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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 308 (C. 13)**

**ENTERPRISE**

**The South of Scotland Enterprise Act 2019 (Commencement  
and Transitional Provision) Regulations 2019**

*Made* - - - - 26th September 2019  
*Laid before the Scottish  
Parliament* - - - - 30th September 2019  
*Coming into force* - - 16th October 2019

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 23(1) and 24(2) and (3) of the South of Scotland Enterprise Act 2019<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the South of Scotland Enterprise Act 2019 (Commencement and Transitional Provision) Regulations 2019 and come into force on 16 October 2019.

(2) In these Regulations “the Act” means the South of Scotland Enterprise Act 2019.

**Appointed day**

2. The day appointed for the coming into force of each provision of the Act shown in column 1 of the following table (the subject matter of which is specified in column 2 of the table) is 16 October 2019, but, where a purpose is specified in column 3 of the table in relation to a provision in column 1, that provision comes into force only for that purpose—

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 1	South of Scotland Enterprise	
Section 2	People constituting body and staff	
Section 3	Exclusion of Crown status	

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(1) 2019 asp 9.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Provision</i>	<i>Subject matter</i>	<i>Purpose</i>
Section 4	Applicants on public bodies legislation	
Section 8(1)	General powers	For the limited purpose of enabling South of Scotland Enterprise to enter into contracts and to acquire and dispose of land and other property.
Section 8(2)(a) and (b)	General powers	
Section 8(3)	General powers	For the limited purpose of enabling South of Scotland Enterprise to enter into contracts and to acquire and dispose of land and other property.
Section 9	Headquarters	
Section 13	Authority to perform functions	
Section 14	Validity of things done	
Section 15	Accounts and audit	
Section 16	Annual report	
Section 17	Direction	For the limited purpose of issuing a direction in accordance with section 9
Section 19	Financial assistance	
Section 20(2)	Transfer of property and liabilities	
Section 21	Meaning of South of Scotland	
Schedule 1	Members and staff	
Schedule 2	Application of public bodies legislation	

3. The day appointed for the coming into force of all provisions of the Act which are not already commenced for all purposes by virtue of regulation 2 or in accordance with section 24(1) of the Act, is 1 April 2020.

#### **Transitional provision**

4. Section 8(1)(b) of the Act will not apply until there is in existence an action plan made under section 6(1)(a) of that Act.

St Andrew's House,  
Edinburgh  
26th September 2019

*FERGUS EWING*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations bring into force the South of Scotland Enterprise Act 2019 (“the Act”).

Regulation 2 brings into force certain provisions only of the Act on 16 October 2019, with some provisions commenced for limited purposes. This enables some preliminary work to be carried out by South of Scotland Enterprise (“the body”). The relevant provisions of the Act commenced on 16 October 2019 are detailed in the following four paragraphs.

Section 1 establishes the body as a body corporate. Section 2 provides for the people who constitute the body and its staff. Schedule 1, introduced by section 2, makes provision for the members and staff of the body, including appointments.

Section 3 gives the status of the body and section 4 applies the public bodies legislation to the body. Schedule 2 amends various pieces of public bodies legislation.

Section 8 sets out the general powers of the body but it is commenced for the limited purpose of enabling it to enter into contracts and to acquire and dispose of land and other property.

Section 9 allows Scottish Ministers to specify in a direction where the headquarters of the body will be. Section 17 gives Ministers the power to issue directions and is commenced to enable the exercise of the power under section 9.

Section 13 covers who the body may authorise to carry out its functions.

Section 14 deals with validity of things done by the body and sections 15 and 16 provide for keeping records and having accounts.

Section 19 enables Scottish Ministers to give financial assistance to the body.

Section 20(2) gives Scottish Ministers the power to make regulations identifying the property and liabilities of Scottish Enterprise which are to transfer to the body.

Regulation 3 brings into force all provisions of the Act, not otherwise already commenced or commenced for all purposes, on 1 April 2020.

Regulation 4 makes a transitional provision disapplying section 8(1)(b) of the Act until such time there is in existence an action plan made under section 6(1)(a) of the Act. Section 8(1)(b) of the Act obliges the body to carry out its functions in a manner that appears to it to be consistent with its action plan made under section 6(1)(a) of the Act.

The Bill for the Act received Royal Assent on 12 July 2019. Sections 22 to 25 came into force on the following day.