



# Enterprise and New Towns (Scotland) Act 1990

## CHAPTER 35

### ENTERPRISE AND NEW TOWNS (SCOTLAND) ACT 1990

#### PART I

##### SCOTTISH ENTERPRISE AND HIGHLANDS AND ISLANDS ENTERPRISE

###### *Establishment and Functions*

- 1 Scottish Enterprise and Highlands and Islands Enterprise.
- 2 Functions in relation to training for employment etc.
- 3 Monitoring of training for employment
- 4 Further provision as regards functions of Scottish Enterprise.
- 5 Further provision as regards functions of Highlands and Islands Enterprise.
- 6 Development and improvement of the environment.
- 7 Derelict land.

###### *Powers*

- 8 General and specific powers.
- 9 Powers of entry.
- 10 Power of Scottish Enterprise to obtain information.
- 11 Power of Highlands and Islands Enterprise to obtain information.
- 12 Further provision as regards obtaining information etc.
- 13 Restrictions on exercise of certain powers.
- 14 Power of Secretary of State to give directions.
- 14A Power of Ministers to confer or impose functions.
- 15 Industrial injuries benefit.

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- 16 Courses of training etc.: duty to give preference to certain categories of disabled person.
- 17 Encouragement of women, members of ethnic minorities and disabled persons to take up certain employment opportunities and training
- 18 Prohibition on discrimination in provision of certain facilities or services.

#### *Delegation and Assistance*

- 19 Delegation of certain functions and powers.
- 20 Assistance from local authorities and development corporations in carrying out certain functions.

#### *Areas of operation*

- 21 Areas of operation.

*Vesting of property of the Scottish Development Agency in Scottish Enterprise and of the Highlands and Islands Development Board in Highlands and Islands Enterprise etc.*

- 22 Transfer of property, rights and liabilities.

#### *Dissolution of the Scottish Development Agency and of the Highlands and Islands Development Board: the Transitional Period*

- 23 Dissolution of the Scottish Development Agency and of the Highlands and Islands Development Board.

#### *Financial provisions*

- 24 Financial duties of Scottish Enterprise.
- 25 Finances of Scottish Enterprise.
- 26 Finances of Highlands and Islands Enterprise.
- 27 Additional financing for Scottish Development Agency.

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- 28 Application to Crown land.
- 29 Service of documents.
- 30 Accounts and annual reports.
- 31 Application and disapplication of certain provisions.
- 32 Registration of agreements etc.

## **PART II**

### NEW TOWNS

#### *Winding up and dissolution of new town development corporations*

- 33 Winding up and dissolution of new town development corporations.

#### *Financial provisions*

- 34 Grants by Secretary of State to development corporations.
- 35 Powers to effect financial reconstruction.

## PART III

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- 36 Interpretation.
- 37 Finance.
- 38 Amendments and repeals.
- 39 Commencement.
- 40 Short title and extent.

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## SCHEDULES

### SCHEDULE 1 — Constitution and Proceedings etc. of Scottish Enterprise and Highlands and Islands Enterprise

#### *Incorporation*

- 1 Each of the two bodies— (a) shall be a body...

#### *Status*

- 2 Each of the two bodies shall be a public body...
- 3 Neither of the two bodies shall— (a) be regarded as...
- 4 Scottish Enterprise shall be treated for all purposes of corporation...

#### *Membership*

- 5 The members of Scottish Enterprise shall be—
- 6 The members of Highlands and Islands Enterprise shall be—
- 7 The Secretary of State shall satisfy himself—
- 8 A person in respect of whom the Secretary of State...
- 9 Subject to the provisions of this paragraph and of paragraphs...
- 10 The Secretary of State may remove a member, other than...

#### *Chairmen and Deputy Chairmen*

- 11 (1) In respect of each of the bodies—

#### *Remuneration, Allowances and Pensions*

- 12 (1) Each of the bodies shall pay to its chairman,...
- 13 The Secretary of State may . . . determine that...

#### *Staff*

- 14 In respect of each of the bodies, the Secretary of...
- 15 (1) Subject to paragraph 16 below, each of the bodies...
- 16 (1) Not later than such date as the Secretary of...
- 17 (1) Where a person becomes an employee of Scottish Enterprise...
- 18 (1) Any dispute as to whether an offer under sub-paragraph...

#### *Proceedings*

- 19 The quorum of each body, and the arrangements for its...
- 20 (1) A member of either body who is directly or...
- 21 The validity of any proceedings of either body shall not...

*Committees*

- 22 (1) For or in connection with the discharge of its...

*Execution of Documents*

- 23 .....

SCHEDULE 2 — Financial Provisions Relating To Scottish Enterprise

*Financing of Scottish Enterprise*

- 1 The Secretary of State may, out of money provided by...

*Borrowing powers and government loans*

- 2 (1) For the purpose of the exercise of any of...  
3 Any loans made in pursuance of paragraph 2(1)(a) above shall...

*Borrowing by wholly owned subsidiaries*

- 4 It shall be the duty of Scottish Enterprise to secure...

*Guarantees*

- 5 (1) The Secretary of State may . . . guarantee,...

*Payments by Scottish Enterprise*

- 6 (1) The Secretary of State may from time to time,...

SCHEDULE 3 — Transitional Provisions and Savings

*Constitution of the Scottish Development Agency*

- 1 During the Scottish Development Agency's transitional period, section 1(2) of...

*Vesting of existing bodies' foreign property in Scottish Enterprise or Highlands and Islands Enterprise*

- 2 (1) It shall be the duty of each existing body...

*Other property*

- 3 The repeal by this Act of section 15(1) and (3)...

*Delegation*

- 4 Section 19 of this Act (in this paragraph referred to...

*Assistance*

- 5 Section 19 of the Scottish Development Agency Act 1975 shall...

*Effect of, and interpretation of, agreements etc.*

- 6 Any agreement made, transaction effected or other thing done by,...

*Pensions*

- 7 Any arrangements made— (a) by the Scottish Development Agency under...

*Compensation Payments*

- 8 (1) Where any regulations made under paragraph 3 of Schedule...

*Final reports and accounts of the existing bodies etc.*

- 9 (1) Notwithstanding the repeal by this Act of section 3(1)(e)...

SCHEDULE 4 — Minor and Consequential Amendments

*New Towns (Scotland) Act 1968 (c. 16.)*

- 1 In the New Towns (Scotland) Act 1968—

*Finance Act 1969 (c. 32.)*

- 2 In section 58(4)(c) of the Finance Act 1969 (cases in...

*Post Office Act 1969 (c. 48.)*

- 3 In Schedule 4 to the Post Office Act 1969, in...

*Pensions Increase Act 1971 (c. 56.)*

- 4 In paragraph 38A of Part I of Schedule 2 to...

*Offshore Petroleum Development (Scotland) Act 1975 (c. 8.)*

- 5 In section 10 of the Offshore Petroleum Development (Scotland) Act...

*House of Commons Disqualification Act 1975 (c. 24.)*

- 6 In Part II of Schedule 1 to the House of...

*Farriers Registration Act 1975 (c. 35.)*

- 7 In Part I of Schedule 1 to the Farriers Registration...

*Scottish Development Agency Act 1975 (c. 69.)*

- 8 In section 20 of the Scottish Development Agency Act 1975...

*Highlands and Islands Air Services (Scotland) Act 1980 (c. 19.)*

- 9 In section 3 of the Highlands and Islands Air Services...

*Agricultural Training Board Act 1982 (c. 9.)*

- 10 In section 4(1)(f) of the Agricultural Training Board Act 1982...

*Industrial Training Act 1982 (c. 10.)*

- 11 In section 5(3)(e) of the Industrial Training Act 1982 (power...

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*Civil Aviation Act 1982 (c. 16.)*

12 In Schedule 2 to the Civil Aviation Act 1982, in...

*Local Government and Planning (Scotland) Act 1982 (c. 43.)*

13 In section 8 of the Local Government and Planning (Scotland)...

*Gas Act 1986 (c. 44.)*

14 In Schedule 7 to the Gas Act 1986—

*Income and Corporation Taxes Act 1988 (c. 1.)*

15 In paragraph (a) of section 127(1) of the Income and...

*Employment Act 1988 (c. 19.)*

16 In section 26(1) of the Employment Act 1988 (status of...

*Electricity Act 1989 (c. 29.)*

17 In Schedule 16 to the Electricity Act 1989—

*Employment Act 1989 (c. 38.)*

18 In section 8(1) of the Employment Act 1989 (power to...

SCHEDULE 5 — Repeals

Part I — REPEALS COMING INTO FORCE ON FIRST TRANSFER DATE

Part II — REPEALS COMING INTO FORCE ON DISSOLUTION OF SCOTTISH  
DEVELOPMENT AGENCY

Part III — REPEALS COMING INTO FORCE ON SECOND TRANSFER DATE

Part IV — REPEALS COMING INTO FORCE ON DISSOLUTION OF  
HIGHLANDS AND ISLANDS DEVELOPMENT BOARD

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