Sch. 2 para. 8 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Community Empowerment (Scotland) Act 2015*

- 9 (1) The Community Empowerment (Scotland) Act 2015 is amended as follows.
- (2) In section 13(2), after paragraph (f) insert “,
- (g) South of Scotland Enterprise where all or part of the area of the local authority is within the South of Scotland as defined by section 21 of the South of Scotland Enterprise Act 2019”.
- (3) In schedule 1, after the entry relating to the Scottish Sports Council insert— “ South of Scotland Enterprise where all or part of the area of the local authority is within the South of Scotland as defined by section 21 of the South of Scotland Enterprise Act 2019 ”.
- (4) In schedule 3, after the entry relating to Scottish Water insert— “ South of Scotland Enterprise ”.

**Commencement Information**

**I19** Sch. 2 para. 9 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015*

- 10 In schedule 1 of the Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015 (S.S.I. 2015/347), after the entry relating to Social Care and Social Work Improvement Scotland insert— “ South of Scotland Enterprise ”.

**Commencement Information**

**I20** Sch. 2 para. 10 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

*Gender Representation on Public Boards (Scotland) Act 2018*

- 11 In schedule 1 of the Gender Representation on Public Boards (Scotland) Act 2018, after the entry relating to Social Care and Social Work Improvement Scotland insert—

“South of Scotland Enterprise”.

**Commencement Information**

**I21** Sch. 2 para. 11 in force at 16.10.2019 by S.S.I. 2019/308, reg. 2

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2019/308, reg. 3 by [S.S.I. 2020/85 reg. 2](#)