



# Enterprise and New Towns (Scotland) Act 1990

## 1990 CHAPTER 35

### PART I

#### SCOTTISH ENTERPRISE AND HIGHLANDS AND ISLANDS ENTERPRISE

*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.**

- (1) By virtue of this subsection, on a date which the Secretary of State may by order appoint—
  - (a) for the purposes of this paragraph (such date being in this Act referred to as “the first transfer date”) all property, rights and liabilities to which the Scottish Development Agency are entitled or subject immediately before the first transfer date shall instead become property, rights and liabilities of, and vest in, Scottish Enterprise (that body being referred to in Schedule 3 to this Act as the Scottish Development Agency’s “successor”);
  - (b) for the purposes of this paragraph (such date being so referred to as “the second transfer date”) all property, rights and liabilities to which the Highlands and Islands Development Board are entitled or subject immediately before the second transfer date shall instead become property, rights and liabilities of, and vest in, Highlands and Islands Enterprise (that body being referred to in the said Schedule as the Highlands and Islands Development Board’s “successor”).
- (2) References in this Act to—
  - (a) property, rights and liabilities of the Scottish Development Agency or of the Highlands and Islands Development Board are references to all such property, rights and liabilities whether or not capable of being transferred or assigned by the said Agency or as the case may be by the said Board;

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 22. (See end of Document for details)*

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- (b) liabilities of the Scottish Development Agency include, notwithstanding the repeal by this Act of Schedule 2 to the <sup>M1</sup>Scottish Development Agency Act 1975 (financial and administrative provisions relating to the Agency), any liability arising under or by virtue of that Schedule.
- (3) It is hereby declared for the avoidance of doubt that—
- (a) any reference in this Act to property of the Scottish Development Agency or of the Highlands and Islands Development Board is a reference to such property whether situated in the United Kingdom or elsewhere;
- (b) any reference therein to rights and liabilities of the said Agency or of the said Board is a reference to rights to which the body in question are entitled or as the case may be to liabilities to which the body are subject, whether under the law of the United Kingdom or of any part of the United Kingdom or under the law of any country or territory outwith the United Kingdom; and
- (c) the same date may be appointed as the first transfer date and as the second transfer date.
- (4) The Secretary of State may by order made by statutory instrument transfer to Scottish Enterprise or Highlands and Islands Enterprise any relevant property, rights or liabilities to which he is entitled or subject.
- (5) For the purposes of subsection (4) above, property, rights or liabilities—
- (a) are relevant if, in the opinion of the Secretary of State, connected with the carrying out by him in Scotland of functions conferred by or under the <sup>M2</sup>Employment and Training Act 1973; and
- (b) may be transferred whether or not capable of being transferred or assigned by the Secretary of State apart from under that subsection.
- (6) An order under subsection (4) above may make such incidental and transitional provision as the Secretary of State considers necessary or expedient for the purposes of the order.

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**Marginal Citations**

**M1** 1975 c. 69.

**M2** 1973 c. 50.

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 22.