

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE SCOTTISH DEVELOPMENT AGENCY.

##### *Incorporation*

[<sup>F1</sup> The Agency shall be a body corporate and shall have a common seal.]

##### Textual Amendments

**F1** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; S.I. 1994/1976, art. 2.

##### *Appointment and tenure of members*

[<sup>F2</sup> It shall be the duty of the Secretary of State—

- (a) to satisfy himself, before he appoints a person to be a member of the Agency, that he will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
- (b) to satisfy himself from time to time with respect to each member that he has no such interest;

and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as he may specify with a view to carrying out his duty under this paragraph.]

##### Textual Amendments

**F2** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; S.I. 1994/1976, art. 2.

[<sup>F3</sup> Subject to the following provisions of this Schedule, every member of the Agency shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, but any member of the Agency may resign his office by giving to the Secretary of State a signed notice in writing stating that he resigns his office, and a member of the Agency who ceases to hold office shall be eligible for re-appointment to the Agency.]

##### Textual Amendments

**F3** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, Sch. 5 Pt. II; S.I. 1994/1976, art. 2.

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[<sup>F4</sup> Where a member becomes or ceases to be the chairman or a deputy chairman, the Secretary of State may vary the terms of the instrument appointing him a member so as to alter the date on which he is to vacate office as a member.]

**Textual Amendments**

**F4** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

[<sup>F5</sup> If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.]

**Textual Amendments**

**F5** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

[<sup>F6</sup> If the Secretary of State is satisfied that a member of the Agency—

- (a) has had his estate sequestrated or has made a trust deed for behoof of his creditors or a composition contract,
- (b) is incapacitated by reason of physical or mental illness,
- (c) has been absent from meetings of the Agency for a period longer than three consecutive months without the permission of the Agency, or
- (d) is otherwise unable or unfit to discharge the functions of a member of the Agency, or is unsuitable to continue as a member.

the Secretary of State shall have power to remove him from office as a member of the Agency.]

**Textual Amendments**

**F6** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

*Remuneration etc.*

[<sup>F7</sup> The Agency shall pay to each member such remuneration as the Secretary of State may determine, with the approval of the Minister for the Civil Service.]

**Textual Amendments**

**F7** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

**Modifications etc. (not altering text)**

**C1** By virtue of S.I. 1981/1670, **arts. 2, 3(5)** this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

[<sup>F8</sup> The Agency shall make such provision as may be determined by the Secretary of State, with the approval of the said Minister, for the payment of pensions,

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allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) to or in respect of such members or past members of the Agency as may be so determined.]

#### Textual Amendments

- F8** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

#### Modifications etc. (not altering text)

- C2** By virtue of **S.I. 1981/1670, arts. 2, 3(5)** this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

- [<sup>F9</sup> Where a person ceases to be a member otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State, with the approval of the said Minister, may direct the Agency to make to that person a payment of such amount as the Secretary of State may determine, with the approval of the said Minister.]

#### Textual Amendments

- F9** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

#### Modifications etc. (not altering text)

- C3** By virtue of **S.I. 1981/1670, arts. 2, 3(5)** this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

- [<sup>F10</sup> (1) Without prejudice to section 2(3) of this Act, the Agency may, subject to any limit of numbers which may be determined by the Secretary of State, with the approval of the said Minister, employ such officers and servants as appear to the Agency necessary for the exercise of their functions.
- (2) The Agency may pay such remuneration, in the case of such of the persons employed by them as may be determined by the Agency, with the approval of the Secretary of State and of the said Minister, pay such pensions, allowances or gratuities to or in respect of them as may be so determined, with the like approval, make such payments towards the provision of such pensions, allowances or gratuities (including refunds of contributions to any pension fund with or without interest or other additions) as may be so determined, with the like approval, or provide or maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined, with the like approval.
- (3) Where a person employed by the Agency and participating in a scheme for the payment of pensions, allowances or gratuities which is applicable to such persons becomes a member of the Agency, his service as a member may be treated for the purposes of the scheme as service as a person employed by the Agency, whether or not provision for or in respect of him is made under paragraph 8 above.

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- (4) Except so far as the Agency are satisfied that adequate machinery exists for the purpose, it shall be the duty of the Agency to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Agency and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Agency, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.]

#### Textual Amendments

- F10** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

#### Modifications etc. (not altering text)

- C4** By virtue of S.I. 1981/1670, **arts. 2, 3(5)** this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

#### *Disqualification of members of the Agency for House of Commons*

- [<sup>F11</sup>11 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), there shall be inserted at the appropriate place in alphabetical order:—  
 “The Scottish Development Agency”.]

#### Textual Amendments

- F11** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

#### Modifications etc. (not altering text)

- C5** The text of Sch. 1 para. 11 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### *Proceedings*

- [<sup>F12</sup>12 The quorum of the Agency and the arrangements relating to meetings of the Agency shall be such as the Agency may determine.

#### Textual Amendments

- F12** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

- [<sup>F13</sup>13 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Agency, or in any other matter whatsoever which falls to be considered by the Agency, shall disclose the nature of his interest at a meeting of the Agency, and the disclosure shall be recorded in the minutes of the meeting.

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- (2) Such a member shall not—
- (a) in the case of any such contract, take part in any deliberation or decision of the Agency with respect to the contract; and
  - (b) in the case of any other matter, take part in any deliberation or decision of the Agency with respect to the matter if the Agency decide that the interest in question might prejudicially affect the member's consideration of the matter.
- (3) For the purposes of this paragraph, a notice given by a member at a meeting of the Agency to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the company or firm after the date of the notice, and in any other matter whatsoever concerning the company or firm which falls to be considered by the Agency after that date, shall be a sufficient disclosure of his interest.
- (4) A member need not attend in person at a meeting of the Agency in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.]

#### Textual Amendments

**F13** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

[<sup>F14</sup>14 The validity of any proceedings of the Agency shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 13 above.]

#### Textual Amendments

**F14** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

### *Committees*

- [<sup>F15</sup>15 (1) In connection with the exercise of their functions, the Agency may establish such committees as appear to them to be appropriate, and the composition and remit of such a committee and the terms on which their members hold office shall be determined by the Agency.
- (2) The Agency shall pay to members of any committee established under subparagraph (1) above, who are not members of the Agency, travelling and other allowances, including compensation for loss of remunerative time, in accordance with arrangements to be determined by the Secretary of State with the approval of the Minister for the Civil Service.]

#### Textual Amendments

**F15** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

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**Modifications etc. (not altering text)**

- C6** By virtue of S.I. 1981/1670, **arts. 2, 3(5)** this enactment has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury.

*Instruments executed or issued by the Agency*

- [<sup>F16</sup>16 The application of the seal of the Agency to any document shall be attested by at least one member of the Agency and by one officer of the Agency duly authorised in that behalf.]

**Textual Amendments**

- F16** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

- [<sup>F17</sup>17 Every document purporting to be an instrument issued by the Agency and to be sealed and attested as aforesaid or to be duly signed on behalf of the Agency shall be received in evidence and shall be deemed to be such an instrument without further proof unless the contrary is shown.]

**Textual Amendments**

- F17** Act except ss. 20 and 28 repealed (E.W.S.) (30.7.1994) by 1990 c. 35, ss. 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; S.I. 1994/1976, **art. 2**.

*Stamp Duty*

- [<sup>F18</sup>18 (1) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Agency as having been made or executed for the purpose of the transfer to the Agency of securities or other property held—
- (a) by or on behalf of the Crown; or
  - (b) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company.
- (2) No such instrument as is mentioned in sub-paragraph (1) above shall be deemed to be duly stamped unless it is stamped with the duty for which it would, but for this paragraph, be liable, or it has, in accordance with the provisions of section 12 of the <sup>M1</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.]

**Textual Amendments**

- F18** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

**Marginal Citations**

- M1** 1891 c. 39.

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### Textual Amendments

**F19** Sch. 1 para. 19 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), [Sch. 17 Pt. I](#)

### Circulars

[<sup>F20F21</sup>20 Section 57 of the Financial Services Act 1986 (restrictions on advertising) shall not apply to any investment advertisement within the meaning of that section which the Agency issue or cause to be issued in the discharge of their functions.]

### Textual Amendments

**F20** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by [1990 c. 35, ss. 22\(1\), 23\(4\), 38\(2\), Sch. 3, Sch. 5 Pt. II](#); Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

**F21** Sch. 1 para. 20 substituted by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(2), [Sch. 16 para. 11](#)

## SCHEDULE 2

Section 13.

### FINANCIAL AND ADMINISTRATIVE PROVISIONS RELATING TO THE AGENCY

#### *Financing of the Agency by Government*

[<sup>F22</sup>1 (1) In respect of the exercise of the Agency's functions mentioned in section 2(2)(a) and (b) of this Act, the Secretary of State may pay to the Agency out of money provided by Parliament such sums (in this Schedule referred to as "public dividend capital") as the Secretary of State thinks fit.

(2) The Secretary of State may direct that so much of the debt assumed by the Agency under paragraph 7 below as he may, with the approval of the Treasury, determine shall be treated as an addition to that capital.

(3) In consideration of receiving public dividend capital, the Agency shall make to the Secretary of State, as respects each financial year (except such a year as respects which the Agency satisfy the Secretary of State that it is inappropriate to make a payment in pursuance of this sub-paragraph), payments of such amounts as may be proposed by the Agency and agreed by the Secretary of State, or such other amounts as the Secretary of State may determine, after consultation with the Agency; and any sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the Consolidated Fund.

[<sup>F23</sup>(3A) The Agency may with the agreement of the Secretary of State, and shall if the Secretary of State with the approval of the Treasury requires them to do so, make payments to the Secretary of State in reduction of the public dividend capital of the Agency; and any sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the Consolidated Fund.]

(4) The account prepared in respect of any financial year in pursuance of paragraph 4(3) below shall include particulars of the sums which in that year are paid to the Agency or are paid into the Consolidated Fund in pursuance of this paragraph.



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- (5) The Secretary of State shall not make a payment, signify agreement or make a determination in pursuance of this paragraph except with the approval of the Treasury.]

#### Textual Amendments

**F22** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

**F23** Sch. 2 para. 1(3A) inserted by Industry Act 1980 (c. 33, SIF 64), ss. 4(2), 22

- [<sup>F24</sup> The Secretary of State may, out of money provided by Parliament, pay such sums to the Agency
- (a) in respect of the exercise of their functions, other than those to which the public dividend capital relates, and
- (b) in respect of their administrative expenses,
- as he may, with the consent of the Treasury, determine.]

#### Textual Amendments

**F24** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

#### *Borrowing Powers*

- [<sup>F25</sup> (1) For the purpose of the exercise of any of their functions, . . . <sup>F26</sup>, the Agency may borrow money from the Secretary of State and may, with the consent of the Secretary of State given with the approval of the Treasury, borrow money, whether in sterling or otherwise, from any other person or body, whether in the United Kingdom or elsewhere.
- (2) The Agency may borrow money from any of their wholly-owned subsidiaries without obtaining the consent of the Secretary of State.]

#### Textual Amendments

**F25** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

**F26** Words repealed by Industry Act 1980 (c. 33, SIF 64), s. 22, **Sch. 2**

#### *Government loans to the Agency*

- [<sup>F27</sup> (1) The Secretary of State may lend to the Agency any sums which the Agency have power to borrow from him under paragraph 3(1) above, for such purposes as the Secretary of State may specify and the Treasury may issue to the Secretary of State out of the National Loans Fund any sums necessary to enable the Secretary of State to make loans in pursuance of this sub-paragraph.



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- (2) Any loans made in pursuance of sub-paragraph (1) above shall be repaid to the Secretary of State at such times and by such methods, and interest on the loans shall be paid to him at such times and at such rates, as he may from time to time direct; and all sums received by the Secretary of State in pursuance of this sub-paragraph shall be paid into the National Loans Fund.
- (3) The Secretary of State shall prepare in respect of each financial year an account of the sums issued to him in pursuance of sub-paragraph (1) above and the sums received by him in pursuance of sub-paragraph (2) above and of the disposal by him of those sums, and shall send the account to the Comptroller and Auditor General before the end of the month of November next following the end of that year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it and of his report before each House of Parliament.
- (4) The Secretary of State shall not make a loan or give a direction in pursuance of this paragraph except with the approval of the Treasury; and the form of the account prepared in pursuance of sub-paragraph (3) above and the manner of preparing it shall be such as the Treasury may direct.]

#### Textual Amendments

**F27** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

#### *Borrowing by wholly owned subsidiaries*

- [<sup>F28</sup>5 It shall be the duty of the Agency to secure that no wholly owned subsidiary of theirs borrows money otherwise than from the Agency or from another wholly owned subsidiary of theirs, except with the consent of the Secretary of State and the approval of the Treasury.]

#### Textual Amendments

**F28** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

#### *Guarantees*

- [<sup>F29</sup>6 (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of [<sup>F30</sup>the payment of interest on and the discharge of any other financial obligation in connection with] any sums which the Agency borrow from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this paragraph, the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given, the Treasury shall lay before each House of Parliament a statement relating to that sum, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that

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in which all liability in respect of the principal of the sum and in respect of interest on it is finally discharged.

- (3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the Agency shall make to the Treasury, at such time and in such manner as the Treasury from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.]

**Textual Amendments**

- F29** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F30** Words substituted by **Miscellaneous Financial Provisions Act 1983 (c. 29, SIF 99:1)**, s. 4(1), **Sch. 2**

*The Agency's Capital Debt*

- [<sup>F317</sup> (1) Upon any acquisition to which this paragraph applies, the Agency shall assume a debt to the Secretary of State of such amount as may be notified to the Agency in writing by him, with the approval of the Treasury.
- (2) This paragraph applies to any acquisition by the Agency—
  - (a) of property held—
    - (i) by or on behalf of the Crown; or
    - (ii) by a company all of whose shares are held by or on behalf of the Crown or by a wholly owned subsidiary of such a company; . . . <sup>F32</sup>
  - (b) . . . . . <sup>F32</sup>

but does not apply to property transferred to the Agency under section 15 of this Act.
- (3) Subject to sub-paragraph (4) below, in a case to which sub-paragraph 2(a) above applies, the amount to be notified is the aggregate of the following, namely—
  - (a) the consideration given when the property was first brought into public ownership, and
  - (b) the costs and expenses of and incidental to its being brought into public ownership.
- (4) If it appears to the Secretary of State in any such case that there has been such a change in circumstances since the property was first brought into public ownership that its true value would not be reflected by reference to the consideration mentioned in sub-paragraph (3) above, the Secretary of State, with the approval of the Treasury, shall determine the amount to be notified.
- (5) . . . . . <sup>F33</sup>

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- (6) The rate of interest payable on so much of the Agency's capital debt as the Secretary of State does not direct to be treated as an addition to the Agency's public dividend capital, and the date from which interest is to begin to accrue, the arrangements for paying off the principal, and the other terms of the debt shall be such as the Secretary of State, with the approval of the Treasury, may from time to time determine; and different rates and dates may be determined under this sub-paragraph with respect to different portions of the debt.
- (7) Any sums received by the Secretary of State under sub-paragraph (6) above shall be paid into the National Loans Fund.]

#### Textual Amendments

- F31** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F32** Sch. 2 para. 7(2)(b) and "or" repealed by Industry Act 1980 (c. 33, SIF 64), s. 22, **Sch. 2**
- F33** Sch. 2 para. 7(5) repealed by Industry Act 1980 (c. 33, SIF 64), s. 22, **Sch. 2**

#### *Accounts of the Agency, etc.*

- [<sup>F348</sup> (1) The Agency shall keep proper accounts and other records in relation to the accounts and shall prepare in respect of each of their financial years a statement of account in such form as the Secretary of State may, with the approval of the Treasury, determine, being a form which shall conform to the best commercial standards.
- (2) The statement of account prepared by the Agency for each financial year shall be submitted to the Secretary of State at such time as he may direct.
- (3) The Secretary of State shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statement of account prepared by the Agency under this paragraph for the financial year last ended.
- (4) The Comptroller and Auditor General shall examine and certify the statement of account transmitted to him under this paragraph and lay before Parliament copies of the statement of account together with his report thereon.
- (5) The Agency shall provide the Secretary of State with such information relating to their activities or proposed activities as he may from time to time require, and for that purpose shall permit any person authorised in that behalf by the Secretary of State or the Comptroller and Auditor General to inspect and make copies of their accounts, books, documents or papers, and shall afford to that person such explanation thereof as he may reasonably require.]

#### Textual Amendments

- F34** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975. (See end of Document for details)*

### *Annual report*

- [<sup>F359</sup> (1) It shall be the duty of the Agency to make to the Secretary of State, as soon as possible after the end of each financial year, a report dealing with the operations of the Agency during that year.
- (2) It shall be the duty of the Secretary of State to lay before each House of Parliament a copy of each report received by him under this paragraph.
- (3) If a report so laid sets out a direction under section 4 above a copy of which has not been laid in accordance with subsection (2) of that section, a statement of the reason why the copy was not so laid shall be annexed to the Agency's report by the Secretary of State, and the said subsection (2) shall not apply to the direction.]

#### **Textual Amendments**

**F35** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

## SCHEDULE 3

Section 15.

### MEMBERS AND STAFF OF THE CORPORATION AND THE COUNCIL

#### *Transfer of Staff*

- [<sup>F361</sup> In the case of persons to be employed by them on and after the date of the commencement of this Act, who immediately before that date are employed either by the Corporation or the Council, the Agency shall ensure that—
- (a) so long as he continues in the employment of the Agency and until he is served with a statement in writing specifying new terms and conditions of employment, each such person enjoys terms and conditions of employment not less favourable, taken as a whole, than those which he enjoyed as a member of the Corporation's or Council's staff immediately before joining the Agency's staff; and
- (b) the said new terms and conditions are such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before he joined the Agency's staff, the terms and conditions of his employment, taken as a whole, are not less favourable than those which he then enjoyed.]

#### **Textual Amendments**

**F36** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975. (See end of Document for details)*

*Compensation for members or staff of the Corporation or the Council*

- [<sup>F372</sup> The Secretary of State may, out of moneys provided by Parliament, pay to any person who was a member of the Corporation or Council immediately before the commencement of this Act and who is not appointed a member of the Agency such sums by way of compensation for loss of office as he may, with the consent of the Minister for the Civil Service, determine.]

**Textual Amendments**

- F37** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

- [<sup>F383</sup> The Secretary of State shall by regulations require the Agency to pay, in such cases and to such extent as may be determined by or under the regulations, compensation to or in respect of persons hitherto employed by the Corporation or Council who suffer loss of employment or loss or diminution of emoluments or pension rights in consequence of the provisions of this Act.]

**Textual Amendments**

- F38** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

- [<sup>F394</sup> Different regulations may be made under paragraph 3 above in relation to different classes of persons, and any such regulations may be so framed as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the Agency in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.]

**Textual Amendments**

- F39** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

- [<sup>F405</sup> Regulations under paragraph 3 above—  
(a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and  
(b) may apply, with or without modifications, the provisions of any other rules or regulations relating to similar matters.]

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975. (See end of Document for details)*

### Textual Amendments

- F40** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

### *Continuity of employment*

- [<sup>F41</sup>6 For the purposes of—  
 [<sup>F42</sup>the Employment Rights Act 1996]  
 there shall be deemed to have been no break in the employment of any person who is transferred by virtue of section 15 of this Act from the employment of one body to that of another body.]

### Textual Amendments

- F41** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.
- F42** Words in Sch. 3 para. 6 substituted (22.8.1996) by virtue of 1996 c. 18, s. 240, **Sch. 1 para. 7** (with ss. 191-195, 202).

## SCHEDULE 4

Section 27(1).

### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

### Modifications etc. (not altering text)

- C7** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *The <sup>M2</sup> Countryside (Scotland) Act 1967*

### Marginal Citations

- M2** 1967 c.86.

- [<sup>F43</sup>1 In section 67(1)(c) (grants to local authorities), after the words “section 2” there shall be inserted the words “(except subsection(1)(b))”.]

### Textual Amendments

- F43** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975. (See end of Document for details)*

### *The <sup>M3</sup> Pensions Increase Act 1971*

#### **Marginal Citations**

**M3** 1971 c. 56.

[<sup>F442</sup> In Part I of Schedule 2, after paragraph 38 there shall be inserted the following paragraph—

“38A A pension payable by virtue of paragraph 10 of Schedule 1 or of regulations made under paragraph 3 of Schedule 3 to the Scottish Development Agency Act 1975.”]

#### **Textual Amendments**

**F44** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

3, 4. . . . . <sup>F45</sup>

#### **Textual Amendments**

**F45** Sch. 4 paras. 3, 4 repealed by Industry Act 1980 (c. 33, SIF 64), ss. 21(1), 22, **Sch. 2**

### *The <sup>M4</sup> Offshore Petroleum Development (Scotland) Act 1975*

#### **Marginal Citations**

**M4** 1975 c. 8.

[<sup>F465</sup> In section 10 (execution of works), in subsection (3) and (4) for the words “Industrial Estates Corporation” there shall be substituted the words “Development Agency”.]

#### **Textual Amendments**

**F46** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

### *The <sup>M5</sup> Farriers (Registration) Act 1975*

#### **Marginal Citations**

**M5** 1975 c. 35.

[<sup>F476</sup> In paragraph 1(f) of Schedule 1 (Farriers Registration Council), for the words “Small Industries Council for Rural Areas of Scotland”, there shall be substituted the words “Scottish Development Agency”.]



*Status: Point in time view as at 22/08/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Development Agency Act 1975. (See end of Document for details)*

### Textual Amendments

**F47** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

## [<sup>F48</sup>SCHEDULE 5

Section 27(2).

### REPEALS

### Textual Amendments

**F48** Act except ss. 1, 20, 28, and paras. 1 to 6, 11 to 14, 16 and 17 of Sch. 1 repealed (E.W.S.) (1.4.1991) by 1990 c. 35, ss. 22(1), 23(4), 38(2), Sch. 3, **Sch. 5 Pt. II**; Enterprise and New Towns (Scotland) Act 1990 Transfer Dates Order dated 1.3.1991.

### Modifications etc. (not altering text)

**C8** The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1965 c. 46.	The Highland and Islands Development (Scotland) Act 1965.	Section 5(5). Section 13(6) to (8).
1966 c. 51.	The Local Government (Scotland) Act 1966.	Section 10.
1972 c. 5.	The Local Employment Act 1972.	Section 5. Section 8. Section 10 to 12. Section 13(2)
1972 c. 63.	The Industry Act 1972.	Section 13(5) to (7).
1975 c. 8.	The Offshore Petroleum Development (Scotland) Act 1975.	In section 20(2), the definition of “Scottish Industrial Estates Corporation”.]

**Status:**

Point in time view as at 22/08/1996.

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Development Agency Act 1975.