

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.

Changes to legislation:

There are currently no known outstanding effects for the The South of Scotland Enterprise Act 2019 (Commencement and Transitional Provision) Regulations 2019.