



Enterprise and New Towns (Scotland) Act 1990

1990 CHAPTER 35

PART I

SCOTTISH ENTERPRISE AND HIGHLANDS AND ISLANDS ENTERPRISE

Establishment and Functions

4 Further provision as regards functions of Scottish Enterprise.

- (1) For the purposes of its general functions mentioned in section 1(a)(i), (iii) and (iv) of this Act, Scottish Enterprise shall (without prejudice to the generality of that section) to such extent as it considers appropriate—
- (a) provide or assist in the provision of finance to persons carrying on or intending to carry on industrial undertakings;
 - (b) carry on, or establish and carry on, whether by itself or jointly with any other person, industrial undertakings;
 - (c) assist the establishment or growth of community enterprises or co-operative enterprises;
 - (d) otherwise promote or assist the establishment, growth, modernisation or development of industry or any undertaking in an industry;
 - (e) in accordance with arrangements to be approved by the Secretary of State, provide or adapt sites and provide, adapt, modernise or reconstruct premises for industrial undertakings, or assist any other person to do any of those things, and provide or assist in the provision of related facilities;
 - (f) in such accordance, manage or assist in the management of sites and premises for industrial undertakings;
 - (g) undertake or assist the undertaking of the development, re-development and improvement of the environment;
 - (h) bring derelict land into use or improve its appearance, or assist its being so brought or improved; and

Changes to legislation: There are currently no known outstanding effects for the Enterprise and New Towns (Scotland) Act 1990, Section 4. (See end of Document for details)

- (i) promote the private ownership of interests in industrial undertakings by the disposal of securities and other property held by Scottish Enterprise or by any of its subsidiaries,

and shall discharge such other functions as are conferred by, under or by virtue of this Act.
- (2) The functions mentioned in subsection (1)(b) above shall only be exercised through a company (^{F1}as defined in section 1(1) of the Companies Act 2006]) or through a partnership.
- (3) In subsection (1)(c) above—
 - “community enterprise” means a body corporate which—
 - (a) in the opinion of Scottish Enterprise contributes or will contribute to the economic and social development of a particular area of Scotland;
 - (b) by its written constitution admits to membership only—
 - (i) persons resident in, or employed in, that area (or both so resident and so employed); or
 - (ii) persons nominated by such persons as are mentioned in subparagraph (i) above; and
 - (c) by that constitution prohibits distribution of profits amongst its members; and

“co-operative enterprise” means a body which fulfills the criteria specified in paragraphs (a) and (b) of section 2(2) of the ^{M1}Industrial Common Ownership Act 1976 (whether or not it has been certified by the Secretary of State under that section).
- (4) In exercising its functions, Scottish Enterprise shall have regard to the requirements of agriculture and efficient land management and (without prejudice to its general function of furthering improvement of the environment) to the desirability of safeguarding the environment.
- (5) Arrangements approved by virtue of paragraph (e) of subsection (1) above may, if it appears to the Secretary of State that there are circumstances which justify the giving of special assistance, include provision that he may authorise Scottish Enterprise to provide premises for the occupation of an undertaking free of rent for such period as he considers appropriate.
- (6) Without prejudice to the generality of paragraphs (e) and (f) of subsection (1) above, the Secretary of State may authorise Scottish Enterprise to undertake, or assist in, the provision of means of access or other facilities in or for an area where this appears to him to be expedient for the purpose of contributing to or supporting the development of industry in that area.

Textual Amendments

F1 Words in s. 4(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 117\(2\)](#) (with art. 10)

Marginal Citations

M1 1976 c. 78.

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