

SCHEDULE 1

PART III

FUNCTIONS AND POWERS OF THE BOARD

Additional functions and powers

8.—(1) For the purposes of enabling the Board to carry out its principal function which is specified in section 172(2) of the 1994 Act, but subject to sub paragraph (3), the Board shall have the additional functions and powers conferred upon it by this scheme.

(2) Without prejudice to the generality of sub paragraph (1), the Board shall have power—

- (a) to hold property, subject to paragraph 9;
- (b) to provide finance, whether by way of grant or loan, to any person in relation to activities relating to tourism;
- (c) to borrow such sums as it may require;
- (d) to grant security over its assets in respect of obligations incurred by it;
- (e) to grant guarantees for obligations (arising out of loans or otherwise) incurred by other persons or grant indemnities;
- (f) to enter into contracts with third parties (including the Scottish Tourist Board and any local authority or local authorities) for that third party to carry on activities relating to tourism on behalf of the Board, on such terms and conditions as the Board thinks fit;
- (g) to consult, and enter into agreements with, third parties (including the Scottish Tourist Board and any local authority or local authorities) as to the manner in which the Board carries out its activities in relation to tourism; and
- (h) to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of its principal function.

(3) The Board shall not, without the express or general consent given in writing of the Scottish Ministers (or of such body as they may direct the Board to consult) carry on activities relating to the promotion of tourism outside the United Kingdom.

Membership, formation and acquisition of companies

9.—(1) The Board may, subject to the conditions specified in this paragraph, form, or join with another person in forming, acquire or become a member of, a company within the meaning of the Companies Act 1985(1).

(2) Subject to sub-paragraph (5), the Board shall itself or together with any other area tourist board established or, as the case may be, approved under sections 172, 173 and 174 of the 1994 Act hold not less than 50 per cent of the voting rights in any company in which it holds an interest.

(3) The memorandum of any company formed or acquired by the Board shall—

- (a) enable the company to carry on only activities relating to tourism or such activities as are reasonably incidental to the principal function of the Board; and
- (b) provide that the company shall not, without the express or general consent given in writing of Scottish Ministers (or such body as they may direct the Board to consult) carry on activities relating to the promotion of tourism outside the United Kingdom.

(1) 1985 c. 6.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) In the event that any company formed or acquired by the Board or of which the Board is a member or has an interest of whatsoever nature at any time ceases to comply with the provisions of sub paragraph (3), the Board shall immediately—

- (a) take all steps necessary to ensure that the provisions of that sub paragraph are complied with; or
- (b) resign from or otherwise terminate its membership of the company, sell or otherwise dispose (other than by way of gift) of any interest which it may have in such company.

(5) Sub-paragraph (2) shall not apply in relation to any interest in a company—

- (a) transferred to the Board by virtue of paragraph 13; or
- (b) limited by guarantee and established for charitable purposes only.

(6) Sub paragraphs (3) and (4) shall apply in relation to an interest in a company transferred to the Board by virtue of paragraph 13 only where such interest carries the majority of voting rights in the company.

(7) The Board shall have power to transfer to a company of which it is a member and which complies with the provisions of sub-paragraphs (2) and (3) any or all of such employees of the Board, or such property, rights and liabilities of the Board, as the Board considers appropriate to enable such company to carry out the company's activities in terms of sub-paragraph (3).

Staff

10.—(1) The Board may appoint, on such terms and conditions as to remuneration or otherwise as it may determine, such employees as it thinks fit.

(2) The Board may, in the case of such of its employees or former employees as it may determine—

- (a) pay such pensions, allowances or gratuities to or in respect of those employees;
- (b) make such payments towards provision of such pensions, allowances or gratuities; or
- (c) provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities,

as it may determine.